

SENATE—Monday, February 3, 1992

(Legislative day of Thursday, January 30, 1992)

The Senate met at 2 p.m., on the expiration of the recess, and was called to order by the Honorable HARRY REID, a Senator from the State of Nevada.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

*** For there is no power but of God: the powers that be are ordained of God.—Romans 13:1.

Almighty God, infinite, eternal, omnipotent, perfect in righteousness, justice, peace, and love, we are profoundly grateful for the tradition of religious freedom inherited from our Founding Fathers, grateful for the political system which rejects a state religion and precludes preference of one religious establishment over another.

But, God of truth, help us distinguish between church/state issues which are institutional, and faith in a Creator God who transcends all human systems. Help us to understand that separation of church and state does not mean abandonment of God by government. Our Founding Fathers had experienced the evils of state religions, but they took God seriously—prayed to Him, depended upon Him in critical hours. As our Nation was born out of belief in the "laws of nature and nature's God," guaranteeing human rights and people sovereignty, help us realize that rejection of God forfeits human rights and people sovereignty, opening the door to anarchy and tyranny.

In the name of Jesus, King of kings and Lord of lords. 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 assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 3, 1992.

TO THE SENATE: Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARRY REID, a Senator from the State of Nevada, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. REID thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Hearing no objection, the leadership time of both the majority and Republican leaders is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 2:15 p.m.

The Senator from Tennessee.

RELEASE OF DATA ON OZONE DEPLETION IN THE ARCTIC AND OVER NORTH AMERICA

Mr. GORE. Mr. President, humankind has entered a new—and disturbing—relationship with planet Earth. Our industrial society—with its excessive consumption and unrelenting pollution of the land and sky—is colliding violently with the planet's delicate life sustaining processes.

Today we will be presented with still further evidence of the grave threat our activities are posing to human life—and indeed all life forms—on the Earth.

Led by Jim Anderson from Harvard University, a team of scientists has been closely monitoring the condition of the atmosphere over the Arctic. Flying in specially equipped aircraft they have grabbed samples of the air and measured its chemical constituents. Today they will report the results of their investigation. Simply stated, what they have found is startling.

The bottom line is that—unless the atmosphere changes quite significantly and quickly—there will for the first time be a hole in the ozone layer over North America. The damage is likely to be most severe over Maine and the northern New England States, but even here—right over our own heads—up to 20 percent of the ozone layer could be gone.

We all know about the ozone hole over Antarctica. And the scientists have warned that a similar situation could develop over the North Pole, too. What we are seeing now, however, is that we have so primed the air with destructive chemicals, that the damage will not confine itself to remote areas of the globe. Rather, it is reaching out to threaten the health and well-being of each and every one of us.

In reality, Mr. President, we should not be shocked by this news. To the

contrary, we have been well warned. In April, an international team of scientists who have been monitoring and studying the ozone layer sounded a loud alarm. They discovered that the depletion is occurring at a rate that is 200 to 300 percent faster than had ever before been detected or predicted and that it is occurring over nearly every part of the globe. And in October they gave us still more bad news: For the first time, they found that the ozone layer is impaired not only in winter, but also in the spring and summer months when we are more likely to be outdoors and when crops are at a crucial point in their growing season.

And they told us that the damage will continue and will intensify. The chlorinated and brominated chemicals that we continue to pump into the atmosphere—even under the limited controls we now have in place—will destroy as much additional ozone as has already been destroyed over the last decade—so, by the turn of the century, we will experience total ozone depletion that is two times as large as that we see today.

No; in reality Mr. President, this news is not startling. Rather, what is truly shocking is our utter failure to act quickly and decisively to stop as much of the damage as we can.

Mr. President, at every turn in this unfolding story, I have urged President Bush and Mr. Reilly to act aggressively to ban the use of ozone destroying chemicals. In fact, Mr. President, what I have done is simply call on the administration to obey the law.

Mr. Bush calls himself the "environmental President" and he is fond of pointing to the Clean Air Act amendments as his great environmental achievement. The truth, however, is that he is flagrantly violating that law.

Under section 606 of the act, Mr. Reilly is required to accelerate the phaseout of ozone destroying chemicals when scientists tell us that the current schedule is not sufficient to protect human health or the environment. The evidence that that is the case could not be more clear. In fact, Mr. Reilly agrees that it is. When the news first broke way back in April, Mr. Reilly said that the results were startling and that the implications for policy were clear. And yet nothing has been done.

In addition to the numerous letters that I and more than 20 of my colleagues have sent to the President on this matter, I introduced a resolution calling on the administration to obey

the law and to take action. That resolution was passed unanimously out of the Foreign Relations Committee. And yet, at the end of the last session when I attempted to bring it to a vote, I was blocked by my colleagues on the other side of the aisle who had been instructed by the White House to kill the measure.

I have tried to cooperate with the White House on this, Mr. President. Indeed, I modified the initial resolution to accommodate some concerns that had been raised. Still the measure was blocked. In good conscience, Mr. President, I cannot allow this matter to go unaddressed any longer. Very shortly, therefore I will call for a rollcall vote on that resolution. I hope my colleagues will join me in sending to Mr. Bush a loud message that we want him to comply with the law now.

The message the resolution sends to Mr. Bush is simple:

Comply with the law.

Take action now.

Stop ignoring the threat that is posed to the health of our children and the vitality of our endangered ecosystems.

Mr. President, within the last hour, there has been announcement by a group of scientists at NASA about the discovery of very high concentrations of chlorine compounds in an area off the Northern Hemisphere over Maine and atmospheric conditions which are described as a vortex, a pattern rather like the way water runs out the drain of a bathtub.

The long and short of this announcement is that if these atmospheric conditions continue for a few weeks, there could be an ozone hole above heavily populated areas of the Northern Hemisphere.

This is a rather startling announcement but one which is not entirely unforeseen. We all hope and pray that the dire consequences now within the realm of possibility do not occur.

But we have been warned, Mr. President, and already as we heard last year the stratospheric ozone layer above the United States of America and most of the heavily populated areas of the world is significantly thinner than it was just a few decades ago.

The world has begun haltingly to eliminate the chemicals that cause this problem but we must move more aggressively; we must move faster. The Clean Air Act legally requires the President to speed up the phaseout of chlorofluorocarbons and similar chemicals when new evidence is presented showing the problem to be worse than it was known to be when the Clean Air Act passed.

Almost a year ago we had announcement of new findings demonstrating that the rate of depletion is 200 percent greater than was known at the time the Clean Air Act passed. There was no reaction from the White House. Then

we had an announcement later last year of serious levels of depletion in the Northern Hemisphere unknown at the time the Clean Air Act was passed and depletion levels in summer when the Sun's rays are much stronger. Still there was no response from the White House. The law is being violated.

Now, Mr. President, we have a finding that there could well be an ozone hole above Kennebunkport. Maybe this will get President Bush's attention. It has certainly commanded the attention of the scientific community throughout this world. It has commanded the attention of our children in elementary schools across this country. Why do so many political leaders put their heads in the sand? This is yet another ecological catastrophe, one of a series. A. Whitney Brown, a comedian on the show "Saturday Night Live," not long ago, said it begins to resemble a nature hike through the Book of Revelations.

Mr. President, an alcoholic who has a dozen drunk driving accidents will often claim that each one of them is an unconnected misfortune, an isolated incident with no relationship to the others when in truth they have a common cause.

Today's announcement of a potential ozone hole centered above the latitude where Maine is located is connected to the findings of extra carbon dioxide in the atmosphere. There are the stories just yesterday of dolphins en masse washing up dead on the beaches of the eastern Mediterranean. There are mountains of garbage we are accumulating. A landfill is now having to apply to the FAA for a permit because it has grown so high it now poses a threat to aircraft.

These ecological catastrophies are connected. They are symptoms of the same underlying cause and we have to change.

No one should be startled by today's findings. The warnings have been clear and loud. The problem is they have always been repeatedly ignored by an administration that refuses to listen. President Bush has kept his hands over his ears and closed his eyes. The problem he wanted to ignore is now banging down the front door. It is high time he began to listen and to respond.

Outrage is the only appropriate response to the administration's total inaction. There is an urgent need not only for leadership but for basic citizenship.

The Bush administration is flagrantly violating existing law, even as it claims bragging rights when it comes to listing this law as an environmental accomplishment. The law requires him to act. It required him to act last year. He has failed to do so.

This is about human health. It is about allowing millions of additional cases of skin cancer to develop, an extra 300,000 deaths in the United States, estimated, over the next few

decades before today's announcement, and they will have to recalculate those figures, tragically. And it is about a dramatic change in our relationship with the environment. If this does not jump start this administration into action, I do not want to think about the kind of devastation it might take to get them moving.

Mr. President, it is an awful prospect to tell our children that they now face a potential future in which they will have to think differently about the sky and hide from the Sun, cover their skin before going outdoors when the Sun is shining. That is not the way God intended this Earth to be, if I may express my own religious conviction. It is something we have done to this Earth, and it is something we must remedy.

So, Mr. President, I would like to serve notice that I will be again seeking to call up or to ask for action on the resolution which came out of the Foreign Affairs Committee unanimously, which I introduced last year, calling for the President to speed up this phaseout process. And I will be introducing it as an amendment or doing whatever necessary to put the Senate on record, to call upon the President to act.

I would like to acknowledge what these scientists have done. They are led by Jim Anderson from Harvard University. They have been flying over the Arctic for quite some time now in specially equipped aircraft, taking samples of the air and measuring its chemical constituents. And again, the bottom line is that unless the atmospheric conditions change significantly and quickly in the next few weeks, the next 3 weeks, there will for the first time be a hole in the ozone layer above North America. It is likely to be most severe over Maine and the northern New England States, but even here over Washington, DC, over this Capitol Building, 20 percent of the ozone layer could be gone if this condition persists.

Mr. President, I will have more to say about it later today. I appreciate the courtesy of my colleagues in allowing me to speak first.

Mr. NICKLES addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is advised that morning business has about 2 or 3 minutes left.

Mr. NICKLES. Mr. President, I ask unanimous consent to proceed as if in morning business for the next 8 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE PRESIDENT'S STATE OF THE UNION ADDRESS

Mr. NICKLES. Mr. President, I rise today to make a couple of comments concerning the State of the Union Address, because I have heard a lot of my

colleagues say, "Well, there was no any substance to it," or "It did not really call for action." I would just beg to differ.

I think people that have made that comment either were not aware of what the President was requesting or talking about, or maybe they did not really pay that much attention, or maybe they had already decided they were going to use that sound bite before they saw the real meat and potatoes that was in the President's speech. He called for action. He called for a lot of action. He told Congress to get to work. He set a deadline. He said:

Congress, enact some legislation that will help this economy move forward; enact it by March 20.

I compliment the President for that challenge to Congress. The President can propose, but Congress has to dispose of that initiative, and a lot of these changes require legislation.

The President mentioned a few things he can do administratively, and I compliment him for those. He talked about a moratorium on new regulations. That is good news from the business person's perspective who is struggling to survive, who is struggling to compete. Regulatory actions can be just as burdensome as new laws, just as burdensome and expensive as other complications in surviving. And so we need that moratoria.

He also said we would review those regulations. That is another thing that is desperately needed, and I compliment the President on it.

He said we would have a freeze on hiring more Federal employees. I compliment him again. And he is calling for the Congress to enact several things that I think need to be done.

He mentioned the line item veto. I see my friend, Senator MACK from Florida, who has worked on that issue, along with myself. We need a line item veto to restore some balance in the budget process.

He talked about enacting welfare reform. Some of that will require, again, congressional action. He mentioned, though, administratively, that he would move the administration to try to approve State requests for waivers so they can enact welfare reform. We debated that last week. I am delighted to hear the President say that. I think that would be very significant in actually helping people get off this cycle or this train of welfare dependency.

Senator MOYNIHAN had a hearing on that today, and I testified, as well as Governor Florio and others, that we would really like to see true welfare reform and we find the bureaucracy in HHS has made it very difficult to do. So I compliment the President there. But I think we probably will have to have legislative action, as well.

The President called for several tax changes that will really make a significant difference on whether or not a

business can compete, whether or not a business can survive. He talked about an investment tax allowance. I grew up in a manufacturing environment. Allowing people to deduct their equipment over a shorter period of time, their expenses, allowing them to recoup their expenses that they write checks for will help business. That will help create jobs. That will make our industries more competitive. So I compliment the President.

I would like to see maybe even more. Maybe Congress can make some improvements. I never said we could not. But I think the President has thrown out an objective plan that will help create jobs. I hope that Congress will move rapidly to enact it, and if we can improve upon it, so be it. The President said, well, we should make some changes in the alternative minimum tax, and frankly we should. The changes that we made in 1986 went too far, and frankly they have hurt a lot of industries. And so we found through experience over the last couple of years we need to undo some of the mistakes that were made either in 1986 or 1990.

One of those deals with alternative minimum tax, I for one think we need to take intangible drilling costs as an accelerated appreciation item on the alternative minimum tax because, again, that is an out-of-pocket business expense. Basically, we had a tax surcharge on nonrecoverable expenses. That does not make business sense. It is not equitable, and frankly it helps strangle a domestic oil and gas industry that is hurting very badly right now.

So the President was right in saying we need to adjust the alternative minimum tax and allow business people to deduct their accelerated appreciation and take that as a deduction, as an expense. Again, it will help create jobs, real jobs. Many of my colleagues want to create Government jobs that we are going to be writing the check for. I think we want to create real private-sector jobs, jobs that are actually paying taxes, creating and expanding the gross national product.

The President called for reform of passive loss rules. I think we could and we should do it. My guess is we have the votes to do it, so I hope we will. Again, Congress went too far in 1986 in restricting the passive loss rules, and we have denied legitimate businesses losses, being able to deduct those against other income.

The President talked about establishing enterprise zones so we can create jobs in urban and rural areas. He talked about a permanent deduction of interest for student loans. I have kids in college; many of my colleagues do. I think that makes good sense, so we can encourage higher education and so we can encourage people to make an investment for themselves for the future.

The President talked about helping first-time homeowners. I talked to a

couple of my staff people today who said: Hey, I think maybe I will try and buy my first home. This will help generate the real estate market, help create jobs, help people get into their first home, which unfortunately many people find is not affordable.

Mr. President, I just touched on a relatively few of the many proposals that the President has proposed for Congress to enact that I think really will create real private-sector jobs. And so I compliment the President for his action. I hope the Congress will move, and move aggressively on it. If Congress wants to change or modify or improve it, let us try to do so.

But I really hope we will act in a bipartisan fashion, trying to help the economy, not trying to help one political party or one political interest over another. Let us work together to see if we cannot stimulate this economy, create real jobs, and get our economy moving forward as well.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. MACK. Mr. President, I ask unanimous consent to address the Senate as in morning business for a period not to exceed 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMERICAN WORKERS' PRODUCTIVITY

Mr. MACK. Mr. President, I rise to respond to comments that have been reported in the press during the day. Once again, Japanese leaders are taking shots at American workers. The comments, as I have seen them reported, quote the Japanese Prime Minister as saying: "I have long thought that they"—Americans—"lack a work ethic, to live by the sweat of their brow."

I, for one, frankly, am sick and tired of seeing the blame put on American workers. If there is blame we should be addressing, it should be directed at the American Government. We have put all forms of encumbrances in the way of the American worker. The American worker today is still the most productive worker in the world, including Japan. But if we are going to remain competitive, we must see that the American worker receives assistance. We need to change the laws in America that make it difficult for us to compete. We need to allow for capital formation, so the American worker will have the latest tools and the newest technologies to allow us to compete.

Let me name three things: First, the capital gains tax rate. This gets hung up in the debate about whether it is a benefit for the wealthy. By reducing the capital gains tax rate, we can see an accumulation of capital in this country which will allow for greater in-

vestment, and including new technologies.

The second thing we need to do is something about the double taxation on dividends. Again, this is another debate about the wealthy. The reality is, by taxing dividends twice, you really are encouraging American business to borrow money. This does not entice capital to flow into these particular businesses.

And third, we need to do something about research and development.

If we were to do these three things, I believe we would enable the productivity of the American worker to continue to increase.

My comment here is, again, I am sick and tired of the blame being put on American workers. The blame ought to be on the Government. We need to change policies to enhance capital formation and allow us to be more competitive. If we were to do this, once again there would be a great pride in what America has accomplished and what it can accomplish in the future.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota.

Mr. DASCHLE. Mr. President, I ask unanimous consent to speak as in morning business for 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

"THE BROKEN CORD"

Mr. DASCHLE. Mr. President, I rise today to draw the attention of my colleagues to the opportunity to view television at its finest, the presentation of "the Broken Cord" to be shown tonight at 9 on ABC television. "The Broken Cord" is a movie adapted from a book by the same name by Michael Dorris. It stars Jimmy Smits and is directed by Ken Olin. It tells the story of a single adoptive parent of a child born on a South Dakota Indian reservation suffering from fetal alcohol syndrome and their nearly 20-year struggle with its consequences.

Senator KASSEBAUM and I cohosted a screening last week for Members and staff, which was extremely well attended. Many advocacy groups as well as native Americans were present.

Fetal alcohol syndrome and its less severe form, fetal alcohol effect, afflict thousands of American babies each year. Across the Nation, FAS occurs in 1 in 750 live births. On some Indian reservations, we are told, the frequency may be as many as 1 in 4. More than 40,000 babies were born last year alone with birth defects due to alcohol.

FAS is completely preventable. If a pregnant woman abstains from alcohol during pregnancy, it simply will not occur. There is no known safe amount of alcohol for pregnant women.

FAS is permanent. There is no cure. And the human and financial costs are extreme. That is nearly the extent of

our knowledge today about fetal alcohol syndrome. There is so much we do not know. We need research. We need programs for prevention. We need programs for treatment. But most of all there is a crying need for public education on FAS.

"The Broken Cord" tonight will help us begin that process, and I urge all my colleagues and those who may be watching to see this important film.

I yield the floor.

APPOINTMENT BY THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Chair, on behalf of the Republican leader, pursuant to Public Law 102-138, appoints the following individuals as members of the Commission on Broadcasting to the People's Republic of China:

Mr. Michael Cutchall, of Kansas; and
Mr. Joshua Muravchik, of Maryland.

APPOINTMENT BY THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Chair, on behalf of the majority leader, pursuant to Public Law 101-649, appoints the following individuals as members of the Commission on Legal Immigration Reform:

Lawrence Fuchs, of Massachusetts; and
Nelson Merced, of Massachusetts.

KANSAS INTERNATIONAL EXPORTERS

Mr. DOLE. Mr. President, I rise today to commend the many small and medium size companies in Kansas for their innovation and growth in the international marketplace.

In April of last year, I cohosted with the Wichita office of the Small Business Administration a seminar for Kansas companies interested in doing business overseas. The response was overwhelming, and I am pleased to report that recent data released by the Small Business Administration indicated that Kansas companies were ranked fourth in the United States in SBA loans to small company exporters in 1991.

In a time of economic downturn and growing competitiveness in the global marketplace, Kansas businesses are steadily becoming major players in international trade. Although Kansas is world renowned as a breadbasket to the world, these latest figures are an indication of the growing export of manufactured products from Kansas. Kansas companies exported machinery such as grain augers; innovated high tech products such as computer disk cases and fiberglass tanks; and products as varied as bicycle racks and manhole covers. In my view, this growing international trade is an important

reminder that American products are competitive in any market and that Kansas is a dynamic leader in America's ever expanding overseas trade.

I also want to commend the efforts of the Wichita office of the Small Business Administration for their outstanding support of Kansas companies. Their efforts, coupled with the drive and determination of Kansans, are an example of how government can work together with motivated individuals to keep America a leader in international trade and proves again that American products are second to none.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is now closed.

NATIONAL ENERGY SECURITY ACT

MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. The question is on the motion to proceed to S. 2166. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, S. 2166 is the successor bill to S. 1220, the comprehensive national energy policy bill. I am pleased to say, Mr. President, at long last it now appears that the Senate is not only on the threshold of taking up this bill, but is on the threshold of approving a comprehensive national energy policy.

Mr. President, S. 2166 is, in all respects, identical to S. 1220, in that we have eliminated completely the Arctic National Wildlife Refuge drilling provisions; we have eliminated completely the CAFE, or corporate average fuel economy provisions; we have eliminated the waste oil provisions; and we have eliminated the so-called WEPCO fix, dealing with the Clean Air Act.

There were initially 16 titles in this bill. We have eliminated 2 and parts of 2 others, so that, in effect, we still have a 14-title bill, which is comprehensive, which is balanced, which will be effective.

I strongly continue to agree that Alaska drilling ought to be part of a comprehensive national energy policy. I strongly believe that there is an excellent chance of there being a huge supply of oil in the Arctic. Some estimates would put that supply as high—I have seen some even higher than Prudhoe Bay.

While I continue to believe that, we have essentially had that debate here on the floor of the U.S. Senate. And those of us who believe that have lost. Because on the question of invoking cloture on the issue of Arctic National Wildlife Refuge drilling we were unsuccessful, having mustered only 50 votes in the affirmative, with there being 44 votes in the negative. We have gone back to the drawing boards and looked at where the votes might come from to

successfully pass that part of this legislation. I can tell my colleagues that no one has done more work on that than I. I have talked to virtually every prospect in the Senate personally, most at their own offices, and talked in great detail. I can tell all Senators that Arctic National Wildlife Refuge drilling, as desirable as I think it is, cannot and will not pass this Senate.

It may be we will have a test vote later, and I have told my distinguished friends from Alaska that I think it would be possible to bring up such a vote later in this debate. And if that issue is brought up, I will help state the arguments for it, but, again, recognize that at this time, on this bill, it cannot pass.

There may be another time and place where it would, and I would hope so. But nevertheless, at this time, in this place, it cannot pass.

Mr. President, the same is somewhat true of CAFE or corporate average fuel economy. We have agreed not to have it as part of this legislation for a number of reasons: First, because of the record losses by our automobile companies in Detroit. They have lost billions of dollars in the last 6 months, an incredibly huge loss where their very survival is put at stake. The automobile companies tell us that compliance with this kind of legislation would put an additional burden upon them which would be absolutely unacceptable in today's financial markets considering the competition with Japan and other automakers.

For that reason, Mr. President, we have deleted CAFE from this bill and hopefully will not consider it, although there would be no unanimous-consent proposal to keep it from being considered as an amendment. Any Senator, of course, is free to do that once we take up this bill. However, at this time, it is not part of the bill and we hope and we expect that it will not be considered as part of this bill. The reason is, Mr. President, that we have a comprehensive and effective energy bill without considering either ANWR or CAFE.

I think it is appropriate to consider where we are on energy. We will recall back just 1 short year ago—this happens to be the Washington Post of Sunday, February 3, 1991. It seems like longer ago that we had the war in Kuwait, but we will remember the headlines at that time, "U.S.-Allies Press Bombing Against Forces in Kuwait." One year ago today, Mr. President, we were at war in the Middle East over the energy problem.

While it has faded somewhat from the memory of Americans, while the reason for that war has faded from memory somewhat, we should never forget that this war, 1 year ago, was essentially because of energy.

Mr. President, it is also appropriate to consider the situation this country is in with respect to energy. Many have

seen these kinds of charts before. This first is energy consumption which has gone up very rapidly. Here is 1990, going up again very rapidly.

This chart is energy production going down very rapidly.

Mr. President, there are fewer rigs drilling than at any time in the history of modern America. There are fewer rigs drilling now than we had in the 1940's during World War II. We are down to less than 700 rigs drilling. At one time we had over 4,000 rigs drilling. Here is the chart on the rotary rigs in operation. As we can see, we were up to 4,000. This chart only goes down to May 1991. It is a further precipitous decline after that if we consider the chart.

This chart, in many respects, Mr. President, tells us what will be the future of oil drilling in America. This chart represents one of the important reasons why I believe that ANWR should be part of this bill. ANWR is not a part of this bill, as I have explained, but the chart shows what the future of domestic production will be.

We have had this same kind of chart with respect to graduates in petroleum sciences at our colleges. They are going down in the same way. People in the drilling business, the infrastructure, all of it is going down precipitously.

This is the actual and projected oil import bill which has gone up very rapidly. Mr. President, most of the balance of payments imbalance in this country is caused by imported foreign oil. More than automobiles. Our President, as we all know, just made a celebrated trip to Japan where he performed some celebrated things. But among others, Mr. President, our President and the presidents, the CEO's of the major automobile companies in effect pleaded, cajoled, argued with the Japanese and said, "Please, Japanese, will you not buy 20,000 American cars?"

Mr. President, 20,000 American cars represents a drop in the bucket to the balance of payments compared to imported oil. A drop in the bucket. Sixty-two percent of the balance of payments imbalance is caused by imported foreign oil.

This bill is mainly about things other than oil, but while producing domestically things other than oil, including, importantly, conservation, we hope to be able to reverse that trend and produce our energy domestically and displace foreign oil.

