

HOUSE OF REPRESENTATIVES—Tuesday, July 7, 1992

The House met at 12 noon and was called to order by the Speaker pro tempore (Mr. MONTGOMERY).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 7, 1992.

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Reverend Norman A. Hjelm, director of faith and order, National Council of the Churches of Christ in the United States, New York, NY, offered the following prayer:

Lord God of hosts, God of the nations:

By Your grace and in Your patience You have allowed this our land once again to celebrate its birth, its primal quest for liberty, justice, and equity. And we are grateful.

And once again by Your grace and in Your patience You have called this House—responsible men and women who are equally faithful and unfaithful, righteous and unrighteous before You, each other, and the people—You have called this House to the exercise of its solemn task of the legislation of law and the formation of the Nation.

Remind these Your servants that liberty, justice, and equity remain ahead of this Nation as tasks yet to be fulfilled and not as goals already reached.

Maintain before us a clear dedication to the needs of those in our midst who are on the outside because of age, ill health, race, sex, poverty, and urban or rural degradation.

And consecrate anew this Nation to the exercise of imaginative and sacrificial leadership in a restless and violent world which still struggles for authentic justice, peace, and a safe home in Your creation.

Accept now, O God, the labors of this day and the frail lives of Your servants in this House. To You be all honor and glory, world without end. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The gentleman from Kentucky [Mr. MAZZOLI] will please come forward and lead the House in the Pledge of Allegiance.

Mr. MAZZOLI led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill on Thursday, July 2, 1992:

H.R. 5260. An act to extend the Emergency Unemployment Compensation Program, to revise the trigger provisions contained in the extended unemployment compensation programs, and for other purposes.

URGING CONGRESS TO OVERRIDE THE MOTOR-VOTER VETO

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

Mr. MAZZOLI. Mr. Speaker, the President's veto last week of the motor-voter bill, the bill that would allow Americans to register to vote more easily, was absolutely unnecessary, unfortunate, and I think it will add to the cynicism which people in America have regarding the political process. So often we say we want people to vote, we invite them to come in, we want them to take part in the process, and then on the other hand we say "But we will not let you register more easily. We will put barriers in your way, or not remove the barriers already there."

Mr. Speaker, the President says that this bill could, if enacted, provide fraud in the vote place. That does not happen in those 28 States that currently have a kind of motor-voter registration set up. Furthermore, it seems to me that what we ought to do is take advantage of any opportunity to invite people to come into the process. That is what this bill, sponsored in the other body by the senior Senator from Kentucky, Senator FORD, will do.

I hope that the House and the Senate take up the question of overriding the

veto. I think it is very important that we do that to make a statement to the American people that we not only ask them to come into the process, but we are going to make it easier for them to come into the process and vote.

[From the Louisville Courier-Journal, July 4, 1992]

BUSH'S FIRECRACKER

When George Bush vetoed the so-called "motor-voter" bill on Thursday, the League of Women Voters quickly denounced his action, calling it "a terrible gift from the president for our nation's birthday."

You can believe what the League of Women Voters says—it's no radical, partisan group. Its purpose is to get everybody involved in the democratic process. That was also the purpose of the motor-voter bill.

Had the bill been signed, it would have made voter registration easier by allowing people to register by mail and when they renew drivers' licenses.

But the president claimed the legislation would "expose the election process to fraud and corruption." Experience shows something different 28 states already have enacted some provisions of the bill, and none have experienced an increase in voter fraud.

In May, the president of the League of Women Voters said, "Americans need national voter registration reform to break down the barriers that discourage and discriminate."

How can the leader of the world's greatest democracy justify being opposed to that?

[From the New York Times, July 6, 1992]

PRESIDENT BUSH IMPEDES DEMOCRACY

With his veto last week of common-sense legislation designed to make it simple and convenient for all Americans to register to vote, President Bush has demonstrated his opposition to expanded participation in government.

The measure, nicknamed "motor-voter," would have required states to allow citizens to register when they obtain or renew a driver's license. It also would have required states to offer registration by mail and at welfare, unemployment and other government offices. These steps, experts say, would boost registration to about 90 percent of all eligible voters—a big leap from the dismal 60 percent now signed up.

Why would anyone oppose making it easier to register and vote? To justify his veto, Mr. Bush offers a host of flimsy reasons. Most galling is his assertion that there's "no justification" for imposing new standards on the states. Surely the estimated 70 million eligible Americans left unregistered by the present system provide ample justification.

Mr. Bush also repeats the tired Republican argument that "motor-voter" would increase fraud, even though there has been no recorded increase in cheating in the 29 states that already sign up voters at motor-vehicle offices, or in the 27 states that permit registration by mail.

No matter how he tries to cloak it, it seems plain that Mr. Bush's veto decision was a blow to G.O.P. fears that easier reg-

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

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

istration might hurt Republicans by enrolling large numbers of low-income Democrats at accessible public offices. Yet the bill's provisions wouldn't become effective until after the 1992 election. This was an opportunity for Mr. Bush to show statesmanship, and he blew it.

There's only a slim chance that the bill's sponsors can muster the votes needed to override the veto. But with fully 40 percent of eligible Americans still unregistered, it's worth a real fight when Congress returns from the July 4th recess.

MEMBERS SHOULD COSPONSOR A FAIR, BIPARTISAN MOTOR-VOTER BILL

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

Mr. THOMAS of California. Mr. Speaker, I would ask my friend from Kentucky [Mr. MAZZOLI] to search his soul and examine the bill that passed this House on a bipartisan vote. If the Senate had returned that bipartisan-supported bill, I think the gentleman would not have had to take the well this morning to talk about the President's veto.

I told Members on the floor as we discussed this very partisan bill that the way in which it was structured; that is, they mandated, they required States to utilize welfare and unemployment offices to force people to go onto the voting rolls, and then not provide any money to the States to pay for it, and provide no required removal of names of people who have left the State or who have died, that was a partisan bill which deserved a veto.

I would ask my colleague to join me once again in cosponsoring a bill which is fair, a bill that passed the House on a bipartisan basis, and urge his senior Senator from Kentucky to move that bill through the Senate, and the gentleman would see a different result.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
July 6, 1992.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on Thursday, July 2, 1992 at 6:50 p.m.: That the Senate agreed to the Conference Report on H.R. 5260.

With great respect, I am

Sincerely yours,

DONALD K. ANDERSON,
Clerk, U.S. House of Representatives.

CONGRESSIONAL ACCOMPLISHMENT OR LACK OF IT

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

Mr. THOMAS of Wyoming. Mr. Speaker, I rise to talk a little bit about accomplishment or lack of it. We are here in this Congress to serve. We are here in this Congress to