Mr. President, this chart simply shows what the various sections of this bill are. You can get a very quick view of how comprehensive it is. The CAFE provision, in title III is deleted. Fleets and alternative fuels, which I will explain in a minute, is a tremendously far-reaching proposal. The same is true of renewable energy. Energy efficiency, 26 different sections related to energy efficiency with the exception of the fact that we have deleted used oil. ANWR is deleted. Advanced nuclear re-

actor commercialization is included. Nuclear reactor licensing is included. Uranium enrichment, the preserving of a tremendous business and multibillion-dollar business in this country is preserved through this section. Natural gas, our cleanest fossil fuel and very abundant fossil fuel is included. The Outer Continental Shelf, R&D, demonstration and commercialization activities, coal and electricity, with the exception of WEPCO, Public Utility Holding Company Act reform, and the strategic petroleum reserve all are included.

Mr. President, there are two dominant themes in this legislation. One is very obvious, and that is energy security. We do not say energy independence because we recognize since we are now importing 50 percent of our foreign crude oil and the trends are not to lessen that, even with the passage of this bill, at least in the near future. The trends are that that 50 percent will grow, according to former Secretary of Energy Schlesinger, to two-thirds by the year 1995. According to the Department of Energy, it would reach 70 percent by the year 2010. Pick your estimate and it will be two-thirds to 70 percent sometime in the fairly near future.

So to talk of energy independence in the short-term is not in the cards, Mr. President, no matter whether we do everything that we know how to do, no matter whether we put on tremendous taxes, or whatever we do. In the short-term, the inexorable trend is to import more energy, to be more dependent, not less dependent.

Mr. President, there is a cliché that politicians think about the next election and statesmen think about the next generation. In energy, it is almost that you think about the next century because these trends are so big, so inexorable and so slow to change.

If we were going to drill in Alaska, it would take 10 years to bring the oil on line. If we were to build new nuclear plants, it would take probably 10 years to build those, to bring those on line. Gas-fired utilities would be able to generate electricity a little faster than that, but it would still take years, as do coal-fired plants. A new culture of conservation, which we hope and expect and believe that this bill will generate, also are slow trends because you do not reconfigure both your generating capacity and your use of energy in the home or in the business. You do not reconfigure that overnight.

So we are dealing with long-term trends. But that which we have in this bill will surely change those long-term trends and will surely bring to this country energy independence. Every one of those steps from energy efficiency, to conservation, to alternative fuels, to every section of this bill will help bring us some kind of energy security, effectively so, and we hope within the next few years.

Mr. President, there is another dominant theme of this bill: competition. Competition comes as part of this bill in many ways. First, with respect to infant technologies or emerging technologies. Many of the renewable energy technologies which now are not able to compete have not received the kind of help from Government to lift them up to the status and to the stage where they effectively can compete with the other technologies. Everything from electric cars, to the new clean coal technologies, to the new technologies in nuclear energy, to the new solar technologies, all of those new technologies are helped by authorizations and demonstrations in this bill. So it will bring these infant technologies up to the starting line so that they can compete.

Perhaps the biggest competition, or one of the biggest, will be in alternative fuels. Mr. President, even though Senator WALLOP and I have tried to tell everybody how far-reaching this bill is with respect to alternative fuels, it seems not to have attracted the kind of media attention and attention from our colleagues which it really deserves. It is that far-reaching and it will change the face of energy in our country, particularly automobiles and fleets and trucks in a fundamental way.

What our bill is designed to do, Mr. President, is to put 4 million alternatively fueled vehicles on the road by the year 2000. We begin with the Federal Government, which will have to start bringing on alternatively fueled vehicles by 1995. By the year 2000, it will be required to have 90 percent of its vehicles alternatively fueled. We bring on State and local government also beginning in the year 1995.

With respect to private fleets, by the year 2000 they will be required to have 70 percent of their vehicles alternatively fueled. The requirement for private fleets begins in the year 1998 at 30 percent, increasing to 70 percent by the year 2000. Collectively these requirements for alternative fuels will result in 4 million alternatively fueled vehicles on the road by the year 2000.

Mr. President, the bill specifies that which qualifies as an alternative fuel. The predictable things are there: electric cars, of course, would be alternatively fueled; methanol and ethanol, to the extent they are 85 percent alcohol; compressed natural gas, and liquefied petroleum gas—propane, which is a form of liquefied petroleum gas. All of these fuels would be eligible to compete as alternative fuels.

We allow the market to make the choice. We have many proponents of these fuels who come in and say that electric cars, or methanol, or compressed natural gas is the fuel of choice and will be adopted by the customer. We on the committee have felt that we should not dictate that choice; that we

should let each one of these technologies state their case out there in the market, and to the extent that they can get adherence, those who will invest in their proposals, they would be the winners and the market would choose them.

I happen to believe, Mr. President, that natural gas would be a good choice of much of the market. Certainly in our part of the world natural gas being very common, very low-priced, would be very much the fuel of choice.

I just saw on January 27, Mr. President, for example, that the cost of natural gas per million Btu's delivered to the city gate in New York was \$1.47. That compares with No. 2 fuel oil at \$3.80 per million Btu's. So in effect natural gas is less than half the cost per unit of energy than is diesel fuel. So it is easy to see why many people in the natural gas business and from natural gas producing States believe that natural gas will be the winner when it comes to persuading the market to go toward their fuel. Nevertheless, Mr. President, we do not pick the fuel of choice. We let the market make that choice.

We do require that, in case of private fleets, if you have a private fleet of 50 vehicles nationwide, at least 20 of which are centrally garaged in one location, you have to make the choice and go to alternative fuels. That is easy to say, Mr. President, but I think my colleagues will realize when they think about it that if you have just 50 vehicles, which any cab company has—many law firms have, virtually any company that deals in any deliveries—I guess the pizza companies would probably qualify—they have to begin to have alternatively fueled vehicles.

The reason we made these rather stringent requirements, Mr. President, is that the problem with alternatively fueled vehicles has always been the case of the chicken and the egg. We have always recognized that, for example, natural gas is an excellent fuel to use for alternatively fueled vehicles, and it is very cheap but you have to have a lot of it out there in order for people to have the filling stations that put in the natural gas. With the requirements of this bill, you can be sure that those fueling capacities will be widely available. Indeed, it is the fueling capacity that may dictate the choice of fuel in some respects.

Mr. President, this bill is very much a competition bill also, when it comes to Public Utility Holding Company Act Reform, a very technical part of the law but a very important one.

What the law now essentially says, Mr. President, is that if you are in the public utility business generating electricity, with some exceptions, only you can build your generating capacity. And it says, in effect, that if you build a plant to generate electricity, then

you can put that plant in the rate base and get a guaranteed rate of return, which is generally set by State law and regulated by the local public utility commission. But the incentive, really, is to build a plant that costs a lot of money on the front end that you can put in the rate base in order to get the guaranteed rate of return.

Mr. President, it is not surprising that the cost to consumers has been very high under that kind of arrangement.

In 1978, Mr. President, we had a reform in the law called PURPA—the Public Utility Regulatory Policies Act. And for the first time in that bill, we provided for competition in some limited areas. Those limited areas were in what we call qualified facilities, which were either cogeneration facilities where there was extra steam left over from some industrial process which was used, to generate electricity and sold to the utility, and certain renewable energy, certain solar technologies.

What the law said was that if you get your electricity from these qualified facilities, you can sell it to the utility, or the utility is required to buy it for what we call its avoided cost. Avoided cost is just what it says, the cost that the utility avoids by buying from you rather than generating the electricity itself.

Since 1978 this program has been very successful. The first thing it did was do away with wasted energy, that is, the steam which was going without use by industrial plants. They were able to utilize that steam for the purpose of generating electricity.

So avoiding waste was the first obvious advantage of PURPA. The second was to bring along some of these solar and renewable technologies.

But in the process of developing the procedures by which utilities would be required to buy the energy, they have turned to a competitive method. For every megawatt of electricity that companies need, that utilities need, there have been on the average 13 megawatts offered. And the choice between the available 13 megawatts and the 1 megawatt needed which they would be required to buy has been by competition.

Some 30,000 megawatts have been generated through PURPA through this competition. Thirty thousand megawatts is a tremendous amount. The biggest nuclear plant in the country is probably 1,200 megawatts.

So you can figure this is the equivalent of almost 30 of the biggest nuclear plants in the country. The same can be said of the big, huge coal-generating plants.

So we have generated a tremendous amount through competition. What we have found, Mr. President, is that this competition has produced a lower cost per kilowatt-hour for the consumer. And it has produced a more reliable

source of energy than the utilities themselves have been able to generate. Indeed, there is an article in the *Public Utilities Fortnightly*, which is a magazine that deals with utility problems, entitled "IPP Leveraged Financing Unfair Advantage?" in which it points out that under PURPA using competition there has been a lower cost of kilowatt-hour. There has been a higher percentage of operation.

In other words, these competitively built plants have been in operation or have a lower percentage of downtime than do the utility companies. Consequently, it is advantages which that article says are attributable to competition.

So what we have done, Mr. President, in the Public Utility Holding Company Act reform is to build on that concept of competition and allow utilities to form what we call an exempt wholesale generator or EWG—or another word for them is IPP, independent power producer—and to allow these independents which can be a wholly owned subsidiary of the utility to get into the business of generating electricity, and to offer this electricity to the utilities all over the country.

Utilities are not required to buy their power, but they are now permitted to form either a subsidiary or companies that are not in the utilities business. Let us say General Electric or Westinghouse or one of the big electric companies can themselves form a company for the purpose of selling electricity to the same extent that they do under PURPA, which I just described, and get into the business of competing for the generation of electricity.

Mr. President, this has certain obvious advantages. The first advantage is that the incentives are put in the right place.

A moment ago I mentioned that utilities now have the wrong incentives. Their incentive is to build as big a plant as expensively as possible that they can get approved by the public utility commission. The incentive here is to win the competition and get the lowest competitive rate.

So, in effect, what a utility will do is say by advertisement that we need so many megawatts of electricity, and they would invite proposals. The various IPP's or exempt wholesale generators would then come in with their proposal saying that I propose to give you so many megawatts of electricity over such a period of time, delivered in such peaks and valleys and priced in such a way. Then the utilities could make the choice between these competitors as to not only who is the cheapest but who is the most reliable because reliability of course is a very important part of determining whether or not to accept a proposal in a certain way.

So by this kind of competition, Mr. President, we put the incentives in the right place.

It also has the advantage of specialization. What we found in PURPA is that different companies were able to specialize in different technologies. One particular company specialized in fluidized bed coal generating power which is one of the new clean coal technologies. Another specialized in particular kinds of solar energy. Others are specialists in cogeneration.

We would receive a lot more specialization, I would suspect, under the Public Utility Holding Company Act reform because the PURPA bill is being limited just to renewable technologies and to cogeneration. But under this Public Utility Holding Company Act reform, you could have all kinds of specialization so that companies would benefit by, in effect, mass production, by the economics of scale, by the accumulated knowledge which they would achieve by doing the same thing over and over again.

Again, Mr. President, under our present utility law, the utility companies can effectively build only for themselves.

Many, for example, have built one-of-a-kind plants and done it only once, so with the custom design, you build a new coal plant, it will be a coal plant for you alone, or a nuclear plant, one that maybe has never been done before, which you must do through your own employees and make your own mistakes, your own new mistakes, over and over again. With the Public Utility Holding Company Act reform, you can get specialists who will be the best that the world has to offer in various technologies.

I might also add that in developing this technology they will also develop worldwide expertise, which will be exportable to other countries, as well, so that it will help, we believe, the balance of payments a great deal.

It will also help in the economics and the efficiency of capital formation, because you will be able to form capital for individual plants to do an individual thing, rather than, as today, if you want to invest in a coal-fired plant, you must invest basically in a utility which sells electricity at retail as well as wholesale, and which is subject to all of the problems of a regulated utility. This is not so with respect to an exempt wholesale generator under this bill.

So, Mr. President, the Public Utility Holding Company Act reform is a very, very important part of this bill. It will, for example, with respect to natural gas, make it possible for companies specializing in natural gas turbines to be able to put together a source of natural gas and to build these kinds of plants, similar to what a company called Enron in this country is doing over in England now. They are building a 1,700 megawatt gas-fired turbine, driven by North Sea Natural Gas, one of the biggest electricity plants of any

kind in the world, and the management of Enron tells me that they can do that all over this country with Public Utility Holding Company Act reform. Their CEO tells me that if we need 100,000 megawatts of additional electric-generating capacity in this country by the end of this century, that fully two-thirds of that could be furnished by gas-fired turbines.

I might add that companies in alternate kinds of energy also speak optimistically about their ability to meet the demand, as well. But the point is that it would enable that kind of competition to take place. And if, in fact, natural gas were the winner of two-thirds of the next 100,000 megawatts of electric-generating capacity, it is easy to see what that would mean in terms of clean air, in terms of less SO₂, in terms of less NO_x, and in terms of a break for the consumer. So in effect, Mr. President, the Public Utility Holding Company Act reform would be a tremendous and important part of this bill.

Mr. President, another very important part of this bill is nuclear licensing reform. We have not had a new nuclear plant ordered in this country since, I believe, 1978. Part of the reason for that is the uncertainty of licensing under our law. In order to get around that problem, the Nuclear Regulatory Commission, in 1989, came up with a provision of law called "part 52," which totally redoes nuclear plant licensing in this country. The Nuclear Regulatory Commission, for years, had preferred that the Congress deal with this, because there was some question about the limits of their ability under rule-making power, to change the nuclear plant licensing process, considering the restraints and restrictions and limits of the Atomic Energy Act of 1954.

Nevertheless, after years of congressional inaction, Congress having gone on without dealing with this subject, the Nuclear Regulatory Commission came up with part 52, which fundamentally redoes nuclear plant licensing.

Since that time, the nuclear plant licensing, as set forth in part 52, was attacked in the courts, and the power of the NRC to adopt part 52 was sustained in part, and thrown out in part. It is now under reconsideration and rehearing in the full U.S. Court of Appeals for the District of Columbia circuit. So, in effect, it will be considered by all of the judges, rather than just the three judges who dealt with it; and after that, it will probably be appealed to the U.S. Supreme Court.

Mr. President, part 52, in our view on the Energy Committee, was a very worthwhile and fundamental and almost revolutionary change in nuclear plant licensing which very much needs to be upheld. The court of appeals, in throwing out or disallowing part of the rule—declaring it what we call in the law *ultra vires*—that is, beyond the au-

thorization of the law—the court was not dealing with the question of whether or not it was desirable, whether the safety standards were adequate, whether or not it would be an economic advantage, or any other question of that sort. Rather, they dealt simply with the power of the Nuclear Regulatory Commission, as defined and constrained and limited under the Atomic Energy Act of 1954, and whether their legislative authority extended that far.

So what we do in our licensing proposal, Mr. President, is to ratify legislatively what the Nuclear Regulatory Commission did in part 52. And we make three other modest but important changes which, in effect, give the Nuclear Regulatory Commission a little more discretion.

For example, we give them discretion in the case of an amendment to the combined construction and operating license. After they are given the combined construction and operating license, if they wish to amend that license in a small way, which does not in any way affect the safety of the plant, the Nuclear Regulatory Commission, under our bill, could give them the authority to do that without withholding the operation of the plant until they have had the public hearing, which in effect would be a lengthy trial.

Frankly, the Nuclear Regulatory Commission says they will probably not use that power, because they wish to discourage amendments to the combined construction and operating license. Nevertheless, it is a degree of flexibility which the bill gives to the NRC.

Another very important change which we make in part 52 would allow the Nuclear Regulatory Commission, in such cases where they grant a public hearing after the combined construction and operating license is issued, to allow the plant to go forward, even though a hearing might be called on some issue, if they can determine without question that during that period of operation the plan will operate in a safe manner. And the kind of example we have in mind here, Mr. President, is the kind of situation we had at Yankee Rowe, where after the reactor had operated for some 30 years, the reactor vessel became embrittled by the bombardment of neutrons over that long period of time. The question there was not whether the reactor was safe in the first 30 years, but, in effect, whether it was safe thereafter. So there will be situations where a reactor could be allowed to go forward under this amendment either on limited power or on full power for a limited period of time while the hearing goes forward. This would again grant to the Nuclear Regulatory Commission some flexibility, which is greatly needed.

Mr. President, the fundamental thing that this bill and approving part 52 does is to allow the hearings and the li-

censing process to go forward in a much more efficient way. Prior to part 52 there were two licenses. One was a construction license, and companies would typically come in before they even had their plans complete. I guess the average amount or percentage of the plans that companies had, I am told, is about 30 percent. They would get their construction permit and then proceed with construction. Their operating license would be debated and the hearing would go forward during construction. A plant might have been well along with the construction process before the NRC could ever consider what precisely it was that they were approving.

It is no wonder that there were many, many billions of dollars spent on changes ordered by the NRC during the construction process because the NRC had never, either in the first instance, or never fully, at least, approved and considered the details of the kind of construction which they would have.

We also found that things like the emergency evacuation plan, things like the siting of the plant, whether it was sited in an appropriate place, had never been fully considered. Consequently, we have gotten in situations where, after the fact—as in the Shoreham plant, for example—all of a sudden the NRC was asked to deny the operation of that plant because it was put in the wrong place or because its emergency evacuation was not proper.

What part 52 does, Mr. President, is it puts all of those questions which possibly can be considered in the earlier part of the consideration so that all of those things can be fully debated. In effect, what part 52 does and what our legislation ratifies is to have three different licensing processes. The first has to do with the approval of the site, so that a company which wanted to build a nuclear plant at a certain site, let us say Shoreham, would make application to approve Shoreham and would go forward with all of those parts of the license which reflect upon the site—emergency evacuation, population patterns, egress and ingress, atmospheric patterns. All of those things that relate to the desirability or nondesirability of locating a plant in a certain site would be put into that part of the licensing which deals with the site. It is expected that the siting of a plant and the dealing with public hearings would be a process which would extend over 2 years or more. It is expected that, indeed, that process might average 22 months because it would be a thorough and complete process relating to the site.

The second kind of license that part 52 envisions is a generic licensing of the particular kind of nuclear plant. When the Atomic Energy Commission Act of 1954 was passed, there were many, many competing technologies and no definite determination as to

what kind of plants would be built. In Colorado, they built a high-temperature gas reactor at Fort St. Vrain. Eventually, Admiral Rickover and his group, which had designed the nuclear submarine, were able to convince the AEC that the best kind of technology was that which was in nuclear submarines. But, in the process, they never got around to a process which approved a standard design for a plant. What part 52 does is to provide for that standard design.

There is now ongoing, Mr. President, a great deal of research on brand new designs which will be even better than the best that now is available. There is one plant called the AP-600, which is a 600-megawatt modularized design, being carried on by Westinghouse. There are other designs, which are claimed, by their designers, to be inherently safe because they have a cooling capacity which is not dependent upon the use of pumps in order to cool the reactor.

At the time when a standard design is finally licensed, as we expect it will be licensed, then they will go through all of the problems of licensing the plant, fully approving what the technology is. In certifying the standard design, all of the potential defects, all of the scientific arguments, all of the difficulties of approving a license would be approved in advance for that particular kind of design.

Therefore, it is expected that before the next nuclear plant is built, under part 52, a company would first have to go through the years which would be required in siting the plant and approving the safe design of the plant. They would have to get approval for the generic design. Then they would go into the third kind of licensing, which is a combined construction and operating license.

With the combined construction and operating license, the process begins when you already have the two other licenses, that is, the site permit, the license for the site, and the generic design certification. And you would then have to prove to the NRC that you are entitled to your combined construction and operating license. And, again, any new allegation that would have to be approved would be, in effect, litigated in this third licensing process.

The important thing here, though, Mr. President, is that all of these things are done before construction starts. It is important, indeed it is critical, if nuclear power is going to be able to compete for whatever share of the energy market it might be entitled to under a competitive system, that the uncertainty be taken out of the process. And you take the uncertainty out by having all of these determinations which can be made in advance, made in advance. So you would go through this long process, which, again, we expect would extend over a

period of many years, and then, finally, a combined construction and operating license would be issued.

After the combined construction and operating license is issued, then the plant would begin construction and that construction might take 5 or 6 years or more. As the process proceeds, the Nuclear Regulatory Commission would satisfy itself at every stage of that proceeding that the plant is being built in accordance with the combined construction and operating license.

Informal hearing procedures could be used as well. If the Nuclear Regulatory Commission found it necessary to use the formal hearing procedures—that is, the courtroom type procedures—they would be able to do so if, in their judgment, they thought it was proper.

However, Mr. President, it seems clear to us on the Energy Committee that it was much preferable to give the NRC the authority to have informal hearing procedures. We found under the old law that for many of these issues, for example, the determination whether a weld was right or not, it is much better to allow the scientists to settle that question than to do it in the atmosphere of a court. And why is that? Because if there was any question about the integrity of that weld, scientists would say, well, let us go out and re-x-ray the weld rather than spend weeks and months litigating about whether the chain of custody on the x rays was proper. They would be able to say, if there is any doubt about it, let us go re-x-ray it and do it as scientists.

That is why the informal hearing procedures are in many respects more in the protection of the public than are the formal procedures.

Finally, Mr. President, if there is any new matter that arises that was not considered at the time of the siting permit, at the time of the generic license permit, or at the time of the joint construction and operating license, then that may be brought up under existing provisions which have worked very well, called section 2.206, which charges the Nuclear Regulatory Commission at all times—after a plant goes in operation, as well as after a plant, under part 52, gets its joint construction and operating license—this section charges the NRC with the requirement of at all times seeing that plants are run in a safe manner to protect the public.

And so at any one of these four stages, the public is fully and completely protected.

Mr. President, our purpose is not to build any kind of particular plants under this bill. We heard a charge that we are trying to build gas-fired plants, that we are trying to build nuclear plants, that we are trying to build this kind or the other. The fact of the matter is, Mr. President, what we are really trying to do in this energy bill is to

put all of these technologies on a footing so that, first, the public will be protected and, second, that the market will be able to work efficiently so that the winners will be those things which are most in the interest of the public.

So that after we pass part 52 and put it in law, there is no guarantee at all that any nuclear plants will be built or that under other sections of the bill that any particular technology will be built. But it will be possible for an electric utility to make a choice of any of these technologies and let them compete in the marketplace so that the uncertainty, the impossibility, will be taken out of the financial decisions that go into not only licensing but go into the choice of technology.

Mr. President, briefly turning to energy efficiency, there are 26 sections of this bill dealing with energy efficiency in the industrial, commercial, and residential sectors. We do everything from building standards on buildings, to standards for electric motors, electric lighting, appliances and a host of other things which I will not, at this time, take the time to read, except to say that they are very, very far-reaching amendments.

So, Mr. President, what we have here is a comprehensive bill, one that will be effective, and I hope that my colleagues will look at this bill with the same degree of enthusiasm with which the Senate Energy Committee looked at it.

Mr. President, I urge my colleagues, to the extent that they have amendments, if they do—and we do not seek them but we understand the inevitability of them—we would urge them to get those amendments to us as quickly as possible. Where we can, we will approve amendments; but at least we will be able to schedule them for action.

It is my hope, Mr. President, that this bill will move fairly fast. It has been pending now on the floor of the Senate since last June, the greater part of a year. If there are amendments to be had, I hope and expect that our colleagues would, in the almost 8 months time, have been able to discern what those amendments are and have them prepared and ready. If there are amendments that they have had and need help in drawing up, whether we approve them or not, we would be happy to help give technical advice through our staff in getting those done.

But we would urge and caution Senators that this bill may well move fairly rapidly. So if you think you can wait until after the recess to begin bringing your amendments, that may well be too late. We hope to move the bill, in our flush-with-optimism hope, fairly quickly here on the floor of the Senate.

Mr. President, this is a good bill. It is, we would venture to say, a great bill, and we hope it will be overwhelmingly approved by the Members of the U.S. Senate.

I yield the floor.

Mr. WALLOP addressed the Chair. The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. WALLOP. Mr. President, let me begin by expressing my thanks to the Senator from Louisiana. He has been a fine chairman with whom to work. His staff has been a fine staff with which to work. And the product that we have achieved is a bipartisan bill.

Yes, it comes from the minds and compassions and the energies of two Senators from energy States. But that might be viewed as something of a benefit to a Senate that spends much of its time relying on people with little expertise for the development of legislation which has far-reaching effect on the lives of Americans.

There are not very many phrases that have not been uttered by one Member or another of this body about the failure of Congress, administrations, or anyone else to formulate a national energy policy, or who have not lamented the economic, trade, and human consequences of our country's critical dependence on imported oil from the politically unstable Persian Gulf.

Indeed, as we talk, there are people talking in America, in both parties, all over, about the balance of payments problem, about the lack of jobs, about the lack of technology advances, and one thing or another. During the Senate's consideration a year and a bit ago of the Persian Gulf resolution, there were statements made once again blaming our problems there on the lack of a national energy strategy. Quoting one Member, he said:

Not a single soldier should lose his life in the Persian Gulf because America has no energy policy worthy of the name to reduce our dependence on foreign oil.

Interesting, how easy it is to throw out glib phrases about the lack of an energy policy; how difficult it is to bring yourself to the table and vote even to proceed to the consideration of such a thing. The fact of it is, for whatever reasons, no energy policy constituency was created by the events of a year ago. No one to my knowledge paid a price for voting against the motion to consider S. 1220 last year.

I am not so persuaded as my friend from Louisiana that there is absolutely no chance for this Senate to consider the production of energy from America's greatest extant potential resource, ANWR. I think and believe that the situation in America has changed considerably from last fall, when people were able to be quite glib and ignore the fact that 700,000 jobs are going to be created, ignore the fact that \$200 billion in the balance of payments of America will be reduced by that, ignore the fact that this has a significant potential increase for our economy, and ignore the fact that the revenues from ANWR are those revenues necessary to advance

America's technology in the fields of conservation and advanced utilization of energy and energy concepts. These revenues could be the means by which America regains some of the great technological edge that has been lost.

I am not going to say there will be no great investment in energy technology, conservation technology, alternative fuels, should ANWR not pass. But I am willing to say that there will be a far less great investment in that and a far greater chance for those in the world who are nowhere near as advanced as we are now. These will be America's export technologies of the future, if this Congress is willing to do something about it.

Over the years, at one time or another, everybody in the Senate, everybody in the Congress, and everybody who was in the Senate, and everybody who ran for the Senate, has characterized the formulation of long-term comprehensive and consensus-based national energy strategy as one of the most important tasks facing the Congress. That is until faced with facing the task.

Last year's energy crisis not only demonstrated our vulnerability, but indeed tipped the economy toward recession. Widespread harm was inflicted on all Americans. We now have a chance, a chance to address that situation.

I agree with my friend from Louisiana that energy independence is not what this bill is about. It is not what we set out to do. It is not within the reach, nor should it be within the concept of this.

I also agree with him that much of what we do now will have its major effects in the next century. But it is about energy flexibility: the ability of this country to use its own resources; the ability of this country to have alternative resources; the ability of this country to gather together that which we possess in abundance—and deny ourselves almost to the point of extinction—and that is alternative energy resources. And when I say alternative energy resources, I am not using it in the glib phrase of the President, meaning anything but oil. I am saying oil is part of the alternative energy resources that America has.

It is inconceivable that a Nation so wealthy as America in the rich variety of energy sources would deny itself so many of them to the point of creating recessions, to the point of creating huge trade imbalances. And those trade imbalances that are due to energy are there on purpose. They have been brought to you courtesy of the Congress of America, courtesy of the Presidents of America. These are specific decisions that have been made and these are decisions that can be righted in the next week or so. Consideration of this bill will go a long way toward telling this Senator whether we have become a prudent country or whether we are a

country beset by navel gazing, whether we are a country that can choose things that are in our own self-interest.

And ANWR, Mr. President, is in our own self-interest. It is not conceivable that anyone can make the argument that, by failing to produce the resources that belong to America in Alaska, that that amount of oil and gas will not be used in America. For so long down the road as you can see, even with the most ardent pursuit of energy technologies that are not related to oil and gas, oil and gas will be used.

So what those who say this resource does not belong in our pocket are telling Americans is that we are going to continue to have a balance of payments imbalance. We are going to continue to put these moneys that would go to Americans into the hands of Arabs and Indonesians and Central Americans and others, whose specific interest is not America's energy efficiency. So I am hopeful we might be able to do that.

I mentioned I hoped we might demonstrate to America that we have become a prudent country and we can lift our eyes up off of minutia and take a few risks. Choosing self-interest means choosing a couple of risks. Risk can be prudently weighed, but risk cannot be eliminated. Risk is part of existence on this planet, and the most careful assessment of all events cannot eliminate the fact that something different than that which was predicted will take place.

Can anybody predict or describe to me what America would be if over the last century and a half we had taken no risks? We would still be huddled on the shores of New England, having been overwhelmed by the initial risk of coming across the ocean. We would have settled no territory, conquered no visions, certainly not gone to the Moon, certainly not dammed the rivers, certainly not traveled West, certainly not bought Alaska, for goodness sakes. Then we would not even have this problem, if we had not taken that risk.

The fact of it is we have become so timid as a Nation that we refuse to move unless we have laid to rest every conceivable risk.

The problem is that it is inconceivable that you cannot conceive of one more risk. So we reduce ourselves to a Nation where there is nothing too small to terrorize us into inaction.

What the Senate Energy Committee has done is take a look at America's energy needs. Have we met every one of them? No. Have we embraced every risk? No. Have we rejected risks as too great? Yes.

But we have done that which has not yet been done in the Congress of the United States, and that is put together a comprehensive energy strategy that deals with production, that deals with

conservation, that deals with new technology, that deals with modern efficiency, and deals with competition and weighs in the balance those things which might ultimately be of great benefit of our country.

This much I can tell you, Mr. President, that failing to do these things will not be of much benefit to this country. It will benefit a few politicians who once again go out to the hustings and decry the lack of an energy policy and will somehow or another shoulder no blame for having killed it in the process, certainly not claim that blame, and will go to tell the people of America how courageous they have been in proposing an energy strategy.

Senator JOHNSTON and I sat down with one thing in mind and that is to embrace an arising of America's energy needs as we could, and to give this Senate an opportunity to vote on just such a thing. It refused that opportunity last year, Mr. President. I hope in 1992 that, with perhaps a new transfusion of confidence, we can begin to get a transfusion of policy which will move America into the next century. It is a transfusion of jobs.

S. 2166 would create jobs, it would lower the unemployment rate, encourage economic growth. GNP by the year 2000 would be \$30 billion higher than if we did not pass S. 2166. There ought to be a constituency for that figure. We ought to be able to persuade somebody that that is of benefit to a Nation whose GNP must grow if we are ever going to satisfy the debt that we have.

Cumulative increase in GNP by the year 2000 would be more than \$550 million, Mr. President. That is not a bad figure. That is a figure that is going to happen if we do this, and it is a figure that is really not going to happen; in fact, it may be the cause of decline in GNP, should we neglect to embrace the opportunity the Senate Energy Committee has presented here.

I have watched for 15 years from the Senate special interests from every extreme. Environmentalists and supply economists alike tie up congressional debate on energy policy. Because of this failure to adopt such a thing, our imports in 1990 supplied 42 percent of our own needs. That is all. More than half of our balance of trade deficit, \$65 billion, that is all. That is what happens and that is the gift of the Congress to the people of the United States. Continuing failure to enact a strategy will leave the United States still dependent upon foreign oil, still dependent upon oil and upon foreign oil sources.

We are looking at 75 percent of the uses of that commodity, Mr. President, in less than 20 years, according to the Congress' Office of Technology Assessment. The President on the 24th of July emphasized on the legislative front that we have made substantial headway since we released a strategy

last February. We need Congress to act wisely and act soon on this important domestic policy initiative.

Senator JOHNSTON and I tried to do that for this Senate. It ran aground, and I say again, I am a political realist and so, too, is the Senator from Louisiana. We know that people pay no price for having voting against the motion to proceed to the consideration of an energy policy. I am hoping somehow or another America realizes that what politicians say to them and what politicians are willing to do for them sometimes vary enormously.

This is not a Republican-Democratic issue. This is a politicians' issue. This is just kind of the nature of the breed. We have continued to give long-winded speeches, such as I am giving now, about the need for energy policy, and refuse to be placed into the breach where those speeches can be translated into actions and the risks embraced in America's interests served by the one thing that God and the Founding Fathers gave us; that is, a democratic arena in which to do it. But a democratic arena cannot function as it should debating these issues unless Congress, in this instance the Senate, is brave enough to embrace the concept of considering the bill on the floor of the Senate.

We considered it last fall, Mr. President. It is well known there was a motion to proceed, all we were able to summon courage enough to do, and we were not even able to summon up courage enough to proceed.

Tomorrow, when that vote comes, I and the Senator from Louisiana hope that the Senate might have reconsidered that fact of timidity and that it will consider the provisions and proposals in this legislation not for the fact that no risk is attendant to them because risk is attendant to every one of them, but because it can move America out of a doldrum that is at least, in part, specifically attributable to our lack of energy, flexibility and our lack of willingness to proceed technologically, regulatively, competitively in a world that is increasingly passing us by, by our own choice, Mr. President.

So tomorrow, let us get to the bill and debate its merits and see if we cannot prove to the American people that our rhetoric is for, just this once, where our action and our courage has led it to be.

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

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

The legislative clerk proceeded to call the roll.

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

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

CONFERENCE ON OLDER AMERICANS ACT YET TO OCCUR

Mr. MCCAIN. Mr. President, this is not a happy day for our Nation's seniors. In spite of the fact that the Senate and the House passed the Older Americans Act prior to Thanksgiving, we have yet to convene the conference committee in order to reach agreement on the final version of this critical legislation for our Nation's elderly. This is, indeed, unfortunate.

Included in the Senate version of legislation is the amendment that I supported to repeal the Social Security earnings test, which was approved unanimously in the Senate during debate on the legislation.

After passage of the Older Americans Act reauthorization bill, the Senate appointed conferees in the hope that this important legislation might be conferred and signed into law before Congress recessed for the year.

It is of great concern to me and others who are strong supporters of the Older Americans Act reauthorization bill that it is now the end of January and the House has still not appointed conferees.

I am told that some in the House are holding up the appointment of conferees because they do not want to address the critical issue of the Social Security earnings test. Mr. President, if this is true, I think we need to bring to the attention of the American people that it is of the utmost importance that this issue be addressed.

This measure was adopted by the Senate and enjoys broad-based support from tens of millions of seniors across this country. We all recognize, however, that the democratic process involves compromises.

Virtually every Member of Congress now supports a liberalization of the earnings limit. The difference is in the details. Some support a modest liberalization; others support outright repeal. But I do not think any of us want to see the Older Americans Act reauthorization bill continue to languish. It is time the House appointed conferees so that we can try to reach some acceptable compromise on the critical issue of the Social Security earnings test.

I would like to emphasize that I wrote a letter to the distinguished chairman of the Finance Committee, the chairman of the Ways and Means Committee, and others stating clearly my strong desire for us to meet and compromise on this issue. If those who are opposed to the repeal of the earnings test are worried that it may benefit too many wealthy seniors, I am certainly willing to look at a cap on that earnings test penalty, at some reasonable position, or even a gradual removal of this earnings limitation; earnings test. But the fact is that it is unacceptable to continue to hold up this critical legislation for our Nation's seniors by not appointing conferees.

We are ready to sit down with those who would be responsible for this issue in the conference committee to see if we can reach a compromise; but so far to no available. While our repeated efforts have not met with success, we hope we will be able to sit down soon.

It is time that Congress complete action on the critical Older Americans Act reauthorization bill and get it to the President for his signature, for it is the most vulnerable of our seniors who are hurt by this delay.

Mr. President, I do not have to repeat the important issues and programs that are part of the Older Americans Act. In fact, Meals on Wheels and many other very important programs to our poor elderly are included. I hope that we will be able to provide those programs, both new and reauthorization of existing programs, to our seniors at the earliest possible date.

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

The PRESIDING OFFICER (Mr. AKAKA). The absence of a quorum has been suggested, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. 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. DOLE. Mr. President, is the leaders' time reserved?

The PRESIDING OFFICER. That is correct.

The Senator from Kansas is recognized.

Mr. DOLE. I thank the Chair. (The remarks of Mr. DOLE pertaining to the introduction of Senate Joint Resolution 247 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

MORE TAKE-HOME PAY FOR AMERICANS

Mr. DOLE. Mr. President, every year, the Federal Government accepts interest-free loans from millions of working American families by withholding too much in taxes. In my view, the last thing the American people want to do is lend their big-spending friends in Congress any more of their hard-earned dollars. In fact, 1990's tax returns showed that the Government overwithheld about \$70 billion, and owed money to more than 80 million taxpayers.

Thanks to President Bush's innovative program unveiled last week, working Americans will soon be putting more of their wages into their own pockets, instead of Uncle Sam's.

Starting in March, millions of workers will see an immediate increase in their take-home pay. Nationwide, take-home pay for low- and middle-income Americans will jump by \$25 billion over

the next 12 months—that is real money.

It is not nearly as complicated as it may sound. In fact, taxpayers will not have to file any paperwork to take advantage of this Presidential initiative. That is right—no redtape, no aggravating forms, no phone calls to the IRS—the increase in take-home pay is automatic.

And workers who use the withholding system as a kind of “forced savings account” may continue to do so by merely notifying their employers to withhold an additional amount to be refunded later.

This permanent adjustment to the Tax Code may mean smaller tax refunds in 1993, but according to IRS Commissioner Fred Goldberg, nearly 9 out of every 10 taxpayers who currently receive a refund will still get one.

Critics say this adjustment will not make much of a difference—but then again, the critics always find it a lot easier to criticize than to offer a plan of their own. But, let us let the American people decide if they like this plan. If you ask me, working Americans work hard for each and every dollar they earn, and if they want to spend or save those dollars now, who are we to say they cannot?

I also add that over the weekend I noted that a member of the President's Cabinet said this is a gimmick. This is not a gimmick. It is an adjustment of withholding. It should be supported across the board, particularly by those who work for President Bush. It seems to me, as a Republican, that one way to sell the President's plan—and it is the only plan in town—is for those who speak for and work for the President to be united and to repeat the message every day. If we are going to jump start or give the economy a push, we need to act soon, and we hope to do it by March 20. Particularly those who are in the President's Cabinet should never waiver in their support of President Bush.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

NATIONAL ENERGY SECURITY ACT

MOTION TO PROCEED

The Senate continued with the consideration of the motion to proceed.

Mr. WIRTH. Mr. President, we are about to embark upon an enormously important venture for the United States of America, for our national security, for our budgetary security, for

our environmental security, for the future of the Nation. That is this energy bill, a long time in the making, which is going to be here on the floor tomorrow. And let us hope we act on it expeditiously.

I want to start by commending the distinguished chairman and ranking minority member of the Energy Committee, Senator JOHNSTON and Senator WALLOP, who have committed an enormous amount of time and effort to getting this bill to where it is. We have had some disagreements along the way. That was understandable. Nobody would expect us to agree on everything.

But now, as we consider taking up S. 2166, I think we are in very broad agreement. I want to thank them for their very hard work and for their pragmatism, and I urge my colleagues to support taking this bill up and acting on it expeditiously.

Last year, we had a freewheeling and often impassioned debate on a very different energy bill, and we saw that the weight of controversy attached to several of the items in that bill would keep us from moving forward on many of the other important issues addressed in that legislation.

At that time, I suggested that while the strong opposition of many other Senators, myself included, to opening the Arctic National Wildlife Refuge to development would prevent any bill which did that from moving forward, there were many, many other areas of the bill in which the Senate could and should move forward on energy policy.

I am pleased that we have all come to that conclusion now, and that we have decided to press forward on this new bill, absent those enormous, controversies of the Arctic refuge and automobile efficiency standards. People still feel very strongly about both of those. I understand that strong feeling. But I think it is clear we could not pass a piece of legislation so long as those items were in it.

Now that they are out, we have the strong center core of the bill to move on, and to move on rapidly. It is very important that we all focus on that center section, on what is in this bill. I heard the distinguished chairman of the committee, Senator JOHNSTON, talking at length about that earlier today. And I agree with him on how it provides us with very real and important opportunities to address very real needs: The need to change our energy policy, and the need to focus better on our energy future.

This is a very large and important bill. It has 400 pages and 14 separate titles. This is a very solid, substantive piece of legislation.

I do not intend to go over the whole bill. But I would like to talk about three elements in the legislation: what it does to improve our energy efficiency; what it does to create real al-

ternatives to gasoline for our automobiles and trucks; and lastly, what it does to increase our use of natural gas, an enormously promising fuel for the future of the country.

To begin with, I would like to start to lay out why these are such key elements in our energy policy, why efficiency, alternative fuels for our transportation fleet, and natural gas are so enormously important.

This first chart, Mr. President, I think, makes the case very well. It shows what our overall energy consumption is, and then it shows what our dependence is on various energy sources. The chart shows us how extremely dependent we are on oil. We see natural gas and coal contributing a far smaller portion of our energy needs, and nuclear and others contributing an even smaller amount. We are extremely dependent upon oil.

Natural gas is only 23 percent of our overall survey consumption. Oil is more than 40 percent of our country's energy consumption. Oil dominates our energy picture. Furthermore, more and more the oil that we use is imported. Oil products have increased some 63 percent since the mid-1980's and we now import more than 7 million barrels of oil a day. What does that mean?

First of all, let us just look at what has happened to our oil imports. They jumped up in the midseventies, dropped back down again as we increased the efficiency of our cars and increased our own oil production. The higher oil prices that came from the 1973 oil embargo and subsequent price spikes helped make us more efficient. Then in the mideighties we saw oil imports start to climb again. Here is where we are right now, back to importing as much or more of our oil than ever before. And following the current policy trends without the changes that are in this bill, we are going to see our oil imports continue to rise.

That is an enormously dangerous trend for us to have. Even with the very low oil prices we have today, these imports are costly to our economy. We have about a \$100 billion trade imbalance. We are importing about \$100 billion more than we are importing.

The President went to Japan recently, and they talked about auto imports. I think auto imports are about \$23 billion into the United States. Oil imports are more than twice that, and yet we have not focused on that. We have focused only on the auto side of it.

Last year, oil imports were 54 percent of our trade deficit, up from 42 percent in 1989 and 33 percent in 1988. What is happening is that we are doing better in other sectors of our trade and doing worse in oil, so that oil imports are a growing part of our enormous trade deficit.

How do we change this? How can we reduce our oil imports? How can we re-

gain some measure of control over world oil prices, which are now set by the Middle East.

We just went through a war in the Persian Gulf that the President told us we were engaged in to restore the legitimate Government of Kuwait. I think it is fairly clear that our real concerns were Saddam Hussein's weapons of mass destruction and oil. We did not want Saddam Hussein standing across that enormous pipeline of oil coming out of the Middle East.

Having said that, Mr. President, what do we do to move ourselves out of that? Can we produce oil and get ourselves out of that? The next chart clearly points out that we are not going to be able to. The reserves of oil in the Middle East are simply enormous, and, as long as we remain so dependent upon oil, the Middle East is going to continue to have leverage over us, over prices, and we be vulnerable to the kind of scares that we had a year ago.

Our U.S. reserves are very, very small compared to these enormous known reserves in the Middle East. We simply do not have the reserves to compete with the Saudis. We have been at finding and producing our oil for a lot longer than they have, and we have done a good job. Even if there are a lot of new Prudhoe Bays out there, they will not make much of a dent in this overall balance of world oil power. The Middle East has 660 billion barrels of known reserves, and the United States has 25 billion barrels.

So what does that tell us? That tells us that we have to change our ways. The future of oil production is in the Middle East, but we are not powerless by any means. We have a great deal of power over the world oil market, but not as a producer. We have only 2.8 percent of the world's oil now, but we use 25 percent of all the oil that is consumed annually. We have great leverage over world oil, but it is not as a producer. It is how we use that oil. A minor change in U.S. oil consumption makes a big change in the world oil market. By our consuming less, since we consume 25 percent of all oil consumed annually in the world, a minor change in our consumption can have a lot of leverage over world supply and world prices. So we have leverage, not as a producer, but as consumer.

And that brings us back to the three areas that I think are the most important in this bill—efficiency, alternative motor fuels, and increasing our use of natural gas.

The first and most important component of any comprehensive national energy policy must be energy efficiency and energy conservation. That is what Secretary Watkins' national energy strategy said when it came out of the Department of Energy. Much of that was lost between the Department of

Energy and the White House. But most of the experts who came and testified in 1990 and early 1991 on the national energy strategy said energy efficiency is the starting point; that is, using less energy to attain the same services. And most of the public identified efficiency as the area where they most strongly supported strong Federal action. Efficiency has to be the cornerstone of any energy policy and certainly is of this legislation. Energy efficiency is the best strategy that we have to improve our energy picture, our economic competitiveness, and our environmental quality.

Is there room for us to improve? Let me point out, if I might, Mr. President, how much room there is for us to improve. This chart shows the amount of energy consumed to produce a unit of gross national product in the United States and several other countries.

The Swiss are about three times as efficient as the United States. The Japanese, about 2½ times as efficient as the United States. The French, twice as efficient. The Germans, about 50 percent more efficient. Only the Canadians are less efficient than we are in the use of energy in producing units of gross national product.

Clearly, these are not perfect parallels by any means. We have a different transportation pattern than these other countries, and we have a different history, and so on. But this is certainly illustrative of the fact that there is an enormous amount of room for us in the United States to change our energy consumption patterns. We can certainly increase our efficiency significantly. We have a lot of room to improve our energy efficiency.

Mr. President, there are major economic consequences of this. Our Nation is now paying about \$400 billion a year for energy—\$400 billion a year. If we were just to close half the energy gap between us and the Japanese, we would cut our energy bills by \$100 billion a year. Imagine what that would do to our import bill and imagine what that would do to our overall economic efficiency. We are obviously wasting a great deal of energy and much of what is in this bill are very significant incentives for energy efficiency. It is good for every bit of our country's health.

Assuming that there is a lot of room in energy efficiency, what are the most important areas for us to focus on? I should point out that the largest cost-effective opportunity for energy efficiency is not in cars and trucks, as everybody imagines—and that is an area that is extremely controversial and difficult to do. Our national laboratories have estimated that the greatest opportunity is, in fact, in our building standards, in our building envelopes. Forty percent of the cost-effective improvements we could make in this country's energy efficiency, improve-

ments that pay for themselves in reduced energy bills, are in our residential and commercial buildings.

This legislation, and strengthening amendments that will be offered by myself and others, will make very significant steps toward realizing those and other energy-efficiency opportunities.

In the area of buildings, this legislation will set aggressive new standards for States to use for commercial and residential building codes. We have set product standards for heating and cooling products, shower heads, and utility transformers. And, I will be offering a major amendment to improve the efficiency of lighting products and electric motors, which has the support of the makers of those products and of the conservation community.

This effort also includes a significant new effort to cut the Federal Government's \$4 billion annual energy bill. We in the Federal Government are paying \$4 billion a year for energy. Senator GLENN will be offering a comprehensive amendment to improve this effort, and I will be supporting him in that.

This bill moves the States toward adopting state-of-the-art regulatory reforms, that allow utilities to earn the same profits from investments in energy efficiency as they currently earn from investments in new power plants. It is extremely important for the States to move in this direction and it is very exciting that this bill employs such creative new provisions for the Nation's energy policy.

Economic incentives are throughout this bill. It is terribly important that we take a leaf from the good economic incentive work that was done in the Clean Air Act, from the work of Project 88 and other efforts, to make sure we provide the right economic incentives to enable us to harness the potential of energy efficiency. If we do, we can save a great deal of energy, and that makes sense for all consumers in the overall economy.

Taken together, the energy efficiency provisions of this bill will save an enormous amount of energy and money. The provisions will save consumers and taxpayers billions of dollars in energy bills over the coming decade. These are savings that will make us more competitive in international trade and they are savings that we need to help invest in our economy.

This bill also contains a very aggressive and forward-thinking program to develop alternative-fueled vehicles and get them into the market and onto our roads. This is the second major area I would like to talk about in this bill. We can move away from the tremendous dependence on oil in our auto fleet and our trucking fleet. There are two ways of doing that. One is energy efficiency. That is the so-called CAFE standards which have proved too controversial for this legislation.

Another way of doing it is to push very hard on alternative fuels. This bill creates a market for alternative-fueled vehicles, giving Detroit incentives to produce them and sell them. It requires the Government to act first, to start buying and using vehicles so it provides the first market to build an infrastructure of sales, service, and fueling to make these alternative-fueled vehicles a real option for our economy.

Then it requires businesses to follow on, and to join this market in a well-planned and predictable way.

Why is that important? It is crucial to our energy security because so long as the transportation system on which our economy is so dependent has no alternative to gasoline, we have no alternative than being increasingly vulnerable to the Middle East. It is crucial to our economy because of the size of the transportation fuel market in the United States. We spend roughly \$50 billion a year on auto and truck fuel. Now we are sending most of that money out of the country to pay for imported oil. We could be spending that money right here at home, on domestically produced natural gas and alcohol fuels.

Should we be lining the pockets of Middle East rulers and paying the bill for them to build their military forces? That is pretty silly to do when we can be investing that same money into the U.S. economy and producing jobs and income here.

Lastly, alternative fuels are important to our environment. Every drop of oil that we displace is oil we do not have to bring across the ocean by tanker. Every drop of oil we displace helps clean our air because virtually all the alternative fuels from natural gas vehicles like the one I drive in Colorado, to the alcohol-burning vehicles now being tested by Detroit, to the electric vehicles researchers are working hard to bring off the drawing boards, all of these burn fuel more cleanly than gasoline and diesel-fueled vehicles do. So we are ahead in terms of national security, in terms of the economy, and in terms of the environment.

A third major area that I wanted to discuss today, Mr. President, is natural gas. This bill contains important provisions that will enable America to increase its use of this abundant, clean, domestic resource. Natural gas is abundant in North America.

To provide a sense of how these resources are available, this chart points out that we have 70 percent more gas than oil in terms of energy content—70 percent more gas than oil. In terms of the ratio between how first we are using energy, and our reserves of it, we have 16 years' worth of oil, but 51 years worth of natural gas.

We have a very comfortable future supply of natural gas, our gas reserve figures are very conservative. Today the price of gas is so depressed that there is almost no exploration going on

out there. The minute exploration starts, we can expect these figures to grow as we add in new reserves from tight sands formations, from coal-seam gas, from the Gulf coast, and throughout the Rocky Mountain region.

So we have great reserves now and a very significant potential for finding more. I do not think anybody would make that argument in the area of oil. The easy oil is gone.

We can use natural gas almost every place that we use imported oil; as an industrial boiler fuel, as a power plant fuel, as a fuel to heat our homes and our businesses, and even as a fuel for our cars and trucks. Gas is less polluting than oil, and substituting clean-burning gas for oil helps control air pollution. And natural gas burns more efficiently than other fossil fuels, reducing carbon dioxide emissions and therefore reducing our contribution to global climate change.

Obviously, natural gas is a premium fuel, one that has many advantages. But even with all of these advantages, natural gas costs about half the price of oil at the wellhead and so it also has the potential to cut our Nation's energy bills by tens of billions of dollars per year.

Senator JOHNSTON earlier today used the illustration of delivering natural gas to New York City, for example. It costs less than one-third to deliver the Btu equivalent of natural gas to people in New York City than home heating oil cost them.

Home heating oil is largely imported. It just makes sense for us to be developing pipelines and to be developing a demand structure for our own natural gas coming from here at home rather than burning imported heating oil.

But what are we doing? Unhappily, the trends in this area are going just in the wrong direction. Just as we know we are becoming more and more dependent on oil, just as we know that we have great reserves of natural gas in the United States, we are doing just the opposite of what we should. This chart shows that our consumption of oil has risen while our consumption of natural gas, a domestic fuel, has gone down.

Our energy policy is just the opposite from what it ought to be. It is still dominated by our obsession with oil we are continuing our use of oil rather than using natural gas produced right here at home.

Gas use has gone down, our use of imported oil has gone up; and obviously any logical, thoughtful person says we ought to reverse that trend. That is what we are attempting as well to do in this legislation.

There are a number of very important initiatives in this legislation that will help us increase the use of natural gas. I already mentioned alternative fuels in which natural gas will play an important part.

My own Jeep Cherokee is dual fueled. I run on natural gas in the Denver area, where there are now 13 outlets for distribution of natural gas to cars and trucks. I push the switch when I get out in the country, and I can run on gasoline. It is dual fueled, and it runs the same on one or the other, except when it runs on natural gas it is much cleaner. The engine burns more cleanly, it is better for the engine, and it costs half the amount of oil. It is cheaper. It is the fuel of choice for me. We ought to have more and more vehicles running on natural gas.

In addition to promoting alternative fuels for vehicles, this legislation also provides reform in what is called the Public Utilities Holding Company Act. This will allow new competition in the generation of electric power. If we allow that competition, it is expected to boost a growing market for natural gas as a power plant fuel.

This bill will also provide some real streamlining of the processes by which the Federal Energy Regulatory Commission, FERC, approves new natural gas pipeline construction and new pipeline services, particularly where pipelines are willing to shoulder the financial risks rather than to pass them through to consumers.

We can and should pass this bill, and pass it as well with strengthening amendments. Obviously, there are places where it can be improved. I think it will, when we are finished with it, include significant strengthening on energy conservation.

There are significant issues raised by the bill's provisions on nuclear licensing, and we are going to have to debate those issues.

I believe the bill's program for putting alternative fuels in our transportation network can and should be strengthened. And we need to more directly address the issues of global climate change that we are going to have to face, as uncomfortable as that is for some. The reality of global climate change is no longer if we are going to have global warming but when, where, and how fast. Those are the issues. It is not if, but when, where, and how fast.

I and others will be offering amendments to address these issues. We will have the opportunity to improve this bill. I think we should take that opportunity because I am hopeful that at the end of this process we will have forged a bill that will be a very progressive step forward for our Nation's energy policy.

Mr. President, much attention has been given in the past to the Arctic National Wildlife Refuge. I hope amendments on the Arctic National Wildlife Refuge are not brought up again. We went through that debate in a very bloody fashion before the new year, and I hope that we do not find ourselves engaged in that once more.

I myself would like to see us move ahead on corporate average fuel econ-

omy, or CAFE standards. Like the Arctic National Wildlife Refuge, that has become so contentious that I believe it is wise for us to drop that provision as well.

Those 2 issues are bookends on this legislation we can remove, leaving us with 14 titles of what I think are good energy policy that are going to be made better by some amendments here on the floor. But it is enormously important that we move ahead and move ahead rapidly.

Finally, I would be remiss if I did not thank Senator MITCHELL, and particularly Senator DASCHLE, for all of their work in helping to get us to this point. We had some very bloody and divisive battles in the fall.

We worked very hard in the Energy Committee to create this bill. It was not a perfect bill. It came to the floor. We had our disagreements. It was a very, very tough debate. But we have been able to come back again.

Senator DASCHLE was just invaluable in helping us to do that, bringing people together, listening endlessly to the arcane of a lot of this energy policy, and listening with great patience and great ability in bringing together particularly Senators on our side of the aisle who had very deep differences before, and who now I think are very largely in agreement on how we should proceed.

Mr. President, this is an important piece of legislation for the country. If we are going to be serious about the long-term economic prospects of the United States, it is absolutely imperative that we put in place a strong energy policy; absolutely imperative. We would be delinquent if we did not.

We will not be recognizing the economic problems out across the country today if we do not do this. We will not be recognizing our obligations in the foreign policy area if we do not address our enormous dependence on imported oil. And have new national security concerns defined by the environment. This is an opportunity to move in that direction as well.

I believe this bill is a win-win situation for all Americans. I hope that we proceed tomorrow morning at 10 o'clock to vote to take this bill up and then move expeditiously through it.

I know Members of the House of Representatives under Congressman PHIL SHARP's able leadership are moving legislation on their side as well. I hope we can rapidly get to conference and send to President Bush a very important step in our economic rebirth in the United States and in our transition to the 21st century.

Mr. President, I thank you. I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The senior Senator from Pennsylvania is recognized.

Mr. SPECTER. I thank the Chair.

Mr. President, this is the first occasion where I have had an opportunity to seek recognition from my distinguished colleague from Pennsylvania, Senator WOFFORD. It is a pleasure to see you sitting there, Mr. President.

I just said to my colleague that one of the earliest comments I recollected on the statement of "Mr. President" was that when someone rises and seeks recognition in a full Senate Chamber, and says "Mr. President," at least 40 heads turn around.

I have sought recognition to lend my voice in support of this motion to proceed. I believe that it is very important and in our national interest that we move ahead in consideration of a national energy policy.

My staff and I have been active on this bill in a number of areas, most specifically with respect to conservation. There is no doubt that energy is a matter of overwhelming importance to the United States. Internationally, we confront innumerable problems because of our dependence on Mideast oil. This is a subject which we should address for obvious reasons.

I was somewhat disappointed late last year to see a similar motion to proceed defeated. Whether each Senator may or may not like matters that are within the bill, it seems to this Senator that we at least ought to proceed to consider it. And if at some juncture there is a disinclination to go ahead with the bill, there is ample opportunity to avoid cloture at a later stage. But on the fundamental matter of proceeding, I believe that we ought to move ahead. I intend to vote in favor of the cloture motion so that we can proceed to take up this important subject.

ORDER OF PROCEDURE

Mr. SPECTER. Mr. President, at this juncture, I ask unanimous consent that I may proceed as if in morning business for a period of time not to exceed 7 minutes.

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

URGING CONGRESS TO CANCEL RECESSES

Mr. SPECTER. Mr. President, I urge that the Congress stay in session continuously until we have addressed the economic recovery program which has been advocated by the President in the State of the Union speech of last Tuesday, January 28.

I took the floor on the afternoon of Friday, January 31—3 days ago—to urge that we stay in session to address the problems of economic recovery. In the intervening 2 days, I have been back in Pennsylvania, and I have heard a number of comments favorably disposed toward this course of conduct. Whether the Congress agrees with ev-

erything that the President has advocated or not, it is my view that these are issues of overwhelming importance which ought to be addressed, and they ought to be addressed as expeditiously as possible.

This position is consistent with what I urged last November when I took the floor on a number of occasions suggesting that the Congress remain in session in December and in January to tackle the issues of the economic recovery.

I understand that there had been some inclinations on the part of some—many perhaps—to await the President's State of the Union speech. But we are all leaders in this country, each Member of the Senate, elected by the citizens of our States, and each Member of the House, elected by the citizens of their particular district. We have a considerable knowledge on the problems which confront America, and we are in a position to do something about it.

To that end, Senator DOMENICI and I offered in November an important legislative initiative on the use of IRA's 401(k) plans, and Keogh plans. For those who are not familiar with these items, they are retirement plans, or funds that have been set aside in addition to the \$3 trillion set aside for other retirement plans. This category of retirement fund contains about \$800 billion.

Senator DOMENICI and I have proposed that the IRA's be used to a limited extent so that people could withdraw, tax-free and penalty-free, \$10,000, providing that the funds are used for a purchase of a durable good. Similarly, there is legislation pending at the present time creating so-called Super IRA, which would enable the IRA holders to use the funds therein contained for three purposes: first-time home purchases, medical expenses, and college tuition.

That legislation, introduced by Senator BENTSEN, has been pending for about a year and has 74 cosponsors. When Senator DOMENICI and I looked at our economic problems, we came to the conclusion that we could utilize the Super IRA principle and expand that even further and utilize the \$800 billion which is now in IRA's, 401(k) plans, and Keogh plans to stimulate consumer purchasing power.

Currently, someone withdraws funds from one of these plans prematurely, there is a penalty. Our legislation would strike that penalty. Further, our legislation would provide that taxes would not be paid in 1992. The specific bill which we introduced provided for the taxes to be paid over 4 years. Since introducing the bill, an alternative has been suggested that we might pay the tax in 5 years, or give an individual the alternative of putting \$2,000 a year in for each of the 5 years to repay the \$10,000.

The tradeoff is that it would be utilizing money which had been set aside

for savings. Savings are for a rainy day, and we have a veritable cloudburst at the present time. This is one idea which we had proposed in November, and I think it is worthy of consideration as part of an overall package.

These ideas were submitted to the President, and the President did include in his State of the Union speech two expanded uses for IRA's: for first-time home purchases and for medical expenses.

I use this point, Mr. President, only illustratively. President Bush has advocated quite a number of points, for example an investment tax credit, return on the passive rates for real estate, and on other tax credits. I believe this constitutes a good start.

My own preference is to go further. For illustrative purposes, I suggested my IRA proposal.

For those who do not agree with what the President has had to say, let them take the floor and offer amendments and let them offer legislation, but let us proceed to take care of the urgent problems which confront America.

In the weeks between Thanksgiving when we recommend—the day before Thanksgiving and January 21—I spent most of my time traveling in Pennsylvania. I know my colleague, Senator WOFFORD, would agree with me that there is very considerable pain and suffering out there. People have lost jobs, and people are very fearful of the future.

There is a poll which was taken recently showing that 41 percent of the American people are afraid of losing their jobs within the next year. Seventy percent of the American people have talked to neighbors and friends who were fearful of losing their jobs within the next year.

I believe that it is imperative that action be taken in Washington, DC. We now have the framework from the State of the Union speech, and I submit we ought to move ahead.

I think there is a great deal of merit to what Chairman Greenspan said in his testimony before the Congress. He said that our current problems are as much psychological as economical. The statistics of 1991 and 1992 are not as bad as the statistics of 1982. Nonetheless, there is a great feeling of concern.

I paraphrase what Franklin Delano Roosevelt said: All we have to fear is fear itself.

If we have a program which comes forward from the Congress and from the executive branch, and people see they are not the only ones spending their money, there will be more confidence in stimulating consumer purchasing power and moving this country out of our current economic situation.

I do not use the word "crisis," Mr. President. I do not use the word "emergency," Mr. President. But I think it is well known that we have a very serious

problem, and leadership ought to be coming from this Chamber and from the House. Leadership has come from the President.

I believe it is very important that we cancel our February recess, cancel our March recess, and perhaps others as well, in order to allow us to address the issue of an economic recovery. Maybe the Congress will decide to do nothing. Some say the problems will work themselves out. The President has articulated a March 20 date, and I think we ought to seek to meet it.

I do believe if we take a recess from February 7 until February 18, and again from March 6 until March 16, we will not have enough working time to accomplish the important legislation which should come from the Congress.

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

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

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there now be a period for morning business.

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

ANNUAL REPORT ON UNITED STATES GOVERNMENT ACTIVITIES IN THE UNITED NATIONS—MESSAGE FROM THE PRESIDENT—PM 103

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

I am pleased to transmit herewith a report of the activities of the United States Government in the United Nations and its affiliated agencies during the calendar year 1990, the second year of my Administration. The report is required by the United Nations Participation Act (Public Law 264, 79th Congress; 22 U.S.C. 287b).

GEORGE BUSH.

THE WHITE HOUSE, February 3, 1992.

ANNUAL REPORT OF THE FEDERAL LABOR RELATIONS AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 104

The PRESIDING OFFICER laid before the Senate the following message from the President of the United

States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

In accordance with section 701 of the Civil Service Reform Act of 1978 (Public Law 95-454; 5 U.S.C. 7104(e)), I have the pleasure of transmitting to you the Twelfth Annual Report of the Federal Labor Relations Authority for Fiscal Year 1990.

The report includes information on the cases heard and decisions rendered by the Federal Labor Relations Authority, the General Counsel of the Authority, and the Federal Service Impasses Panel.

GEORGE BUSH.

THE WHITE HOUSE, February 3, 1992.

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 2:09 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1989. An act to authorize appropriations for the National Institute of Standards and Technology and the Technology Administration of the Department of Commerce, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC-2523. A communication from the Administrator of the Agency for International Development, transmitting, pursuant to law, a report on the quantity of agricultural commodities programmed under Title II of P.L. 480 in fiscal year 1991; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2524. A communication from the Chairman of the Board of Directors of the Panama Canal Commission, transmitting, pursuant to law, a report, including unaudited financial statements, covering the operation of the Panama Canal during fiscal year 1991; to the Committee on Armed Services.

EC-2525. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, notice of a contract award date for the Avenger program; to the Committee on Armed Services.

EC-2526. A communication from the Under Secretary of Defense (Acquisition), transmitting, pursuant to law, the Legislative Environmental Impact Statement for the START Treaty; to the Committee on Armed Services.

EC-2527. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the annual interim report on the Neighborhood Development Demonstration Program; to the Committee on Banking, Housing, and Urban Affairs.

EC-2528. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report with respect to a

transaction involving United States exports to the Kingdom of Morocco; to the Committee on Banking, Housing, and Urban Affairs.

EC-2529. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report on the impact of potential crude-oil spills in the Arctic Ocean on Alaska Natives; to the Committee on Environment and Public Works.

EC-2530. A communication from the Chairman of the Board for International Broadcasting, transmitting, pursuant to law, the annual report of the Board for fiscal year 1991; to the Committee on Foreign Relations.

EC-2531. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report on the audit of the merged and surplus accounts of the Department of Defense for fiscal year 1991; to the Committee on Governmental Affairs.

EC-2532. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the annual report of the Comptroller General for fiscal year 1991; to the Committee on Governmental Affairs.

EC-2533. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-133 adopted by the Council on January 7, 1992; to the Committee on Governmental Affairs.

EC-2534. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-134 adopted by the Council on January 7, 1992; to the Committee on Governmental Affairs.

EC-2535. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-135 adopted by the Council on January 7, 1992; to the Committee on Governmental Affairs.

EC-2536. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-136 adopted by the Council on January 7, 1992; to the Committee on Governmental Affairs.

EC-2537. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-137 adopted by the Council on January 7, 1992; to the Committee on Governmental Affairs.

EC-2538. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-138 adopted by the Council on January 7, 1992; to the Committee on Governmental Affairs.

EC-2539. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-139 adopted by the Council on January 7, 1992; to the Committee on Governmental Affairs.

EC-2540. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-140 adopted by the Council on January 7, 1992; to the Committee on Governmental Affairs.

EC-2541. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-141 adopted by the Council on January 7, 1992; to the Committee on Governmental Affairs.

EC-2542. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-142 adopted by the Council on Jan-

uary 7, 1992; to the Committee on Governmental Affairs.

EC-2543. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-143 adopted by the Council on January 7, 1992; to the Committee on Governmental Affairs.

EC-2544. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-144 adopted by the Council on January 7, 1992; to the Committee on Governmental Affairs.

EC-2545. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled "Managing Federal Information Resources: Ninth Annual Report Under the Paperwork Reduction Act of 1980"; to the Committee on Governmental Affairs.

EC-2546. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations—Federal, State, and Local Partnership for Educational Improvement; to the Committee on Labor and Human Resources.

EC-2547. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the fourth annual report on Department of Veterans Affairs furnishing contract care and services to eligible veterans; to the Committee on Veterans' Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BINGAMAN:

S. 2178. A bill to establish the Jemez National Recreation Area in the State of New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DANFORTH:

S. 2179. A bill to extend the existing suspension of duty for certain small toys, toy jewelry, and novelty goods, and for other purposes; to the Committee on Finance.

By Mr. DOLE:

S.J. Res. 247. Joint resolution designating June 11, 1992, as "National Alcoholism and Drug Abuse Counselors Day"; to the Committee on the Judiciary.

By Mr. CONRAD:

S.J. Res. 248. Joint resolution designating August 7, 1992, as "Battle of Guadalcanal Remembrance Day"; to the Committee on the Judiciary.

By Mr. BREAUX:

S.J. Res. 249. Joint resolution to propose an amendment to the Constitution of the United States to protect the cultural rights of all Americans; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN:

S. 2178. A bill to establish the Jemez National Recreation Area in the State of New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

JEMEZ NATIONAL RECREATION AREA ESTABLISHMENT ACT

• Mr. BINGAMAN. Mr. President, I rise today to introduce a bill to authorize

the establishment of the Jemez National Recreation Area in New Mexico. This national recreation area will be managed primarily to conserve, protect, and restore the recreational, cultural, archeological, ecological, scenic, and wildlife resource values within this unique area of the Santa Fe National Forest. A plan for the national recreation area will be developed as an amendment to the Santa Fe National Forest land and resource management plan to assure that this management emphasis will be carried out.

The Jemez National Recreation Area is approximately 100,000 acres in size. It is a place of volcanically formed mountains with beautiful valleys, stands of mixed conifer and deciduous trees, small hidden ponds, and steep canyons ringed with brilliantly colored rimrocks. Within the area is the East Fork of the Jemez River, 11 miles of which has been designated as a national wild and scenic river. The Jemez National Recreation Area will further insure the river's beauty and recreational value. The area also holds an abundance of spectacular prehistoric sites. Geologically, the most striking visual aspect of the Jemez National Recreation Area is the Valle Grande—one of the larger calderas in the world. The broad expanses of valley meadows and mountain grasslands surrounded by forested caldera rim peaks and secondary domes is a truly inspiring view, worthy of protection.

This action will ensure, for the future, the interests of the over 300,000 visitors to the area each year. The Jemez Mountains Area has long been valued by the citizens of Albuquerque, Santa Fe, Los Alamos, Espanola, and the surrounding communities for its exceptional recreational opportunities, the plentiful water and clean air, the numerous hot-springs, the abundant wildlife, and just the sheer beauty of the place. People who visit again and again form special emotional attachments to the area. These are people who enjoy the area for hiking, camping, rock climbing, back packing, fishing, hunting, snowmobiling, swimming, and cross country skiing—in the Jemez Mountains they have the opportunity to do all of this.

With the rapid population growth in Santa Fe and Albuquerque, even greater demands will be made upon the area for these recreational opportunities. Recreational and interpretative facilities and a visitor center will be constructed with minimal impacts on the scenic values and primeval character of the recreation area. Maintenance of both new and existing facilities in the national recreation area will be emphasized from the start.

The Jemez Mountains are one of the richest areas in the Southwest for the evidence of ancient Indian occupation. Human habitation stretches back at least 4,000 years in this area. There

have been major finds nearby at Bandelier National Monument, Jemez Monument, and Puye Cliff. Survey in the area has recorded thousands of sites—from surface scatters of artifacts to large multiroom pueblos. In fact, some of the ruins are much larger than many within the National Park System. Site density is estimated at approximately 15 sites per square mile—there could well be 30,000 sites in the national recreation area. The proposed boundaries include the Virgin Mesa Area, in which are found the most impressive cultural resource sites in the mountains. This bill directs that there will be particular emphasis given to the preservation, stabilization, and protection of these invaluable cultural resources.

Today, to the people of the Jemez Pueblo, this land remains sacred for them as it was for their Towa-speaking ancestors; it contains significant religious sites and shrines. The bill directs the protection of these cultural and religious sites and assures nonexclusive access from time to time by Indian people for traditional cultural and religious purposes. Further, upon request of an Indian tribe, an area may be temporarily closed to the general public in order to protect the privacy of religious and cultural uses in that area. The Governor of the Pueblo of Jemez and chief executive officers of other appropriate Indian tribes in the area will be consulted in these matters during preparation of the national recreation area management plan.

The Jemez National Recreation Area is important habitat for the peregrine falcon, the goshawk, the meadow jumping mouse, the Jemez Mountain salamander, the Mexican spotted owl, and the wood lily—all species on State or Federal listings of endangered or threatened species. Emphasis will be given to the preservation and protection of these wildlife and botanical resources.

The bill will not affect traditional uses—grazing, hunting, and fishing will continue in the area at the request of many local citizens.

Timber sales for personal fuelwood, for vigas and lattilas, and for purposes of public safety, wildlife needs, recreation, and administration may continue. The Los Griegos sale, scheduled for fiscal year 1993, is specifically allowed on condition that unevenaged management, including individual tree selection, will be used. Monitoring of this sale as it proceeds and after its completion will provide the Forest Service with valuable information for the planning of future timber sales throughout the Southwest. The methods prescribed for this sale might well be used more and more by the Forest Service in the future for the purposes of protecting threatened and endangered species, assuring biological diversity, and further controlling erosion in our fragile southwestern environment.

The largest elk herd in New Mexico migrates through this area. Hunting and fishing in the area will continue to be permitted; they are important both for subsistence and recreational activities.

Grazing may be permitted within the national recreation area in accordance with regulations; riparian areas will be managed to protect their important resource values.

The bill protects valid existing mineral rights. It does withdraw the area from any further location under the general mining laws, from the operation of mineral and geothermal leasing laws, and from common variety mineral material disposal laws. It requires that any land mined under existing claims be reclaimed to a condition as close as is reasonably possible to its premined state. No patents will be issued for outright ownership of mining claims or locations after May 30, 1991; but anyone claiming to have been deprived of any property right by this may file with the U.S. Claims Court within 1 year of this bill's enactment to seek compensation.

Local support for this bill is high; residents have been enthusiastic in their efforts to preserve the resources of the Jemez Mountains for future enjoyment. The Forest Service also supports the designation of a national recreation area in the general area proposed. Areas like the Jemez Mountains are in need of our committed protection; they must be cherished for the benefit and enjoyment of present and future generations. The legislation I am introducing today will see that this necessary protection and conservation of the Jemez happens.

Mr. President, I ask unanimous consent that the text of the bill be placed in the RECORD.

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

S. 2178

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 "Jemez National Recreation Area Establishment Act".

SEC. 2. DEFINITIONS.

As used in this Act:

(1) RECREATION AREA.—The term "recreation area" means the Jemez National Recreation Area established by this Act.

(2) SECRETARY.—Except as otherwise provided in this Act, the term "Secretary" means the Secretary of Agriculture.

SEC. 3. ESTABLISHMENT.

(a) PURPOSE AND ESTABLISHMENT.—In order to conserve, protect, and restore the recreational, ecological, cultural, religious, and wildlife resource values, of the Jemez Mountains, there is established the Jemez National Recreation Area, to be administered by the Secretary of Agriculture.

(b) AREA INCLUDED.—

(1) IN GENERAL.—The recreation area shall be comprised of approximately 100,000 acres of lands and interests in lands within the

Santa Fe National Forest, as generally depicted on the map entitled "Jemez National Recreation Area-Proposed" and dated October, 1991.

(2) MINOR REVISIONS.—The Secretary may from time to time make minor revisions in the boundary of the recreation area to promote management effectiveness and efficiency in furtherance of this Act.

(c) MAP AND DESCRIPTION.—

(1) FILING.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of the recreation area with the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives.

(2) FORCE AND EFFECT.—The map and legal description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the map and legal description.

(3) PUBLIC INSPECTION.—The map and legal description shall be on file and available for public inspection in the Office of the Chief of the Forest Service of the Department of Agriculture.

SEC. 4. ADMINISTRATION.

(a) IN GENERAL.—

(1) IN GENERAL.—The Secretary shall administer the recreation area—

(A) in accordance with this Act and the laws applicable to lands within the National Forest System; and

(B) in a manner that will further the purposes of the recreation area.

(2) MANAGEMENT.—Management of the natural resources within the recreation area shall be permitted only to the extent that the management is compatible with and does not impair the purposes for which the recreation area is established.

(3) RECREATIONAL ACTIVITIES.—Permissible recreational activities within the recreation area shall include hiking, camping, hunting, fishing, skiing, backpacking, rock climbing, and swimming.

(b) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 5 years after the date of enactment of this Act, the Secretary shall develop a management plan for the recreation area that—

(A) is an amendment to the Santa Fe National Forest Land and Resource Management Plan;

(B) reflects the establishment of the recreation area; and

(C) conforms to the requirements of this Act.

(2) CONGRESSIONAL INTENT.—Nothing in this Act is intended to require the Secretary to revise the Santa Fe Forest Land and Resource Management Plan pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(c) CULTURAL RESOURCES.—In administering the recreation area, the Secretary shall give particular emphasis to the preservation, stabilization, and protection of cultural resources located within the recreation area in furtherance of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.) and the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(d) NATIVE AMERICANS.—

(1) PROTECTION OF SITES.—

(A) IN GENERAL.—In recognition of the past use of portions of the recreation area by Indian peoples for traditional cultural and religious purposes, the Secretary shall protect Indian religious and cultural sites and provide occasional access to those sites by Indian peoples for traditional cultural and reli-

religious purposes. The access shall be consistent with the purpose and intent of Public Law 95-341 (42 U.S.C. 1996) (commonly known as the "American Indian Religious Freedom Act").

(B) **TEMPORARY CLOSINGS.**—In accordance with such joint resolution and upon request of an Indian tribe or pueblo, the Secretary may from time to time temporarily close to general public use one or more specific portions of the recreation area in order to protect the privacy of religious activities and cultural uses by Indian peoples. Any closure shall be made so as to affect the smallest practicable area for the minimum period necessary.

(2) **CONSULTATION WITH NATIVE AMERICANS.**—In preparing and implementing management plans for the recreation area, the Secretary shall request that the Governor of the Pueblo of Jemez and the chief executive officers of other appropriate Indian tribes and pueblos make recommendations on methods of—

(A) ensuring access to cultural and religious sites;

(B) enhancing the privacy and continuity of traditional cultural and religious activities in the recreation area; and

(C) protecting traditional cultural and religious sites in the recreation area.

(e) **WILDLIFE RESOURCES.**—In administering the recreation area, the Secretary shall—

(1) give particular emphasis to the conservation and protection of wildlife resources within the recreation area (including species listed as sensitive by the Forest Service); and

(2) comply with applicable Federal and State laws relating to wildlife, including the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(f) **HUNTING.**—

(1) **IN GENERAL.**—Within the recreation area, and subject to paragraphs (2) and (3), the Secretary shall permit hunting and fishing on lands and waters under the jurisdiction of the Secretary in accordance with applicable Federal and State law.

(2) **LIMITATION.**—

(A) **IN GENERAL.**—The Secretary may designate zones where, and establish periods when, hunting and fishing shall not be permitted for reasons of public safety, administration, fish and wildlife management, or public use and enjoyment.

(B) **CONSULTATION.**—Except in emergencies, designation by the Secretary under this paragraph shall be put into effect only after consultation with the appropriate State agencies responsible for hunting and fishing activities.

(g) **TIMBER HARVESTING.**—

(1) **IN GENERAL.**—The Secretary may permit timber harvesting in the recreation area for commercial purposes (including vigas, latillas, and the gathering of fuelwood) and for purposes of public safety, recreation, wildlife, and administration, insofar as the harvesting is compatible with the purposes of the recreation area.

(2) **TIMBER SALES UNDER CONTRACT.**—Nothing in this Act is intended to affect timber sales under contract on the date of enactment of this Act.

(3) **LOS GRIEGOS TIMBER SALE.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), nothing in this Act is intended to affect the Los Griegos timber sale in the Los Griegos Diversity Unit number 0322, as shown on the West Half Diversity Unit map of the Santa Fe National Forest dated November 1991.

(B) **EXCEPTION.**—The Secretary shall manage the sale using uneven aged management,

including the individual tree selection method.

(h) **GRAZING.**—The Secretary may permit grazing within the recreation area in accordance with regulations prescribed by the Secretary. Riparian areas shall be managed in such a manner as to protect their important resource values.

(i) **TRANSPORTATION PLAN.**—

(1) **IN GENERAL.**—Not later than 1 year after funds are made available to carry out this Act, the Secretary shall prepare a transportation plan that provides for the most efficient use of existing roads and trails to accomplish the purposes of this Act. The plan shall provide for a comprehensive trails system that permits dispersed recreation while minimizing the impact on significant archaeological and religious sites.

(2) **ROADS.**—The Secretary shall construct, maintain, and close roads within the recreation area only in accordance with the plan prepared pursuant to paragraph (1).

(j) **RECREATIONAL FACILITIES.**—The Secretary shall provide for recreational facilities within the recreation area. The facilities shall be constructed so as to minimize impacts on scenic beauty and the natural character of the recreation area.

(k) **VISITOR FACILITIES.**—The Secretary shall establish a visitor center and interpretive facilities in or near the recreation area in order to provide for education relating to the interpretation of the cultural and natural resources of the recreation area.

(l) **POWER TRANSMISSION LINES.**—In accordance with Federal and State law, the Secretary may permit a utility corridor for high power electric transmission lines only if the Secretary determines that—

(1) there is not a feasible alternative for the location of the corridor;

(2) damage to the recreational and scenic quality of the recreation area will not be significant;

(3) it is in the public interest that the corridor be located in the recreation area; and

(4) a plan to minimize harm to the resources of the recreation area has been developed.

(m) **SCIENTIFIC INVESTIGATIONS.**—The Secretary may permit scientific investigations within the recreation area if the Secretary determines that the investigations are in the public interest and are compatible with this Act.

SEC. 5. ACQUISITION OF LANDS.

(a) **STATE LANDS.**—Lands and interests in lands within the boundaries of the recreation area that are owned by the State of New Mexico, or any political subdivision of the State, may be acquired only by donation or exchange.

(b) **OFFERS TO SELL.**—In exercising authority to acquire property under this Act, the Secretary shall give prompt and careful consideration to any offer by a person to sell property within the boundaries of the recreation area.

SEC. 6. MINERALS AND MINING.

(a) **LIMITATION ON PATENT ISSUANCE.**—

(1) **IN GENERAL.**—Effective beginning May 31, 1991, no patent for a location or claim in the recreation area may be issued under the mining laws of the United States.

(2) **CLAIMS FOR PROPERTY RIGHTS.**—Notwithstanding any statute of limitations or similar restriction otherwise applicable and not later than 1 year after the date of enactment of this Act, a party claiming to have been deprived of a property right by the enactment of paragraph (1) may file in the United States Claims Court a claim against the United States seeking compensation for

the property right. The United States Claims Court shall have jurisdiction to render judgment upon the claim in accordance with section 1491 of title 28, United States Code.

(b) **WITHDRAWAL.**—Subject to valid existing rights, lands within the recreation area are withdrawn from location under the general mining laws and from the operation of the mineral leasing, geothermal leasing, and mineral material disposal laws.

(c) **RECLAMATION.**—No mining activity involving any surface disturbance of lands or waters within the recreation area (including disturbance through subsidence) shall be permitted except in accordance with requirements imposed by the Secretary, including requirements for reasonable reclamation of disturbed lands to a visual and hydrological condition as close as practicable to their premining condition.

(d) **MINING CLAIM VALIDITY REVIEW.**—

(1) **EXAMINATION OF CLAIMS.**—Not later than 3 years after the date of enactment of this Act, the Secretary shall undertake and complete an expedited program to examine all unpatented mining claims within the recreation area, including those claims for which a patent application has been filed.

(2) **DETERMINATION OF VALIDITY.**—If the Secretary determines that the elements of a contest are present, the Secretary of the Interior shall immediately determine the validity of the claims. If a claim is determined to be invalid, the Secretary shall promptly declare the claim to be null and void.

(e) **USE OF MINERAL MATERIALS.**—The Secretary may use mineral materials from within the recreation area for public purposes (including the maintenance and construction of roads, trails, and facilities) if the use is compatible with the purposes of the recreation area.

SEC. 7. ADJOINING LANDS.

The Secretary may from time to time evaluate lands adjoining the recreation area for possible inclusion in the recreation area and make recommendations to Congress. Lands evaluated may include that area authorized for study by section 5 of the Baca Location No. 1 Land Acquisition and Study Act of 1990.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.●

By Mr. DANFORTH:

S. 2179. A bill to extend the existing suspension of duty for certain small toys, toy jewelry, and novelty goods, and for other purposes; to the Committee on Finance.

EXTENSION OF DUTY SUSPENSION ON CERTAIN SMALL TOYS, TOY JEWELRY, AND NOVELTY GOODS

● Mr. DANFORTH. Mr. President, today I am introducing legislation to extend temporarily the existing suspension of duty for certain small toys, toy jewelry, and novelty goods imported at not more than 8 cents per item. These small toys and novelty items are sold through bulk vending machines found in supermarkets, department stores, theaters, bowling alleys and other retail establishments. There is no longer any domestic industry producing these small toys. However, the American bulk vending industry, which relies on duty-free imports of these goods, employs over 10,000 peo-

ple throughout the United States. I ask unanimous consent that the text of the bill be printed in full in the RECORD following my remarks.

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

S. 2179

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

SECTION 1. SMALL TOYS, TOY JEWELRY, AND NOVELTY GOODS.

(a) IN GENERAL.—Heading 9902.71.13 of the Harmonized Tariff Schedule of the United States is amended—

(1) by striking out “5¢” each place it appears and inserting “8¢”, and

(2) by striking out “12/31/92” and inserting “12/31/94”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to goods entered, or withdrawn from warehouse for consumption, after December 31, 1992.●

By Mr. DOLE:

S.J. Res. 247. Joint resolution designating June 11, 1992, as “National Alcoholism and Drug Abuse Counselors Day”; to the Committee on the Judiciary.

NATIONAL ALCOHOLISM AND DRUG ABUSE COUNSELORS DAY

Mr. DOLE. Mr. President, I rise to introduce legislation designating June 11, 1992, as “National Alcoholism and Drug Abuse Counselors Day”. This day will provide us with an opportunity to acknowledge the vital role that alcoholism and drug abuse counselors play in addressing our Nation’s alcoholism and drug dependency problem.

I believe everyone would agree that alcoholism and drug dependency are devastating—to individuals, to our communities, and to our country. Not only do those abusing these substances suffer, but their family, friends, and co-workers do as well. Abuse of alcohol and drugs also takes its toll on our Nation as a whole. Lost worker productivity, increased health care costs, and added crime are just some of the ways that Americans are affected by alcoholism and drug abuse every day.

Alcoholism and drug abuse counselors are trained professionals who help people develop an understanding of their problem and its effect on their lives. With the help of these counselors, affected individuals may learn to take responsibility for their actions and begin to look forward to a better future free of alcohol or other substances.

I hope that others will join me and support this legislation, which provides important recognition to a critical component of our fight against alcoholism and drug abuse.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

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

S.J. RES. 247

Whereas alcoholism and drug abuse are among the most serious and persistent problems facing our Nation today, affecting every community, whether urban or rural;

Whereas abuse of alcohol and drugs contributes to the dissolution of families, increased crime, death on our streets and highways, and untold suffering both by those who abuse these substances and those with whom they come into contact;

Whereas drug and alcohol abuse by America’s workers results in increased costs to our Nation through lost productivity, higher health care costs, and increased risks to co-workers;

Whereas alcoholism and drug abuse counselors are dedicated to helping the millions of people suffering from alcoholism and drug dependency to overcome their problems and live healthy, productive lives free of alcohol or drugs;

Whereas alcoholism and drug abuse counselors help people learn to take responsibility for their actions, to develop better interpersonal skills, and to look forward to a better future; and

Whereas certified alcoholism and drug abuse counselors are skilled professionals who work with other concerned people to form a comprehensive recovery team for affected individuals: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That June 11, 1992, is designated as “National Alcoholism and Drug Abuse Counselors Day”. The President of the United States is authorized and requested to call upon the people of the United States to celebrate the day with appropriate ceremonies and activities.

By Mr. CONRAD:

S.J. Res. 248. Joint resolution designating August 7, 1992, as “Battle of Guadalcanal Remembrance Day”; to the Committee on the Judiciary.

BATTLE OF GUADALCANAL REMEMBRANCE DAY

● Mr. CONRAD. Mr. President, in the coming months, the United States, as part of the 50th anniversary of World War II, and the effort by the Department of Defense to commemorate events of national significance between 1941–45, will pause to honor and remember the heroism and sacrifices of the more than 60,000 Marines, Army, and Naval servicemen who fought major battles on land and sea to defeat the Japanese in the Solomon Islands on Guadalcanal.

On August 7, 1992, the U.S. Marine Corps, at the site of the Iwo Jima Memorial in Washington, DC, will pay tribute to the 5th Marine Regiment and 1st Marine Regiment, the first American servicemen to make successful landings on Guadalcanal. Similar ceremonies to commemorate the successful campaign in the Solomon Islands will be held on August 7 on Guadalcanal Island.

During the month of August, in Devils Lake, ND, members of the North Dakota National Guard, including survivors of the Army 164th Infantry Regiment of the American Division, the first Army units to land on Guadalcanal on October 13, 1942, will gather at

Camp Gilbert C. Grafton, ND, National Guard Training Center, to honor and pay respect to the members of the North Dakota National Guard who participated in, and gave their lives during the grueling 6-month Guadalcanal campaign.

The landings on Guadalcanal Island on August 7, 1942, marked the first American offensive of the Pacific War after the fall of Corregidor in the Philippines, action that was absolutely vital in the Allied effort to force a Japanese retreat from the islands in the Pacific. The campaign to recapture Guadalcanal between August 7, 1942, and February 9, 1943, resulted in some of the bloodiest and most gruesome fighting during World War II. The fighting on Bloody Ridge, around Henderson Field and during the naval battle of Guadalcanal between November 12–15, 1942, portrayed a clear picture of the heroism and supreme sacrifices made by many American servicemen including members of the 164th Infantry Regiment, throughout the Guadalcanal campaign.

During the 6-month campaign beginning August 7, there were more than 9,400 casualties among Army, Navy, and Marine forces on Guadalcanal, including 4,343 killed in action. Among the North Dakota National Guardsmen serving with the 164th Infantry Regiment on Guadalcanal, 147 North Dakotans were killed in action, 309 were wounded, and 133 were listed as non-battle-related casualties between October 13, 1942, and the end of Japanese resistance on the island on February 9, 1943.

Mr. President, as Americans pause to remember the heroism and sacrifices of many individuals who served their country between 1941–45, it is proper and most fitting that we take time to honor those Army, Navy, and Marine servicemen who participated in one of the most significant and costliest military actions of World War II in the Pacific—the landing, and campaign to recapture Guadalcanal between August 7, 1942 and February 9, 1943.

I am deeply honored to be able to recognize the heroism and sacrifices of the members of Army, Navy, and Marines who served in the Guadalcanal campaign in 1942. I am especially privileged to recognize the members of the 164th Infantry Regiment of the North Dakota National Guard who served their country with extraordinary distinction and heroism throughout the Guadalcanal campaign.

In recognition of this distinction, and the landing on Guadalcanal which represents a most significant turning point in World War II in the Pacific, I am today introducing a resolution in the Senate to designate August 7, 1992, as Battle of Guadalcanal Remembrance Day. I ask unanimous consent that the text of this joint resolution be printed in the RECORD at the conclusion of my

remarks. I ask unanimous consent that a diary representing an account of the 164th Infantry Regiment of the North Dakota National Guard, a Guadalcanal from October 13, 1942, through February 23, 1943, be printed in the RECORD following the resolution, and at the conclusion of my remarks.

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

S. J. RES. 248

Whereas the Allied forces military campaign in the Solomon Islands of the South Pacific was the first American offensive action of World War II in the Pacific;

Whereas the focus of that campaign was the island of Guadalcanal;

Whereas the American military invasion of Guadalcanal began on August 7, 1942, with the amphibious landing of Major General Alexander A. Vandegrift's 1st Marine Division;

Whereas, on October 13, 1942, the commitment of United States Army ground forces to the Battle of Guadalcanal began with the landing of the 164th Infantry Regiment of the American Division, a unit of the North Dakota Army National Guard, making that Army unit the first to engage in offensive combat action in the Pacific theater during World War II;

Whereas throughout the campaign the United States Navy, particularly the South Pacific Naval Task Force under the command of Vice Admiral William F. Halsey which was the principal naval force during the Naval Battle of Guadalcanal in November of 1942, provided the naval support that was critical to the victory of American forces on Guadalcanal;

Whereas during the 6 month campaign on Guadalcanal there were over 9,000 Army, Marine, and Navy casualties;

Whereas on August 7, 1992, the United States Marine Corps will conduct a ceremony at the Iwo Jima Memorial in Washington, D.C., to commemorate the landing of Marines on Guadalcanal; and

Whereas, as part of its commemoration of the 50th anniversary of World War II, the Department of Defense will recognize the contributions made by all American military personnel during the operations on Guadalcanal: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That August 7, 1992, is designated as "Battle of Guadalcanal Remembrance Day". The President of the United States is authorized and requested to call upon the people of the United States to celebrate the day with appropriate ceremonies and activities.

AN ACCOUNT OF THE 164TH INFANTRY REGIMENT ON GUADALCANAL FROM OCTOBER 7, 1942, THROUGH FEBRUARY 23, 1943

(By Lt. Col. Samuel Baglien)

THE 164TH INFANTRY IN COMBAT FROM OCTOBER 7, 1942

Prior to and on October 7, 1942, the 164th Infantry Regiment was located on the island of New Caledonia. The bivouac areas of the First, Second, Third and Provisional battalions were strategically dispersed near the Tontouta Air Base about 30 miles inland from the island capital city, Noumea.

On September 14, 1942, Colonel Earle R. Sarles had been retired of command of the regiment, having attained his 55th birthday, and Colonel Bryant E. Moore, O-8633, assumed command on that date. It was hard to

see Colonel Sarles leave the regiment as he had been with the regiment since 1905 and was a father to us all.

On October 7, 1942, at 7:00 p.m., the regiment was alerted under orders from Major General Alexander M. Patch, Americal Division, of which division the regiment was a part. Such orders provided that the regiment shall prepare for movement to the Port of Embarkation at Noumea harbor on October 8, 1942. Preparations, lasting all night, began immediately. Arrangements were made to retain a rear echelon consisting of the personnel section, guards, cooks, maintenance, etc., at New Caledonia, with Captain John R. Erickson in command. An attempt was made to contact our Reconnaissance platoon under Lt. Flo. This was unsuccessful as they were in the jungle on the island and were attempting to find a trail route to Thio, which was across the island.

On October 8, 1942, packing and movement was in progress. Advance details and loading crews arrived at Noumea harbor at 10:00 a.m. and began loading equipment and supplies. The regiment cleared all of its areas by 6:30 p.m. The First and Third battalions embarked aboard the USS Zeilin troop transport at 10:00 p.m., and the Second and Provisional battalions embarked aboard the USS McCawley troop transport at 10:00 p.m. Harbor officials complimented the regiment upon its speed of loading the two vessels. Major Timboe received his promotion to Lt. Col. Captains Northridge and Ordahl to Majors.

On October 9, 1942, the two ships took on additional supplies for the First Marine Division that was located at Guadalcanal. This was completed at noon. Colonel Moore, Major Zlevor, S4, and Major Ordahl, S3, boarded a Navy transport plane along with Colonel Linscott of the Marines and left on a flight toward our destination, to ascertain arrangements for our landing. Admiral Ghorlmy, Major General Patch and Major General Harmon boarded the troop transports and inspected the troops, who were complimented for their fine appearance, discipline and excellent condition. The troop transports and convoy cleared the Noumea harbor during the afternoon and headed toward our destination, Guadalcanal Island, Solomon Islands.

October 10 to October 12, 1942, the regiment was at sea. Weather clear, sea calm. Routine duties, and fire and debarkation drills. Mail was passed at sea from a destroyer; this was a very interesting sight and a welcome one. Alerted, but the enemy was not sighted. Lt. Col. Samuel Baglien, Executive Officer, was in full charge of the regiment and the movement was in charge of the U.S. Navy under Rear Admiral Turner. The men during the trip showed no signs of nervousness and welcomed the opportunity to get into combat. Admiral Turner got quite a kick out of the trip, stating: "Imagine taking a bunch of the Army up to reinforce the Marines." To us the trip was a signal honor, as it meant that we would be the first Army Infantry troops in battle since the fall of Bataan. All our unloading details are ready for the landing. Admiral Turner promised me turkey for the boys for Thanksgiving and I also asked him not to forget where we were located when the war was over.

At dawn on October 13, 1942, the regiment arrived at Kukum Beach, Guadalcanal. Debarkation of personnel began immediately. Stations at nets had been previously assigned. The troops carrying ammunition, combat packs, gas masks and arms entered Higgins boats, via nets and were taken

ashore. The First Marine Division, already stationed at Guadalcanal, covered the landing. The debarkation of troops was completed by 7:30 a.m. Details were assigned for unloading supplies and equipment. The supplies were transferred to Higgins boats from the transports and unloaded on the beach and distributed. In the midst of this work, at about noon, a flight of Japanese bombers passed over and bombed the area for a half hour. Corporal Kenneth S. Foubert, Company "M" was killed; the first casualty of the regiment. Two men were injured. The enemy again bombed the area from aircraft from 1:30 p.m. to 4:00 p.m., but there were no further casualties and very little damage. At 6:00 p.m. the area was shelled by enemy artillery located west along the beach toward Point Cruz. The troops sought cover and, although alarmed, maintained order. Pvt. Park E. Jagears, Company "D" was killed. At 11:00 p.m. the regiment began movement toward bivouac areas about two miles east, between Lunga Point, Tenuer River and Henderson Air Field. What a day and what a reception for our first day! The Marines are sure glad we are here and they certainly look like they have gone through "Hell."

Immediately after midnight, 12:10 a.m., October 14, 1942, terrific shelling by enemy naval craft began. "Louie the louse" seems to be directing the fire. Several cruisers and destroyers were lying off Kukum Beach and Lunga Point and shelled the area near Lunga Point and Henderson Field incessantly until 3:30 a.m. The shells were 6-8 and 12, 14 inch with star shells to light up the area over Henderson Field. The troops had no time to dig in, but sought all available cover and maintained good order. Warrant Officer, Bernard E. Starckenberg, O-2105012, was killed; Corporal Rollie Andrick, Hq. Det. Second battalion was killed. Three landing boats containing enemy troops approached Kukum Beach, but withdrew. Many coconut palm trees were cut down, but otherwise damage was negligible. Col. Brookes of the New Zealand Army stated this shelling was worse than Crete. I'll never forget our Chaplain Marks after two hours of shelling, straightened up in the corner of the hole and looked us all over and said: "Gentlemen, I've done all I can for you." This broke the tension; we giggled.

At 9:00 a.m. a flight of enemy bombers again passed over and dropped bombs evidently intended for Henderson Field, but most of them landed in bivouac areas causing minor damage to personal equipment, and no casualties. Troops now are well dug in, and have also used dug outs of Marines formerly stationed in areas. Another enemy bombing raid at 10:00 a.m. and another at 12:00 noon—same results. "Pistol Pete" the Jap artillery man came into action. He seems to have quite a long range gun. He certainly knows how to lay on the airport. Went down to the beach, where our supplies were, to visit Company "L" who were left there to guard our stores. One of the men told of sitting on a large pile of rations and when the first Jap naval shells came over the rush of the wind blew him off his perch.

October 15, 1942. The 164th Infantry Regiment is attached to the First Marine Division, who have been at Guadalcanal since August 7. This regiment is the only attached army unit. Major General Vandegrift is the Commanding General of forces on Guadalcanal. Command of a sector passed to this regiment and the First Battalion took up positions on the sector front at the Tenuer River, relieving a battalion of Marines. Enemy aircraft, including bombers and Zero

fighters, bombed and strafed the sector and nearby areas from 11:30 a.m. to 2:00 p.m. Enemy aircraft again bombed the area from 7:30 p.m. to 8:30 p.m. The following enlisted men were killed on October 15: Private Alferd C. Halverson, Medical Detachment; Private Steven Zakopyko, Company "E"; Private Amanda Del Fava, Company "B"; Private Glen Midgarden, Company "C". All our rations were turned over to the First Marine Division and we are having a tough time to get our supplies and equipment away from Yellow Beach as rain washed out the bridge.

Members killed in action are being buried at the First Marine Division cemetery. Graves are marked with a green wooden cross as there is no distinctive marking between rank. Chaplains are in attendance at a brief ceremony. A group of captured Japanese laborers dig the graves. A palm branch is placed over each grave.

On October 16, at 12:01 a.m. terrific shelling by enemy Japanese naval craft began and continued until 2:30 a.m. However, the troops were orderly and kept under cover. Captain George R. Newgard, Munitions Officer, was hit by a "dud" and severely wounded and died later. The Second Battalion took up position to the right of the First Battalion, east and south of Henderson Field, relieving a battalion, east and south of Henderson Field, relieving a battalion of Marines at 10:00 a.m. The Third Battalion moved into Division Reserve and prepared for mobility. During the day several alert warnings were given, but enemy planes were intercepted and there were no further bombings. The regimental CP was moved to a well camouflaged area, southwest of the First Battalion positions. Sturdy dug-outs were completed. "Pistol Pete" fired on Henderson Field several times during the day. We relieved the First Marine Regiment under Col. Cates and our own Col. Moore took command of the sector held by our First and Second Battalions.

On October 17, at 1:15 p.m., 20 enemy bombers passed over the area and dropped their loads. Minor damage and no casualties. Many patrols under the direction of Captain Considine are proceeding beyond our front lines, and all reports are negative. Lt. Col. Frisbee of the Seventh Marines on our right called at our CP to coordinate patrol activities. Major General Vandegrift, Colonel Thomas, Chief of Staff and Lt. Col. Twining D-3 of the Marine Division also called during the day.

On October 18, 1942, our front line positions are well dug in, and guns are properly placed. Sector front quiet. At 2:10 p.m. a wave of enemy bombers came over and bombed the area. Another wave bombed at 6:00 p.m. Minor damage and no casualties to our regiment. "Pistol Pete" is working overtime. This is a funny war as I can ride my "Peep" through the sector we are holding in front of our own lines.

On October 19, 1942, patrols still report negative, though some enemy movement is detected by our aircraft. Sector front is quiet. Several bombing alerts but the bombers were intercepted by our air force, which has been doing a superior job. "Louie-the-Louse," the one Jap bomber and his brethren are finding it more difficult to get through. This is a peculiar war, the masters can ponder over this one. We have an airport on our regimental reserve line, the Jap navy hits us in the rear, we fight them to our front, and they bomb Hell out of us from the air and we are holding a little piece of ground roughly, six miles wide and three miles deep. Looks like we are in for a rough time.

On October 20, 1942, enemy bombers bombed the area from 11:00 a.m. to 12:00

noon. No casualties. Enemy artillery now officially known as "Pistol Pete," began usual bombardment at 6:30 p.m. Evidently emplaced somewhere west of Point Cruz, and has his range set for the airfield. A wave of enemy bombers bombed the area at 8:05 p.m. and then returned at 9:05 p.m. and dropped 17 bombs in over "B" Company area. First Lt. Frank G. Welch, 0-363158, Company "B"; Technician Fourth Grade John T. Flowers, Company "B" and Pfc. Marvin P. Quamme, Company "B", were killed instantly. One officer and three enlisted men were wounded. Our patrols are working in fine shape. General Vandegrift and Colonel Thomas called again today.

On October 21, a wave of enemy bombers bombed the area from 11:00 a.m. to 12:00 noon. "Louie-the-Louse" is back. No casualties. "Pistol Pete" tossed shells into the area near Henderson Field from 5:50 to 6:30 p.m. At 7:00 p.m. a bombing raid by enemy aircraft and another at 8:00 p.m. No casualties. We moved our CP today because it was getting a little too hot. We discovered 60 bomb hits and 50 shells had lit in our area since taking over. Our new place doesn't look too good, but it hasn't been discovered.

On October 22, "Pistol Pete" shelled the area at 10 minute intervals throughout the forenoon. At 1:15 p.m. a wave of enemy bombers approached the area, but were intercepted by our Grumman Fighters, and five bombers were shot down. "Pistol Pete" again from 5:00 p.m. to 6:30 p.m. No casualties, but he's getting in our hair. Sector front lines quiet; however, enemy activity and movement is noted. Col. Moore visited Marine Division CP and met Lt. General Holcomb the Marine Commandant.

On October 23, "Pistol Pete" began at 7:30 a.m. and kept shelling at 10 minutes intervals all forenoon. At 11:05 a.m. a wave of enemy bombers came over and dropped their loads in our Third Battalion area, destroying a kitchen, tentage, a few rifles and some equipment. No casualties. The troops have learned to duck. The Marine artillery batteries are out to get "Pistol Pete" and fired at enemy positions constantly from 7:00 p.m. to midnight. Two enemy land thrusts at Marine CPs, south of Henderson Field, were repulsed by the Seventh Marines. First Sergeant Jack T. Simmons; Staff Sergeant Russell J. Opat; Sergeant Bernard A. Deering and Technician Fifth Grade Marvin T. Hanson were commended for meritorious service per Regimental General Orders Number Two, October 23, 1942. I smelled so stinky that I took a bath between bombings; just missed getting caught short.

October 24, 1942. Enemy thrust at Marine position west of the Matanikau was repulsed and nine enemy tanks were destroyed. Enemy patrols are attempting to infiltrate between CPs, and main lines, west and south. From 12:01 a.m. to 7:00 a.m., Marine artillery fired at enemy positions west of the Matanikau River. "Pistol Pete" fired a few shells at the airport, intermittently. Enemy action appearing to be determined land thrust was noted at right flank of Second Battalion, in front of the Seventh Marines, after dark. At 11:40 p.m. the Regimental staff received orders from D-3 to commit Third Battalion to reinforce Seventh Marines immediately.

October 25: The Third Battalion cleared its area at 2:05 a.m. and marched toward the Seventh Marine positions, south of Henderson Field. Upon arrival desperate hand to hand fighting was in progress, and the Third Battalion took up its positions in the face of enemy fire. In some cases hand to hand com-

bat for the possession of foxholes and emplacements occurred. There were skirmishes all along the Third Battalion front and along the right flank of the Second Battalion, but the lines held and the enemy thrusts were repulsed, though there was slight infiltration. At dawn the enemy withdrew and positions were strengthened and coordinated. "Pistol Pete" again active from 8:00 a.m. to 11:00 a.m. Enemy naval craft shelled the area at noon. Enemy Zero fighters have been in the air all day bombing and strafing, but in the resultant dog fights our Grummans shot down many of them and dispersed them. Grumman pilots are adept at luring Zeros within deadly range of our anti-aircraft guns. Several bombing alerts, but our air force intercepted the bombers and dispersed them, shooting down several bombers and Zeros. Enemy artillery again shelled the area at 8:15 p.m. At nightfall the enemy began another determined land thrust at the Seventh Marine positions on our right flank and at our Third and Second Battalion positions, and vicious fighting was in progress. The enemy assaulted the positions repeatedly in great numbers, but the lines are holding. There is some sniper activity. Private John J. Flynn, Company "E" and Private Ira A. Woodell, Company "M" were killed in action. Several wounded, but casualties are comparatively light.

October 26: From midnight until dawn the enemy hurled wave after wave of infantry supported by mortar and machine gun at our Third Battalion lines, but every thrust was repulsed with tremendous loss to the enemy. Our troops stuck to positions with bulldog tenacity, and even hand to hand fighting did not dislodge them. Our Third Battalion positions are in the midst of dense jungle. There was some infiltration. The regimental reserve consisting of only about 175 troops from Headquarters and Service Company was committed to the south border of the airport, in the event of a break through, but was recalled at 9:30 a.m. No enemy air activity during the day—"Pistol Pete" is quiet. Men killed in action: Corporal Louis Lochner, Company "G"; Second Lt. Ralph M. Kamman, Company "G"; Private John B. Muir, Company "G"; Corporal Melvin Busche, Company "G"; Private Robert D. Newman, Company "G"; Private Harvey E. Hubbard, Company "E"; Pfc. John W. McClure, Medical Detachment; Pfc. George E. Kudrna, Company "K"; Private Weldon D. Spease, Company "K"; Corporal Jack F. Leithold, Company "K"; Pfc. Harvey Brewster, Company "K"; Second Lt. Arvid Grasvik, Company "L"; Private Joseph Sperl, Company "L"; Private Carl W. Edwards, Company "L"; Pfc. Arnold B. Nelson, Company "L"; Pfc. Palmer G. Foss, Company "L"; Private Lonnie L. Sistrunk, Company "L"; Pfc. Gerald E. Coffey, Company "M"; Pfc. Dale N. Coppins, Company "M". The boys are going great, it certainly does a fellow good to see how the M-1 rifle can pile up the "Nips".

October 27: From midnight to dawn the enemy again hurled its strength at our Third Battalion and right flank of our Second Battalion lines, but each thrust was repulsed with heavy losses to the enemy. At 4:00 a.m. enemy bombers bombed the area with slight damage, and no casualties resulting. During the day several enemy aircraft waves were intercepted and dispersed with losses to the enemy. Snipers who had infiltrated were active, but caused little damage. Patrols located most of the snipers and destroyed them. They were well camouflaged and hid themselves in the upper branches of high

trees, making it difficult to locate them. The carnage of enemy dead piled in front of our lines is creating an unhealthy situation. Burying details are organized and burial is begun. Over 1,700 enemy dead in front of our front alone, and probably many more further back in the jungle. Impossible to estimate enemy wounded. Our troops are near exhaustion, but morale is high. Men killed in action: Second Lt. Sidney S. Linscott, Company "K"; Second Lt. George H. Cummings, Company "A" and Private Howard O. Noland, Company "I".

October 28: Quiet. Enemy appears to have withdrawn to lick its wounds and plan new strategy. Snipers are still an active nuisance. An attempted enemy air assault was drive off at 4:00 a.m. by AA fire. Burial of enemy dead continues. The men received their first hot meal today; they sure were hungry. During the battles they did not each much, perhaps because of the excitement.

October 29: Snipers less active. Patrols encounter very light activity. Burial of enemy dead continues. Souvenir hunters are becoming a nuisance. So orders are issued controlling this situation. Almost every soldier and marine on the island had a souvenir of some sort.

October 30: Burial of enemy dead completed. Most snipers now cleared out. Two of our prisoners admit tremendous enemy losses, shortage of stores and supplies, and low morale. Very little activity. "Pistol Pete" is quite. Made a special trip for Col. Moore with a message to Lt. Col Hall, the Third Battalion commander. This trip was a tough one after dark, didn't think I'd make it, as it was through the jungle. Got shot at a couple of times and caught Hell from my own men for wandering around after dark.

October 31: Quiet on all sector fronts. Activity of snipers has ceased. No bombing alerts. The following men received Regimental commendation per Regimental General Order Number Three: Staff Sergeant William S. Bachellor, Company "M"; Pfc. James Sullivan, Company "I"; Pfc. Stanley W. Anda, Company "L"; Pfc. Francis H. Lauder, Company "M". Our patrolling is heavy and we are going deeper every day.

The following message was received October 29, 1942, from Commanding Officer, First Marines to Commanding Officer, 164th Infantry:

"Subject: Congratulations: The Officers and men of the First Marines salute you for a most wonderful piece of work on the nights of 25 and 26 October 1942. Will you please extend our sincere congratulations to all concerned. We are honored to serve with a unit such as yours. Little did we realize when we turned over our "quiet sector" to you that you would bear the brunt of an attack so soon. I'm sure you are very proud of the fighting ability demonstrated by your unit and our hat is off to you.

C. B. CATES."

The following commendation bulletin, (Division Bulletin, 4a-42) was issued by Headquarters, First Marine Division, Major General A. A. Vandegrift:

"The Commanding General commends the Third Battalion, 164th Infantry, U.S. Army, for the effectiveness of its operations against the enemy on 24, 25, and 26 October, 1942. The First Marine Battalion, Seventh Marines, occupying a defensive sector of a width of 2,500 yards situated to the south of the positions of the First Marine Division on Lunga Point, Guadalcanal, British Solomon Islands, having been attacked by a numerically superior enemy force at about 1000, 23 October 1942, the Third Battalion, 164th Infantry, then in

regimental reserve was ordered to reinforce the line. Moving by a forced march at night through rain, over difficult and unfamiliar terrain, it arrived in time to prevent a serious penetration of the position, and by reinforcing the First Battalion, Seventh Marines throughout its sector, made possible the repulse of continuous enemy attacks throughout the night. The following day, having been assigned to the left half of the sector formerly occupied by the First Battalion, Seventh Marines, the Third Battalion, 164th Infantry so occupied and prepared the position that when the main effort of another enemy attack was directed at it on the nights of 24 and 25 October, 1942, it was able to hold the position without serious loss to its own personnel, although heavy casualties were inflicted upon the enemy forces. The First Division is proud to have serving with it another unit which has stood the test of battle and demonstrated an overwhelming superiority over the enemy."

The following radio dispatch from The Commander-in-Chief U.S. Fleet, was received from Honolulu, October 31, 1942:

"Stories of your successful land operations have thrilled us all. Express my appreciation to your Marines in the front lines, and to your soldiers for the way they have backed up and reestablished the lines by their counter attacks. We feel that you have formed a team which will be more than a match for the enemy."

November 1 and 2: Eight enemy snipers were located and killed. Reconnaissance patrols went out 2,500 yards beyond our lines, and report negative. Regimental received orders from Commanding General, First Marine Division, to move forward to a new sector west of the Matanikau River and proceed by military operation and maneuver to an objective four miles further west.

November 3: Enemy artillery shelled sector at 7:00 a.m. No casualties. The First Battalion cleared its area at 6:30 a.m. and marched toward the Matanikau in column of twos and reached the river in the afternoon and proceeded west, being attached to Fifth Marines in reserve. Later that day the First Battalion moved further on being attached to the Second Marines. During the morning about 3000 Japs landed at Koli Point, east of our sector. Two Battalions of Seventh Marines intercepted them. Our Second and Third Battalions received orders to proceed toward Koli Point for a flank attack.

On November 4, 1942, our Second and Third Battalions cleared their areas at 6:30 a.m. and proceeded toward Koli Point. Terrain is dense, steam-heated jungle, and progress is slow requiring tremendous effort of all men. Necessary to cut lanes in many places. Our navy shelled enemy positions at Koli Point at 10:00 a.m. Our Second and Third Battalions and Headquarters reached a point three miles south of Koli Point at Malimbau River. Our navy and artillery shelled enemy positions at Koli Point at 10:00 p.m.

November 5: The First Battalion has taken up front line positions about four miles west of the Matanikau River, beyond Point Cruz. Now attached to Second Marine Regiment. Sergeant Raymond G. Holzworth, Company "H", killed in action; Private George H. Dohm, Company "A", killed in action. A combat reconnaissance patrol of Company "B", was ambushed by enemy Jap machine gun fire, west of Point Cruz. The following men were killed, and their bodies not recovered due to enemy occupation, although several attempts were made: Pfc. Carl L. Hjelm, Medical Detachment; Private Sherman R. Olson, Company "B"; Private Gerhard P.

Mokros, Company "B"; Pfc. Stanley J. Ziska, Company "B"; Sergeant Herbert W. Langord, Company "B"; Staff Sergeant Robert C. Cross, Company "B"; Sergeant Raymond W. Johnson, Company "B". The following men were killed attempting to aid the Patrol: Second Lt. James L. McCreary, Company "B"; Staff Sergeant Arthur W. Jones, Company "B".

Our Second and Third Battalions crossed the Malimbau River with great difficulty. The current is very swift and transfer of supplies to amphibian tanks is necessary.

At 12:00 noon 17 enemy bombers passed over sector, but were intercepted. Five were shot down by AA guns, and several more by fighters. They dropped six personnel bombs in our abandoned Second and Third Battalion area. No casualties. Patrols in jungle are meeting enemy machine gun resistance.

November 6: Second and Third Battalions and Headquarters proceeded to Koli Point along east side of Malimbau River. Main body of enemy has evidently moved inland to the mountains. Enemy machine guns and patrols are encountered. First Battalion front quiet. The following men were killed in action: Private Clifford R. Bird, Company "F"; Pfc. Harvey Yokum, Company "E"; Pfc. Paul A. Roy, Company "E"; Sergeant Albert J. Osman, Company "L". Yokum and Osman buried in the field.

On November 7, 1942, at 10:45 a.m. a Japanese submarine entered the open harbor at Lunga Point and torpedoed a cargo ship. Nearby destroyers immediately circled the area and dropped depth charges. The explosion of these charges can be felt by earth vibration for several miles. The Navy reported that the enemy submarine was destroyed. Our Second and Third Battalions have now reached Koli Point and are preparing to move toward an objective further east. Enemy machine guns were encountered.

The Third Battalion and special units were withdrawn from the Koli Point movement, and the Second Battalion continued on this movement as attached to the Seventh Marine Regiment.

On November 8 and 9, our Regimental CP was set up west of the Lunga River; Third Battalion in Division Reserve. The First Battalion as part of the Second Marines has begun a drive west.

On November 10, 1942, the Second Battalion is still committed to the Seventh Marines. The following men were killed in action: Pvt. Alois N. Georges, Company "G"; Sergeant Clyde G. Morgan, Company "F"; Pvt. Gerald Hall, Company "F"; Pvt. Joseph A. Miller, Company "E".

At 10:00 a.m. on November 11, 51 enemy planes came over in two waves, and dropped their loads near the airfield. Our air force went up after them and shot down 16 enemy planes. Our losses: Six Grummans. I had a good seat on the bombing show as I got caught off shore in a Higgins boat, and saw three Jap bombers go down in the ocean. It was a grand sight although our own Ack Ack fire lit all around us. No damage or casualties from the bombing. Our August and September mail started coming in. The First Battalion was relieved of duty at Point Cruz, and returned to Regimental bivouac area for a well earned rest.

On November 12, the Second Battalion was relieved from further duty at Koli Point and returned to the Regimental bivouac area for a well earned rest. 116 enlisted men and 21 officers reported for duty from New Caledonia. Most of the officers are recent Officer's Candidate School graduates. At 11:00 a.m. a large enemy air raid. Our air force shot down 24

enemy planes. Our loss was two planes, both pilots bailing out to safety. It was a field day for the air force. Two battalions of Infantry, one battalion of Artillery, two companies of Engineers and some Medical personnel arrived today. It is the first army troops to arrive since we landed.

All forces west of Kukum have been drawn in to closer perimeter defense, due to expectation of a large enemy invasion force from the sea. On November 13, this defense was completed. Enemy naval fire at airfield from 2:00 a.m. to 3:00 a.m. Minor damage.

November 14, quiet. November 15, an enemy air raid at 11:30 a.m. No damage or casualties. The enemy naval ships shelled the area from 7:00 p.m. to 8:30 p.m. Minor damage; no casualties. These ships are evidently the vanguard of a larger force, now engaged in a tremendous sea battle nearby with our own navy. First Lt. Granville E. Clark, killed in action. This is the big Jap M Day as they are trying to land 40,000 troops to reinforce their troops on Guadalcanal. Hope they don't land.

The dull booming of naval guns can be heard in the distance, and our OPs can see giant flashes at sea.

On November 16 and 17 our sector is quiet. The tremendous naval engagement which began on November 13, and was fought off the northeast coast of this island, resulted in a decisive victory by our Navy. This was a savage battle in which our air force also engaged, and the prize was the possession of the southern Solomons. The victory was a smashing one. The Japanese lost 23 warships destroyed and seven damaged. Among the ships destroyed were two battleships; three heavy cruisers; two light cruisers; five destroyers and eight transports loaded with Japs. It is estimated that more than 24,000 Japanese soldiers from the transports were drowned or killed. Four cargo ships were beached on Guadalcanal near the Kokumbona, and our land forces had a target practice picnic destroying them with artillery and aerial bombing.

This Japanese invasion force had been concentrated. With the two battleships acting as a spearhead it arrived at the Guadalcanal area on November 13 intending to bombard our positions. The force was intercepted in the Guadalcanal Area, and a savage fight at close range developed. During the furious night battle the Japs became confused and some of their groups were firing at each other. The wounded Jap armada retreated to the north, but on November 14 in the afternoon they picked up 12 transports and some more warships and again headed for Guadalcanal intent on invasion. The morning of November 15 our land positions on Guadalcanal were bombarded as a preliminary to putting troops ashore. However, the attempt was smashed by our air force, and our naval force again engaged the armada and defeated it. Eight P-38s came in today (our first). You could hear cheering all over the island.

On November 18 our Second Battalion was committed to defensive positions near the Matanikau River; First and Third Battalions followed on November 19. On November 20 defensive positions at Point Cruz west of the Matanikau were taken up by our regiment. Prize story for the day. Harry the Horse called Mc up and said: "I have two Jap prisoners, shall I shoot them?"

A slow advance toward objective further west is begun. The enemy is laying down heavy mortar and machine gun fire. They are well dug in and concealed. Due to the terrain of jungle and ridges and the terrific heat, it is very difficult to get supplies, am-

munition and water to our troops. They are taxed to exhaustion. Coordinated artillery, air and mortar fire does not dislodge the enemy. They have dug-in in the coral and in draws and are quite secure. Any exposure of our troops draws accurate enemy fire. Casualties are fairly heavy. This situation continues on November 23 and 24. Advance is stopped, and positions are consolidated. Men must live on "C" and "D" rations and coffee, as movements draw heavy and accurate enemy mortar fire. Enemy light artillery appears to have been silenced by our air and artillery support. Snipers are active. Our planes continue to bomb and strafe enemy positions with unknown results. Our Third Battalion has suffered heavy casualties by artillery and mortar fire. Many exhaustion and sickness ineffectuals. The following men were killed in action on this movement to date: Cpl. Raymond J. O'Connell, Company "M", November 20; Pvt. Mardel D. Vernholt, Company "M", November 20; Pvt. Richard H. Czapiewski, Company "D", November 21; Pfc. Alfred H. Mahlstedt, Company "M", November 21; Sgt. Jack E. Geiger, Company "A", November 21; Pvt. Harold Zerface, Company "A", November 21; Pfc. Renes F. Hitchcock, Company "B", November 21; Second Lt. Carl E. Vettel, November 21; S/Sgt. Robert J. Burckhardt, Company "A", November 21; Pvt. Louis E. Kmiecik, Company "A", November 21; Pfc. Wendell A. Paulson, Company "I", November 21; Pvt. Lewis E. Knight, Company "M", November 21; Pfc. Christian E. Montgomery, Company "I", November 21; Second Lt. George R. Derham, Company "A", November 21; Sgt. Llewellyn M. Hamery, Company "A", November 21; Pvt. Bernard L. Barholz, Company "A", November 21; Pfc. Robert D. Jenkins, Company "A", November 21; First Sgt. Virgil A. Lane, Company "L", November 21; Second Lt. Kermit C. Sloulin, Company "I", November 21; Pfc. Walter B. Montgomery, Company "I", November 21; Pfc. Wenceslaus J. Novotny, Company "I", November 21; Pfc. Joseph F. Kelly, Company "I", November 21; Cpl. Lewis D. Dibbert, Company "I", November 21; Pvt. Tony A. Simuneci, Company "A", November 22; Pvt. Frank L. Arnold, Company "I", November 22; Pfc. Selmar Garness, Medical Detachment, November 22; Pvt. Wenzel A. Picha, Company "D", November 22; Pfc. Gould E. Gray, Company "A", November 22; Pvt. Elton L. Pederson, Company "K", November 22; Pvt. Marion Vanderwerf, Company "K", November 22; Pfc. Raymond E. Moore, Company "K", November 22; S/Sgt. Pat G. Reilly, Company "A", November 22; Cpl. Richard C. Myers, Company "A", November 22; Pfc. John R. Weigel, Company "A", November 22; Pvt. Emery F. Gess, Company "A", November 22; Cpl. Hermann C. Diede, Company "K", November 23; Second Lt. Albert F. Whitney, Company "I", November 23; Capt. Andrew H. Panettiere, MC, November 23; First Lt. Hallard D. Albertson, Headquarters Det. Third Battalion, November 23; Cpl. Wilbur E. Kohnke, Company "I", November 23; Second Lt. Charles E. Grytness, Company "I", November 23; Second Lt. Rilie R. Morgan, Jr., Company "K", November 23; First Lt. William K. Pflugrath, Company "K", November 23; Winifred B. Fischer, Company "K", November 23; Pvt. John J. Brucker, Company "K", November 23; Pvt. Charles H. Stimmel, Headquarters Company, November 23; Pfc. Adrian M. Ness, Company "I", November 23; Pfc. Steve Lopez, Company "I", November 23; Pfc. Arnold G. Rahja, Company "I", November 23; Pvt. Joseph Shuster, Company "I", November 23; Pfc. William J. Clewitt,

Company "I", November 23; Pfc. Harold M. Poppen, Company "I", November 23; Pfc. Olard W. Boucher, Company "D", November 23; Second Lt. W. J. Hall, Company "M", November 23.

On November 25, the enemy is still maintaining a well dug-in defense in depth. Our artillery and mortars are dislodging some of them. Our patrols are active and destroying some positions, but there are replaced during the night. Our combat strength is below 2,000. We have several hundred ineffectuals due to malaria, dysentery, shell-shock, hysteria and minor wounds. We feel the loss of Capt. Panettiere, our brave medical officer. The Division hospital is congested, so we are treating many cases in our rear area. I am still worn out from yesterday's scrap. The Nips located our CP today with their mortars, wounding three men. Looks like I've got to hunt a new hole.

On November 26, an enemy air raid dropped 20 bombs; some casualties to marines. Our artillery and mortars continue to bombard the enemy and our patrols are active. The following men were killed in action: Pfc. Alfred J. Bottke, Company "A", November 25; Pvt. John F. Sloss, Company "A", November 25; Pvt. Willard J. Coulter, Company "B", November 25; Cpl. Willard P. Dowsett, Company "E", November 25; Pvt. Harold W. Childers, Company "F", November 26; Pfc. Hans M. Odegard, Company "F", November 26; Pfc. Leslie C. Huffstutler, Company "E", November 26; Pvt. Kalervo Hallilla, Headquarters First Battalion, November 26; Cpl. Joseph W. Armstrong, Company "D", November 25.

At 3:30 a.m. on November 27, an enemy air raid. No casualties. Our artillery and mortars continued to batter the enemy. They are replacing weakened positions rapidly, but they are weakening generally and there is not much likelihood of a counter-attack. Lt. Col. Hall, Third Battalion commander, was wounded and evacuated. Capt. Ralph Knott was wounded and evacuated. Sent our Anti Tank Company in to relieve Company "A". It was our only reserve.

Another enemy air raid at 3:30 a.m. on November 28. At 6:30 a.m. an enemy sub torpedoed the U.S.S. Alcheba at Lunga Lagoon. The ship was beached to avoid capsizing. The cargo and crew were saved. Capt. Hedstrom, Lt. Preston and 14 enlisted men of this regiment were aboard at the time of the explosion, but there uninjured. The front line activity is limited to artillery and patrols. The following man was killed in action: Pvt. Bernhart W. Boe, Company "F". First Lt. John A. Crawford died at the hospital at New Hebrides where he had been evacuated, wounded, several days ago.

On November 29 at 3:00 a.m. another air raid; no casualties. Our continuous bombardment of enemy positions has caused some withdrawal. They are attempting to strengthen their positions. Coordinated artillery and mortar fire at enemy positions went on all afternoon. Our patrols are active. The enemy continues to fire mortars at our positions, effectively. The following man was killed in action: Pvt. William T. Goracke, Company "C". We got together a makeshift Battalion to relieve the Second Battalion of the Eighth Marines. Capt. Crook is commanding our makeshift Battalion.

At 4:00 a.m. November 30 another enemy air raid. No casualties. Our 81 MM mortars destroyed an enemy Anti-tank gun and emplacement. Mortars on both sides continue. The following men were killed in action: Pfc. Melvin C. Feiring, Company "K"; Pvt. Francis E. Black, Company "D"; First Lt.

William Grayson, Anti-tank Company; Sergeant Reuben Herr, Company "A"; S/Sgt. Lester A. Ashbacher, Company "K". We are killing and destroying Jap positions daily. It is hard grubbing, but we will get them out.

December 1, 1942: Came down with malaria diagnosed as moderate-severe. I am to take six quinine and three atabrine a day for three days. Then three quinine and three atabrine a day for four days. Major Yancey told me to stay in the CP for a couple of days. Lt. Flo reported back from his patrol trip across the island. He worked his way behind the Jap lines after landing at Beaufort Bay. He had 12 men from our regiment with him. His report was extremely interesting.

[Secret]

REPORT ON CAPTURED LETTER, DECEMBER 5, 1942

I. This letter was written as a last testament by Lance Corporal (Heicho) KOTO Kiyoshi to his elder brother, KOTO, Kisaku, in Niigata, Japan. The sender's address is given as YU 1302, SATO unit which may be taken to be the SATO Battalion of the 16th Infantry. The letter is marked December 1st at 5:10, front line, Guadalcanal. The bearer was killed about midnight of the same day in front of the A.T. Company, 164th Infantry. According to the letter he participated in a general attack on November 25, was grazed by an artillery shell fragment the 26th, and then entered the Second Field Hospital. His wound was well by December 1, but the fragment in his arm impeded his handwriting. He was being sent back to the front lines the day of the letter. There being no food, he was going forward to fight without having eaten. Quotation follows:

"Every day there is bombing by enemy aeroplanes, naval gunfire and artillery fire. No sign of friendly planes or of our navy appears. The transports haven't come yet either. I have not eaten properly since the 24th of November; many days I have had nothing to eat at all. From tonight on indefinitely, again without expecting to return alive, I am going out resolutely to the front line. Even though I am holding my rifle with a right arm that doesn't move easily, etc., now is the time for me to dominate a military contest. I must serve as long as I can move at all.

"The regimental commander (Colonel Hiroyasu, 16th Infantry) died in battle. The battalion commanders are all either wounded or dead. My own company commander is dead. Two of the platoon commanders have been wounded, one of them entered the hospital for medical treatment and was with me there. In our company NCOs are acting as platoon commanders and privates as squad leaders. At present my company has come (down) to a total of only thirty men. Of the soldiers in my squad three were killed, four wounded, and at present four in good health are doing hard fighting. As I too am soon to leave for the front lines I should like to see their cheerful faces. The platoon leader, con-valescing and almost up, said, "Go to it!" * * * (Here greetings to the various members of the family.) * * * In conclusion, I am writing this as a farewell letter.

To My older brother,

KOTO KIYOSHI,
Army lance-corporal.

December 6, 1942: First Battalion patrols killed seven Japs. Second Battalion patrol spotted 30 Japs and directed MG and Mortar fire on them. 27 Japs were killed.

Third Battalion scored hits on Jap MG emplacements located by their patrol. A Jap

diary reveals enemy are not getting reinforcements or supplies.

First Lt. Flo appointed regimental S-2. Our ineffectuals from dysentery and war neuroses in the rear area are reduced to a minimum.

The following men were killed in action today: Corporal Willard P. Dowsett, Company "E" and Pfc. Dale Utrecht, Company "G".

* * * * *

December 8, 1942: We had large patrol activities in all Battalion sectors and cleaned out three Jap MG nests.

S/Sgt George H. Fritz of Company "B" was killed in action today. I was in the line when they brought him through. He was leading a patrol. It's tough to lose good men.

December 9, 1942: Five Jap 77 MM artillery shells into our CP. One man, Pfc. Matt J. Doworshak, was killed. He was attached to headquarters Company. Major General Patch of our American Division assumed command of the Cactus Ringbolt Area. Major General Vandergrift, First Marine Division Commander is leaving. He is truly a wonderful leader and I will always see his calm smiling countenance ready to give you a pat on the back, a word of encouragement when the ships were down. He told me that he wished he could take the 164th Infantry with him when he left the island with his division.

December 10, 1942: Very quiet. We are using artillery well placed on all forms of Jap activity including known Jap bivouac area, supply routes and spotted artillery emplacements. Our men are getting pretty pooped out. Patrols are only good for about three hours at a time and they come back all in. Our best hours against the Nips is from 0600 until 1000. They are pretty loggy during those hours as they work like beavers all night.

December 11, 1942: I went over to Col. Arthur, C.O. Second Marine regiment to arrange for the relief of our 164th. Brig. Gen. Rupertis, who is in command of the perimeter defense had charge of the meeting. It was decided that the relief would be accomplished in six days commencing December 12. Col. Moore did not like the set up as it would take too long; however, there were not enough troops at either place to handle the relief in one set up.

Sergeant Paul B. Rockstad of Company "E" was killed in action today.

December 12, 1942: Third Battalion relieved of its positions west of the Matanikau by the First Battalion, Eighth Marines. The Third Battalion of the 164th moved into a staging area. First and Second battalions of the 164th confined their activities to patrols.

The following men were killed in action today: Pfc. William F. Courtney of Company "B" and Pfc. Lawrence D. Thieling of Company "A".

December 13, 1942: Third Battalion, 164th moved into perimeter defense west of the Lunga, and relieved the Second Battalion, Eighth Marines under Lt. Col. Cook.

First and Second Battalions, 164th maintained contact with the enemy with patrols. Jap planes dropped 15 bombs in the vicinity of Henderson Field.

December 14, 1942: First Battalion, 164th was relieved by the Second Battalion, Eighth Marines on the line west of the Matanikau. Our First Battalion moved into staging area.

Second Battalion, 164th sent out one patrol and worked over Jap positions. Third Battalion, 164th, confined their activities to strengthening the perimeter line and sent out two small patrols. I took over the Eighth Marines CP at the Lunga River bridge and

worked out details with Lt. Col. Reisler, Executive Officer of the Eighth Marines. Colonel Moore took command of the sector at 1300.

December 15, 1942: First Battalion, 164th, relieved the Third Battalion, Eighth Marines on the perimeter line. This gave us the First Battalion, Seventh Marines on our left across the Lunga river and the Second Battalion, 182nd Infantry on our right.

Third Battalion sent out two patrols. Our regimental CP is located on the Lunga—good swimming.

December 16, 1942: Second battalion, 164th, relieved by the Third Battalion, Eighth Marines. Our Second Battalion went into perimeter reserve in the palms known as the Fifth Marine area. This completes our activity in the Fourth Battle of the Matanikau. We suffered quite a few casualties and were in action 28 days without relief. The health of the men is not good as they are run down from lack of good wholesome food and the strain of 28 days in action has taken something out of them. They need a damn good rest.

First Battalion and Third Battalion had their usual patrol activities.

December 27, 1942: No word from the "G" Company patrol. Other Patrols negative. Radio must be out.

December 28, 1942: Captain Meline returned just before dark. He managed to get through with one of the tractors. The patrol located the Jap trail. Meline was assigned to take over the Third Battalion because Captain Cook was sent to the hospital with arthritis.

December 29, 1942: Major Ordaahl took a group of officers out to check the Matanikau positions. Meline came down with Malaria. Captain Gosset assumed command of the Third Battalion. Company "C" patrol returned. They had invaluable information—they had located the Jap trail and destroyed one Jap field piece. The mystery of the route used by the Japs in their attack on Henderson Field October 25, 26 and 27 was finally solved. No wonder Marine patrols could not discover the Japs at that time.

December 30, 1942: Lt. Col. Hall returned from the hospital at Suva. He is quite well again from his wounds.

Had a meeting with Company "E"; they are to go up to the Lunga with the next patrol. Plenty of rain the past week has made the roads terrible.

December 31, 1942: Line for the end of the year: First, and Third Battalions on the perimeter defense west of the Lunga; Second Battalion in perimeter reserve; Service Company located near the Marine cemetery. Here is the box score on casualties and miscellaneous information since our landing on October 13, 1942: 63 air raids, these are raids where bombs actually fell in our areas. This total does not include all the alerts. 137 men and officers killed in action. 308 men and officers wounded in action. 393 men and officers evacuated. 13 men and officers missing in action.

January 1, 1943: Colonel Moore, our regimental commander, was made A.D.C. of the American Division, Lt. Col. Paul Daly from Southport, Conn. was given command of our regiment.

January 2, 1943: Two air raids during the night. Daly was made a full Colonel. Decoration ceremony at the First Battalion today. Colonel Moore made the awards. There were five silver stars given out.

January 3, 1943: Third Battalion decoration ceremony today and Colonel Moore pinned one silver star; one soldiers medal and three purple hearts.

I bid goodbye to Brig. Gen. Rupertis and Lt. Col. Frisbee of the Seventh Marines

today. Our gang will sure miss the First Marine Division. They are grand guys and great fighters.

January 4, 1943: The rear echelon under Captain Erickson came in by ship from New Caledonia. They are glad to get back with the regiment and I do hope the bombings will not be too hard on them.

Our patrols have only run across a few scattered Japs in the jungle.

January 5, 1943: Second Battalion decoration ceremony and three silver stars and two purple hearts were awarded. Usual patrol activities.

January 6, 7, 8, 9, 1943: Usual routine with patrols and positions unchanged. First and Third Battalions on the line with the Second Battalion stationed in the coconuts as perimeter reserve. Brig. Gen. Sebree is the perimeter commander now.

January 10, 1943: Company "C", 164th Infantry under Captain Mjogdalen returned from patrol of Grassy Knoll (Mt. Austin).

The Matanikau battle started in full swing again with the Second Marine Division along the coastal plain and the 25th Division under Major General Collins on the left striking along the ridges. These ridges curve toward the ocean near Kokumbona. This is the first time we have ever had enough troops together for a real push. They are using 200 natives from Malaita to hand carry for the 25th Division. It looks like it will be curtains for the Nips on Guadalcanal.

January 11, 1943: One air raid today. No casualties. Third Battalion relieved by our Second Battalion. The Third Battalion is suffering from Malaria and will move down to the beach at Kokum, where they will constitute the perimeter reserve. Rains are heavy and roads are poor.

January 12, 1943: Company "I", 164th Infantry, under First Lt. Steckler left on the regular five day patrol up the Lunga river. The Jap east-west trail back of Mt. Austin must be continually watched to prevent the Japs from coming wide during the offensive west of the Matanikau. We furnished 650 men for unloading ships at the beach.

January 13, 1943: One air raid; no casualties. Usual routine patrol activities. Continuous rains and our labor details are heavy.

January 14, 1943: Captain Meline and myself visited the front and conferred with Colonel Jeske, Lt. Colonel Reisler and Lt. Colonel Frikke of the Eighth Marines.

Eight men, including two officers were killed during an air raid tonight. Two men were also wounded. Those killed are as follows: S/Sgt. Robert J. Turner of Company "K"; Second Lt. Clarence L. Bonderud of Company "K"; Pfc. Troy T. Gustafson of Company "K"; Corporal Arthur O. Johnson of Company "K"; Pfc. Fred J. Reid of Company "K"; Private Manuel D. Cuen of Company "K"; Second Lt. Raymond W. Baesler of Company "A" and Pfc. Coral L. Hoagenson of Company "E".

January 15, 1943: Two air raids during the night. The Nips came in without warning. The "dirty cows" as Colonel Matheson of the Australian Army used to call them. Received an order placing me on the Division Promotion Board.

January 16, 1943: Four air raids. The Nips are trying to relieve the pressure of the Matanikau offensive. Usual routine patrol activities. Malaria is hitting us heavy.

January 17, 1943: One air raid. No casualties. Major Ordahl, Smith and myself went up to Koli Point with the view of taking over that sector from the 147th Infantry under Colonel Tuttle. This unit is going into combat for the first time and of course we came in for a lot of questions about battle.

January 18, 1943: Went over our list of officers to be sent back to the United States on the rotation of officers letter from the War Department. Don't know what will come of this directive.

January 19, 1943: Usual "Cactus Express" tried to get in again. This express consists of four or more Japanese destroyers that generally try to get in during the dark of the moon, and land Jap reinforcements and supplies. Visited the Matanikau front again. Boy, what a tough nut to crack. The Japs are well dug in, but the old softening up process the 164th Infantry and the Eighth Marines gave them is starting to show results. Latest scuttlebutt, "the 164 Infantry is to be relieved off Guadalcanal after the Second and Eighth Marines leave."

January 20, 1943: We moved off the perimeter defense west of the Lunga River and went into XIV Corps defense. Our new location is on the beach in which is called Tenerau Block Number four. This is the location where the Marines made their initial landing and drove southwest to capture Henderson Field. It rained all day and HOW! One air raid today.

January 21, 1943: We got our command post set up today. Colonel Daly decorated 21 soldiers at a ceremony held in the Third Battalion area. Secretary of Navy, Knox; Admirals Nimitz and Halsey are here today. Our regiment furnished a protective force for them when they visited the front. The Japs sure must know they are here today as we have had five air raids. One of them lasted 7½ hours.

January 22, 1943: Received a flock of mail today. Lots of ships in and we are furnishing unloading details of five to six hundred men daily. The Nips are on the run and it sure looks like Kokumbona will be taken. The 164th Infantry and the Eighth Marines certainly softened the Nips up for the drive along the coast. Plenty of Naval stuff around and it looks like something doing. We had three air raids during the night.

January 23, 1943: We are making plans for our regiment to make a landing in rear of the Japs lines. We had four air raids during the night and the enemy dropped a considerable number of bombs.

January 24, 1943: Colonel Daly, Lt. Colonels Hall, Richards, Northridge, and myself boarded the Navy destroyer Long in order to make a coast reconnaissance behind the Jap lines for a possible landing for the regiment. We followed along the coast at pistol range (2500 yards) and lambasted the shore line on anything that looked like Jap positions or activity. We went all the way up to Cape Esperance and back, used up 400 shells. It was a lot of fun and the skipper gave us a good meal. Made tentative plans for a landing at Tasafronga. One air raid during the night.

January 25, 1943: 78 Jap airplanes (40 Zeros and 38 bombers) tried to get in between Savo Island and Lunga Point. They were driven back and our air force knocked down five Zeros. Still toying with the landing idea.

January 26, 1943: Four air raids between 0300 and 0500. 46 bombs were dropped. Company "C" under Captain Mjogdalen was alerted today to get ready to take over Savo Island. Savo is about eight miles off Cape Esperance and has been the scene of many a bloody Naval battle. We are still planning for our landing against the Nips.

26 January 1943: Memorandum: 1. The magnificent, aggressive, and sustained efforts of our ground forces, with the able assistance of accurate supporting fires from the air and sea, have completely demoralized, disorga-

nized and scattered our enemy. Sickness and a lack of food variety have added to his distress.

2. The time has arrived, and I therefore call upon all members of this command to effect the kill through aggressive and untiring offensive action.

A. M. PATCH,

Major General, U.S. Army Commanding.

January 27, 1943: Japs put in a daylight raid and the score was nine Jap planes against five of ours. Company "C" is all set for their jaunt. Our old regimental commander, Colonel Moore, left for the states today. He was made a Brigadier General and will be assistant Division Commander of the 104th Division at Camp Adair, Oregon.

January 28, 1943: Company "C" left at 1000 on a tank lighter for Savo Island. Hope they don't run into too much opposition. They had ten day's rations and five units of fire along. Colonel Jeske of the Eighth Marines called today to wish me goodbye. It sure makes me feel bad to see some of the old Marine friends leave. We had three air raids during the night; one Jap bomber was shot down at Savo and four Zeros were reported down at Beaufort Bay.

January 29, 1943: Company "C" reported by radio from Savo. Everything was all right and so far no enemy encountered. Colonel Daly and Major Meline went to the front west of Kokumbona. I spent a quiet day reading. We had two air and one submarine raid today. Tonight we had chicken for supper and did it taste good.

January 30, 1943: Company "B", 164th Infantry, relieved the Second Battalion of the 132nd Infantry on the defensive line east of the Lunga river. Colonel Butler of the Engineers called to say goodbye. His home is in Duluth and he is to report in to San Francisco. Our forces are still advancing west of Kokumbona.

January 31, 1943: Lt. General Harmon was here today. Our forces are advancing rapidly along the coast. Almost looks like it's about over. We had three raids early this morning.

February 1, 1943: We had three air raids between 2130 last night and 0400 this morning. Report this morning a Jap force consisting of four aircraft carriers, 8 battleships, 15 cruisers, 24 destroyers and 60 transports are on their way down. Let them come, we're here to stay. The regiment received orders to set up the beach defense in the Koli Point area. We struggled all night getting into position.

February 2, 1943: Two air raids during the night. I sure prayed on one raid as the road to Koli Point was jammed with artillery vehicles mired down with part of the 25th Division Artillery which was moving up to reinforce our position. Major Smith and I got caught in the traffic snarl looking for part of Regimental Headquarters Company. Luckily the bombs hit about half a mile away.

The Third Battalion is in position from the Ilu to the Malimbau river. The second Battalion is being held in reserve with the First Battalion held temporarily inside the perimeter.

Yesterday we received our first replacements from the States consisting of six officers and forty one enlisted men. The sad part of the replacements was the fact that we evacuated forty one men.

Our score to date—150 killed in action or died of wounds. 360 wounded in action and 853 evacuated since October 13, 1942.

February 3, 1943: We had two air raids during the early morning hours before dawn. It was fun watching our ack-ack fire at them. Five searchlight batteries played the sky.

One Zero must have been held in one set of beams for twenty minutes while the ack-ack patted the plane. He was up so high they could not reach him, but several times the concussion from the bursting fire turned his plane completely around.

The Third Battalion is wiring the beach up. The men are working like Trojans getting set for the probable Jap invasion force.

February 4, 1943: routine defense work. Went over to the Ninth Marine defense battalion to go over plans on the placing of our Second Battalion in that area. They are located on the east side of the Malimbau river and have part beach defense and also airport defense in that area. Met Lt. Colonel Scheyer, Battalion Commander and his Executive Officer, Lt. Colonel Thompson. Thompson went to school with our Captain Newgard.

February 5, 1943: Routine beach defense, continually improving the set up with double apron wire. No further news of the Jap force. Some seem to think that the Japs are evacuating the Island.

February 6, 1943: We are now attached to the 25th Infantry Division under Major General Collins. The 35th Infantry will occupy an area along the beach from the east branch of the Lunga river to the Illu river and tie up with our third Battalion. This gives us a good beach defense from the Lunga to the Malimbau river.

February 7, 1943: We moved our Second Battalion across the Malimbau river to occupy the beach from Tagoma Point to the Metapona river. We are now in good position for any Jap attack on the North Beach of Guadalcanal. It is good to get the men on the beaches as I notice that after a week in the sea breeze our malaria rate is cut down considerably. Received a letter from Captain McGurran, our adjutant. He is in the hospital at the Fiji Islands.

February 8, 1943: Today I'm busy moving the Regimental Command Post across the Malimbau and will occupy the old CP that the Americal Division Peep Reconnaissance Battalion had. It sure doesn't take much to move as all we carry is what we have on our backs, plus communications. I'm getting to think that a war can be run from your hip pocket.

February 9, 1943: Our First Battalion moved up and were placed in reserve in the Koli Point area. The roads are terrible. The 132nd Infantry is coming up from the other side of the Island. Met elements from the 161st Infantry at Cape Esperance. That looks like the windup of the battle of Guadalcanal. Everybody hopes that the news is true.

February 10, 1943: The new night was terrific. General Patch officially confirmed it this morning. How happy us poor devils are. We have lived through 120 days of Hell.

February 11, 1943: Won 25 dollars playing poker. It was our first poker on Guadalcanal during the evening as lights have been taboo since we landed on the Island.

February 12, 1943: One man from Company "M" was wounded by a mortar shell fragment. They were testing our various ranges.

12 February 1943: General orders No. 33. 1. The order that all members of this command may know that higher headquarters understand and appreciate your accomplishments on Guadalcanal the substance of the following radiograms is published:

From General Harmon (COMGENSOPAC): "All forces, Army, Marines, and Navy have given us all pride in splendid and rapid advance against Jap forces and then final elimination from Guadalcanal."

"No one doubts the capacity of our forces to consistently whip the Jap in offensive action. We look forward with confidence."

From Admiral Halsey (COMSOPAC): "Thanks and Congratulations."

From General Marshall (Chief of Staff, United States Army): "Other messages of congratulation have emphasized the excellence American Forces on CACTUS, congratulations on splendid successes. They fill us with confidence in the future."

2. To all members of our forces. I therefore express my gratitude for the efforts and sacrifices made which have achieved the victory and merited these expressions from the high command.

A. M. PATCH,

Major General, U.S. Army Commanding.

February 13, 1943: Has our first meeting of a Board of Officers to conduct examinations for Second Lieutenants. Colonel Demuth of the Artillery is president, Major Sheldon of the 132nd Infantry is secretary and Major Dolbeare, 182nd Infantry, Major Collins of the Medical Corps and myself made up the rest of the Board. We have 150 candidates to examine.

February 14, 1943: We moved the regiment today and have a bivouac area on top of the hills overlooking the Matanikau river. This place is called Skyline Drive and will help the boys get rid of their Malaria bugs, as there is always a good breeze up there. Our board met again today.

February 15, 1943: The battalions are all settled on Skyline Drive. We have a beautiful ocean view and can see Point Cruz and much of our old Matanikau battle ground. Rumor has it that Lt. Colonels Hall, Richards and I are going back to the States.

February 16, 1943: Our Candidate Board met this afternoon and examined 16 officer candidates. The scuttlebut is running strong, some say the regiment is going back to New Caledonia; others the Fijis and as for the regiment itself, it would like to go to New Zealand. They deserve to get back to civilization as it's been almost a year since they were in Australia.

February 17, 1943: Major Schatz, Captain Yancey and Lt. Flo went over to Suva to visit Company "C". A couple of the men over there are sick. Mail came in today.

February 18, 19 and 20, 1943: Usual routine—Board meetings. The Sixth Marines have left the Island. Mail arrived during this period and everybody is happy. We also drew our pay. It was the first pay in four months. All the money in the world and nothing to spend it on. What crap games!!!!

February 12, 22 and 23, 1943: Upon return from church on the Skyline, orders were waiting for Lt. Colonels Hall, Richards and myself to return home. The news provoked strong emotions—though mixed. Was Providence intervening or had our job been done? Leaving the old Regiment after 23 years was a hard task. But from a tropical Hell to an American home was a most happy transition—outweighing all other factors.

Preparations to depart by air were hurriedly, yet thoughtfully, made. What articles should go and what ones should remain? My first thought was the old Jap rifle, taken from a dead Nip's fist and stained by his own blood. Other items, all suggestive of the strife of battle, found a place.

Packing completed, the two Colonels and I called to pay final respects to Brig. General Sebree, who pleasingly told us that our services would be rewarded. Needless to say, that eased the strain of departure—and tomorrow was the day.

Sleepless from anticipation. I arose early and started to Henderson Field, being driven by faithful old Slats, who for two years had never failed in the careful performance of

this duty. Telling Slats "goodbye" and leaving him behind, hurt me acutely. His heart was very human.

Boarding the DC 3 was all that remained to be done, and with characteristic army dispatch that was accomplished. We took to the air and as if by spiritual control our plane droned low over the First Marine Cemetery before pursuing its course. Casting my tear-moist eyes below, there are present in my mind the picture of the old Regiment in open box formation about the cemetery. The Chaplain at the altar, and each man, upon the playing of taps, solemnly eager to break among the crosses in search of the final resting place of this pal and hero, there to kneel in manly reverence. My heart could stand no greater strain. My soul, linked with the souls of the dead below, resolved anew that "there shall be no rest until every Jap is obliterated from the Pacific." Then, as over her deep blue water we flew away, a merciful fog enshrouded our brave dead.●

By Mr. BREAUX:

S.J. Res. 249. Joint resolution to propose an amendment to the Constitution of the United States to protect the cultural rights of all Americans; to the Committee on the Judiciary.

CONSTITUTIONAL AMENDMENT TO PROTECT THE CULTURAL RIGHTS OF ALL AMERICANS

● Mr. BREAUX. Mr. President, today, I am reintroducing a joint resolution proposing a constitutional amendment that would recognize the right of all Americans to the preservation of their individual cultural traditions. I am again asking the Congress to consider the value of explicitly recognizing and protecting interests in the cultural pluralism that exists throughout our country.

As I noted when I introduced this amendment in the 101st Congress, this country is great because in practice we generally accept our cultural diversity. The general acceptance of cultural diversity, however, is from time to time, confronted with efforts to eliminate or curtail certain language or cultural practices.

As are many of my colleagues in the Senate and the House with respect to their various cultural heritages, I am proud of my Acadian or Cajun heritage. The diversity of cultural origins represented in this Congress, Mr. President, broadens the institution's perspective, and is an important factor contributing to the success of the American system of government.

My home State of Louisiana has properly elevated the importance of cultural heritage. The people of Louisiana have a fundamental right to preserve their cultural heritage. Louisiana's State Constitution prohibits discrimination on the basis of culture, and recognizes "the right of people to preserve, foster, and promote their respective historic, linguistic, and cultural origins." I strongly support this approach and present it here today, Mr. President, for consideration in the U.S. Congress.

America leads the world in its commitment to the principle of individual

freedom. Assuring constitutional protection of opportunities for individual linguistic and cultural development will further strengthen our adherence to the principle of individual freedom.

Mr. President, to the extent that we eliminate potential for suppression on the basis of language and culture we also strengthen America's ability to lead in world affairs. Americans of African culture, Chinese culture, French culture, Italian culture, Korean culture, Indian culture, German culture, native American culture, Japanese culture, and many others, are vital links to our understanding and ability to work effectively in helping to resolve critical world issues. America's cultural diversity, Mr. President, is a major asset undergirding successful participation in international affairs.

I present this joint resolution to my colleagues for their consideration, and hopefully their support. Mr. President, I ask unanimous consent that the joint resolution be printed in the RECORD.

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

S.J. RES. 249

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE—

"SECTION 1. The right of the people to preserve, foster, and promote their respective historic, linguistic, and cultural origins shall not be violated. No person shall be denied the equal protection of the laws because of culture or language.

"SECTION 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article."•

ADDITIONAL COSPONSORS

S. 709

At the request of Mr. HATCH, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 709, a bill to amend the Internal Revenue Code to allow a deduction for qualified adoption expenses, and for other purposes.

S. 1537

At the request of Mr. BROWN, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 1537, a bill to amend the National Trails System Act to designate the American Discovery Trail for study to determine the feasibility and desirability of its designation as a national trail.

S. 1755

At the request of Mr. BUMPERS, the name of the Senator from Massachusetts [Mr. KERRY] was added as a co-

sponsor of S. 1755, a bill to reform the concessions policies of the National Park Service, and for other purposes.

S. 1851

At the request of Mr. ROCKEFELLER, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 1851, a bill to provide for a Management Corps that would provide the expertise of United States businesses to the Republics of the Soviet Union and the Baltic States.

S. 1872

At the request of Mr. BENTSEN, the names of the Senator from New York [Mr. MOYNIHAN], the Senator from Oklahoma [Mr. BOREN], the Senator from South Dakota [Mr. PRESSLER], the Senator from Hawaii [Mr. INOUE], the Senator from North Carolina [Mr. SANFORD], the Senator from Florida [Mr. GRAHAM], the Senator from Washington [Mr. GORTON], the Senator from Connecticut [Mr. DODD], the Senator from New Mexico [Mr. BINGAMAN], and the Senator from Indiana [Mr. COATS] were added as cosponsors of S. 1872, a bill to provide for improvements in access and affordability of health insurance coverage through small employer health insurance reform, for improvements in the portability of health insurance, and for health care cost containment, and for other purposes.

S. 2089

At the request of Mr. NICKLES, the names of the Senator from Indiana [Mr. COATS], the Senator from Kansas [Mrs. KASSEBAUM], and the Senator from California [Mr. SEYMOUR] were added as cosponsors of S. 2089, a bill to repeal exemptions from civil rights and labor laws for Members of Congress.

SENATE JOINT RESOLUTION 214

At the request of Mr. RIEGLE, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of Senate Joint Resolution 214, a joint resolution to designate May 16, 1992, as "National Awareness Week for Life-Saving Techniques."

SENATE JOINT RESOLUTION 222

At the request of Mr. DASCHLE, the names of the Senator from Arizona [Mr. DECONCINI], the Senator from California [Mr. CRANSTON], the Senator from California [Mr. SEYMOUR], the Senator from Illinois [Mr. DIXON], the Senator from Mississippi [Mr. COCHRAN], the Senator from Nevada [Mr. REID], the Senator from Oregon [Mr. PACKWOOD], the Senator from Alaska [Mr. STEVENS], the Senator from Connecticut [Mr. DODD], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Montana [Mr. BAUCUS], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Idaho [Mr. CRAIG], the Senator from Tennessee [Mr. GORE], and the Senator from Montana [Mr. BURNS] were added as cosponsors of Senate Joint Resolution 222, a joint resolution to designate 1992 as the "Year of Reconciliation Between American Indians and non-Indians."

SENATE JOINT RESOLUTION 228

At the request of Mr. D'AMATO, the names of the Senator from Ohio [Mr. GLENN], and the Senator from Utah [Mr. HATCH] were added as cosponsors of Senate Joint Resolution 228, a joint resolution to designate the week beginning February 23, 1992, as "National Manufacturing Week."

SENATE JOINT RESOLUTION 244

At the request of Mr. SIMPSON, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of Senate Joint Resolution 244, a joint resolution to recognize and honor the National Conference of Commissioners on Uniform State Laws on its Centennial for its contribution to a strong federal system of government.

SENATE RESOLUTION 249

At the request of Mr. D'AMATO, the names of the Senator from Michigan [Mr. LEVIN], the Senator from Massachusetts [Mr. KERRY], the Senator from New Jersey [Mr. BRADLEY], and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of Senate Resolution 249, a resolution expressing the sense of the Senate that the United States should seek a final and conclusive account of the whereabouts and definitive fate of Raoul Wallenberg.

AMENDMENTS SUBMITTED

NATIONAL ENERGY SECURITY ACT

GORTON AMENDMENT NO. 1525

(Ordered to lie on the table.)

Mr. GORTON submitted an amendment to the bill (S. 2166) to reduce the Nation's dependence on imported oil, to provide for the energy security of the Nation, and for other purposes, as follows:

On page 315, line 13, insert ", the State of Washington" after "California".

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public a postponement pertaining to an upcoming hearing before the Committee on Energy and Natural Resources.

The hearing scheduled on Wednesday, February 5, 1992, has been postponed indefinitely.

The purpose of the hearing was to receive testimony from the Department of Energy and the Federal Energy Regulatory Commission regarding two of the Commission's pending natural gas rulemakings: First, the notice of proposed rulemaking [NOPR] regarding pipeline service obligations in docket No. RM91-11-000, the so-called Mega

NOPR; and, second, order No. 555 concerning revisions to regulations governing authorizations for the construction of natural gas pipeline facilities.

For further information, please contact Don Santa of the committee staff at 202/224-4820.

Mr. President, the full committee hearing scheduled on Thursday, February 6, concerning the Hawaiian Homes Commission Act has been moved from SD-628 to SH-216.

For further information, please call Pat Temple at 4-4756.

ADDITIONAL STATEMENTS

GUNSMOKE '91

● Mr. DECONCINI. Mr. President, I would like to congratulate the members of Luke Air Force Reserve's 944th Tactical Fighter Group in Arizona, for their outstanding performance in "Gunsmoke '91." Many refer to this event as the Fighter Olympics, and I am proud to announce that in these Olympics the men and women of the 944th placed second in the competition, scoring 8,415 points out of a possible 8,800.

Special congratulations go to 1st Lt. Scott Wilkey for placing the best F-16 performance among the five other units, and taking home the coveted Top Gun Award in the F-16 category. Also deserving of special praise are Maj. Mike Clemovitz, and S. Sgt. Jerry L. Rose, for placing first in high altitude dive bombing, and top crew chief respectively. The 944th TFW also won the Best Aircraft Appearance Award.

Competitors in the event included representatives from the Tactical Air Command, U.S. Air Force in Europe, Pacific Air Force, Air National Guard, and the Air Force Reserve.

I ask that the article entitled, "Gunsmoke '91, Reserve Smokes Competition," from the December 1991 edition of Citizen Airman be printed in the RECORD at this point.

RESERVE SMOKES COMPETITION

(By TSgt. Janie C. Blaney)

The Nevada sun at Nellis Air Force Base, Las Vegas beat ruthlessly down on the heads and shoulders of tight knots of men and women gathered around the monumental scoreboard. Tension-riddled groups stood silently as officials posted the final results of competition scores. More than a week of intense flying, maintenance, and weapons loading was over. The crowd shuffled and waited impatiently.

Then, wordless cheers and hoarse screams from the winners and low groans from losers rose to a crescendo.

Lt. Col. Roger Disrud, a 47-year-old Air Force Reservist from Richards-Gebaur AFB, Mo., flying the A-10 had won the coveted "Top Gun" trophy for Gunsmoke '91 during the Oct. 6-19 competition.

Disrud, 442nd Tactical Fighter Wing pilot, who flew F-100s during Vietnam, grabbed the victory by racking up 2,203 points from a possible 2,250 by flying his tank killer low

and slow and coming in for bullseye bombing accuracy.

Lt. Col. Ronald Ball, an A-10 pilot assigned to the 175th Air National Guard TFW from Maryland garnered 2,202 points and 1st Lt. Scott Wilkey, representing the Reserve's 944th Tactical Fighter Group at Luke AFB, Ariz., placed third flying the F-16 and earning 2,173 points. Wilkey recorded the best F-16 performance against five other F-16 units to take Top Gun in the F-16 category and placed third in the 200-foot level bombing event. His team mate, Maj. Mike Clemovitz took first in high altitude dive bombing and second in 200-foot level dive bombing.

Maj. Milt Miller, 944th team captain, took third in the navigation/attack category and Maj. Robert Tarter, 442nd TFW was first in dive bombing and strafing.

In Overall competition, the 175th TFG Guard unit at Baltimore, Md., placed first scoring 8,524 points from a possible 8,800, flying the A-10 Thunderbolt II. Second place was grabbed by the 944th TFG, which piled up 8,415 points, and third went to the 388th Fighter Wing (active duty) at Hill AFB, Utah.

The Best Maintenance award went to the 121st TFG, Ohio ANG, operating A-7s, with the 944th TFG taking second. Third place went to the 432nd FW, Misawa AB, Japan.

Taking home the Top Crew Chief award was S. Sgt. Jerry L. Rose, F-16 crew chief from the 944th. Luke also swept the Best Aircraft Appearance award.

The 422nd TFW weapons loading team did the best job of hanging and turning bombs, earning the top slot in the Best Weapons Loading competition with 2,990 points from a possible 3,000. Myrtle Beach's 354th FW took second and the 121 TFW Guard unit from Kirtland AFB, N.M., went home with third.

Gunsmoke '91, the "Fighter Olympics," drew units from Tactical Air Command, U.S. Air Forces in Europe, Pacific Air Forces, Air National Guard and the Air Force Reserve to compete against each other.

The biennial event started off with a bang when all the teams arrived within 14 seconds of their scheduled time and never faltered. A total of 645 people competed in events ranging from basic weapons delivery, navigation/attack, dive bombing and weapons loading to best aircraft appearance.

The awards banquet was held at Caesars Palace's Colosseum Complex to help celebrate the victorious and console the losers.●

YUGOSLAVIA

● Mr. D'AMATO. Mr. President, on November 7, 1991, Senator PRESSLER and I introduced legislation calling on the President to grant formal diplomatic recognition to those areas of Yugoslavia that have made a formal declaration of independence. The events of the past 2 months have only strengthened my conviction that it is time for the United States to come to grips with the fact that no group in Yugoslavia is willing to live under the thumb of Serbian domination. Slobodan Milosovic has pursued a dream of a greater Serbia at the expense of the lives of thousands of innocent civilians. It is time to recognize as independent nations Slovenia, Croatia, Macedonia, Bosnia-Herzegovina, and Kosovo. I urge my colleagues to join me in cosponsoring this legislation in

order to press the State Department into action, and also to lift the unfair nationwide, United States-imposed sanctions against the individual former Yugoslav republics. Sanctions only harm the victimized republics like Croatia, Slovenia, Kosovo, Bosnia-Herzegovina, and Macedonia.

In addition, Mr. President, I would like to call to my colleagues' attention the unique opportunity the Republic of Macedonia has to set an example for the multiethnic states of Eastern Europe. Macedonia has a large Albanian minority. As it constitutes its new government, it has the opportunity to demonstrate that democracy can work in Eastern Europe by respecting the political rights of its large Albanian minority. After my meeting yesterday with Macedonian President Kiro Gligorov, I am convinced that he is committed to democracy in his republic.

Such an action will establish a sound foundation for the future and demonstrate to the newly emerging democracies in Eastern Europe that multiethnic democracies can work.●

RALPH DREES NAMED 1991 BUILDER OF THE YEAR

● Mr. FORD. Mr. President, today as we stand in this Senate Chamber addressing issues of concern important to each of us and the States we represent, I want to take a few moments to commend fellow Kentuckian, Ralph Drees.

Known to take raw pieces of land throughout the northern Kentucky and Cincinnati region and develop it, he has been named "1991 Builder of the Year" by Professional Builder & Remodeler.

This award dates back to 1966 and has since recognized annually the achievements of one builder nationwide. The Builder of the Year Award searches out a company or individual that delivers the right product for the right price; one that maintains its profitability and growth.

Although the award is 26 years old, 1991 marks only the 25th time it has been given. No award was given back in 1982 due to an exceptionally bad year for the industry.

It is this that makes Drees outshine others by a long shot. It says a lot that this award was given in 1991—a year when the recession was as bad if not worse than in 1982.

His record of community service is long, going back to the 1960's when every morning children who lived in the undeveloped area on the south side of Erlanger, KY, would board Drees' Volkswagen bus for their ride to school and board it again afterwards for their ride back home. Without Drees, the children would have had to walk to school since no bus system had been established.

This once undeveloped area of Erlanger soon became a community all

its own. Drees installed the sewer and water lines, he built the streets and the homes. And until a bus system was implemented completely, he continued, for 3 years, to transport children to school as another incentive for prospective home buyers to settle in his newly developed subdivision.

This is typical of Mr. Drees—a man who time and again has made the community and its needs his first priority.

It is no wonder that Drees is commonly referred to as the "Good Neighbor Builder." He has made himself a trademark—a builder who focuses on building the type of homes that fits the buyers' needs.

He started as a single family home builder, developing five houses a year, and has grown into a community developer of homes, apartments, attached townhouses, office buildings, and commercial centers in the northern Kentucky and greater Cincinnati areas, and most recently, Dallas, TX.

I applaud Ralph Drees in his extreme efforts and accomplishments. It seems that whenever he reaches a peak in his incredibly successful career, he does not stop. He finds yet another pinnacle and surmounts that as well. •

MICHIGAN'S 1991 TREE FARMERS OF THE YEAR

• Mr. LEVIN. Mr. President, on December 3, 1991, the American Tree Farm System recognized Cliff and Lucille Gearhart as Michigan's 1991 Tree Farmers of the Year. This award was presented to the Gearhart's for outstanding woodland management, something they have been practicing for over 60 years.

The Gearharts of Wolverine, MI, have owned and operated North Star Trees, Inc., since the early 1940's and have been enrolled in the Tree Farm Program since 1989. North Star Trees, Inc., is located in northern Michigan, spreading over 1,800 acres across 3 counties.

The Gearharts are primarily Christmas tree growers; however, they have been recognized for their expertise in harvesting timber and growing seedlings.

The business is operated by Cliff and Lucille, their daughter Jean, their sons Dan and Dave, and their daughters-in-law Carol and Becky. During the Christmas season their grand-children even get involved. The company employs about 25 others during the peak summer months.

North Star Trees was chosen from more than 2,000 tree farms throughout the State. The Gearharts are now contenders for the National Tree Farmers of the Year Award for 1991.

The Gearharts' outstanding commitment to good forest management is rightfully recognized by this award. In the words of Cliff Gearhart, the "tree farmer contributes much to the needs of planet Earth."

I would like to take this opportunity to congratulate the Gearharts and wish them many more successful years of tree farming. •

AMERICA'S BALANCE OF TRADE WITH JAPAN

• Mr. KASTEN. Mr. President, I am concerned about America's balance of trade with Japan. The United States-Japanese trade relationship is a very important issue for our country. My home State of Wisconsin has a lot at stake.

The question of free and fair trade with Japan is a contentious one. I have been fighting to break down Japan's unfair trade barriers to United States products in a way that doesn't hurt American workers, while working to improve the competitiveness of our industries at home.

One of the defining issues for the United States-Japanese trade relationship is auto part sourcing. The Japanese use what is called the Keiretsu system of formal and informal networks between Japanese suppliers and manufacturers to exclude American companies.

I believe it's time for Congress to get involved. This is why I have decided to cosponsor S. 1850, a bill to reauthorize Super 301. This law was used effectively from 1988-90 to help break down unfair foreign trade barriers. It's authorization was allowed to lapse, and I think it is time now to bring it back.

However, there are things we can do at home to help our situation. I believe the United States can increase its exports by doing away with our own Government's policies of high taxation and overregulation. More incentives are necessary to encourage the growth and expansion needed to provide new jobs in all parts of the country, including my home State of Wisconsin.

The plan I recently proposed, the Economic Growth and Tax Freedom Act which calls for a cut in the capital gains tax, among other progrowth initiatives, would accomplish the goals of creating more jobs and increasing our Nation's exports.

The United States can compete, and is matching up well against other nations, but that is no excuse for our accepting unfair burdens at home. We need to eliminate many of the formal and informal hurdles that stand in the way of our products. The bill S. 1850 will help us do just that. •

ANOTHER PLAYGROUND SHOOTING TRAGEDY

• Mr. MOYNIHAN. Mr. President, I rise today to relate to my colleagues, with sadness, the most recent incident of children shooting children. Last Friday's New York Times reports that 2 children were shot yesterday by a teenager in a Brooklyn, NY, school playground.

The 2 playmates, one 11 and the other 13, had just left the swings to watch an argument that had broken out. One 16-year-old involved in the quarrel pulled out a handgun and fired two shots, hitting the young bystanders. The hospital now lists them in stable condition.

Almost as tragic as the shooting was the reaction of the children who witnessed it. According to newspaper accounts, few of them seemed surprised it occurred. One 13-year-old boy promised vengeance if he were shot. Another said, "I didn't even run. I'm too used to it now." He also speculated that it was a .25 caliber gun that was used. The police have a suspect, and are currently attempting to apprehend him.

Last year, and the year before that, there was an astonishing spate of shootings by children against children, and drive-by incidents in which bystanders were shot. This is an inauspicious start for 1992.

New York has some of the most stringent gun control laws in the country, yet the violent crime rate continues to rise. Although I support these laws, and am a cosponsor of the Brady bill, policymakers ought look to parallel alternatives as well. I believe one solution may be the control of ammunition. After all, guns do not kill people—bullets do.

On the first day of this Congress, I introduced S. 51, a bill to ban the importation, manufacture and transfer of .25 and .32 caliber and 9 millimeter ammunition. I applaud the efforts of Commissioner Lee Brown and the New York City Police to control crime, but it is time we help them with new legislative answers.

I encourage my colleagues to cosponsor S. 51, and ask that the full text of the New York Times article be printed in the RECORD.

The article follows:

[From the New York Times, Jan. 31, 1992]
WILD SHOTS HIT 2 CHILDREN IN A BROOKLYN PLAYGROUND

(By James Bennet)

Two children were wounded outside their Brooklyn school yesterday morning when another youth involved in a dispute pulled out a gun and fired two wild shots across a crowded playground, the police said.

The shooting was the latest in a series of recent violent incidents in and around New York City schools. Last week in Brooklyn, a student shot a police officer outside Junior High School 324 in Bedford-Stuyvesant, and three students were stabbed by a youth as they left Thomas Jefferson High School in East New York.

On the playground adjacent to the school where yesterday's shooting took place, Intermediate School 49 in Williamsburg, many students did not seem surprised or frightened by the violence. "I'm not scared," said Clebert Yarde, 13, a seventh grader. "If they shoot me and I know the guy who did it, I'll shoot him back."

TAKEN TO HOSPITAL

In yesterday's shooting, an 11-year-year-old boy was hit in the ankle and a 13-year-

old boy was nicked in the knee. Both youths, whose identities were being withheld by the police because of their ages, were taken to Woodhull Hospital, where they were listed in stable condition. The police were searching for a 16-year-old youth who probably also attends the same intermediate school, said Lieut. Ronald Peragine of the 90th Precinct.

The police and witnesses said the shooting arose from a student fight outside the school the day before. Schoolchildren said the fight began after on student stole another's hat, but the police said it was caused by something even more minor.

"One bumped into another, and typical children, you want to do something about it," Lieutenant Peragine said. "The Hispanic Youth pulled out a knife and slashed at the other boy." That boy and his friends then chased after the child with the knife, the lieutenant said.

Yesterday, he said, a friend of the youth with the knife brought a handgun to school, apparently to back him up should there be more trouble.

The police said they did not know why the youth started firing just after 9 A.M. as dozens of students, waiting for the doors to open, played on swings in the Thelma Martinez Playground, near the intersection of Graham Avenue and Scholes Street. But witnesses said the youth fired because he was being threatened.

"A lot of people were running at him and he just pulled out a gun and shot," said Ali Kettries, 13, an eighth grader. "They wanted to beat him up. He just shot and wounded an innocent kid who was running toward him."

One of the wounded children dropped to the asphalt. "I saw him on the floor, holding his knee real tight," said Gina Yournet, 12, a seventh grader. "He was crying and screaming." Like the other children, she said, she ducked and fled south down Graham Avenue. The other wounded student, witnesses said, was still able to run.

Police Commissioner Lee P. Brown denounced the shooting yesterday, linking it to the easy availability of handguns and increasing tolerance of violence among children and the public. "The fact that a teenager would shoot somebody shows a disrespect for life to begin with," he said, adding that "what we have to do as a society is make sure we do not have a tolerance level for violence."

But the reaction from the children, who had a half-day in school yesterday because they were taking midterm examinations, was not as strong. They said their teachers did not discuss the incident, and many of the students seemed to shrug it off.

'I DIDN'T EVEN RUN'

Tyrone Cocks, 13, an eighth grader, said gunplay was common near his home in the Marcy Housing Project. "I didn't even run," he said. "I'm too used to it now." Asked whether a handgun had been used in the shooting, he rattled off the calibers of different firearms. "It was like a two-five or a thirty-eight," he said.

Lieutenant Peragine said he planned to station a uniformed officer outside the school to prevent more violence. "We want to nip this in the bud," he said.●

MEASURES INDEFINITELY POSTPONED—S. 160 AND SENATE JOINT RESOLUTION 175

Mr. MITCHELL. Mr. President, I ask unanimous consent that Calendar Nos. 12 and 185 be indefinitely postponed.

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

ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Sen-

ate completes its business today, it stand in recess until 9:10 a.m. on Tuesday, February 4; that following the prayer, the Journal of the proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; and that there then be a period for morning business, not to extend beyond 9:30 a.m., with Senators permitted to speak therein, with Senator SIMPSON recognized for up to 5 minutes and Senator WELLSTONE for up to 10 minutes; that the time from 9:30 a.m. until 10 a.m. be for debate on the motion to invoke cloture on the motion to proceed to S. 166, with the time equally divided and controlled between Senators JOHNSTON and WALLOP; and that on Tuesday, the Senate stand in recess from 12:30 p.m. until 2:15 p.m. in order to accommodate the respective party conferences.

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

RECESS UNTIL TOMORROW AT 9:10 A.M.

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate today and no other Senators seeking recognition, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 5:40 p.m., recessed until Tuesday, February 4, 1992, at 9:10 a.m.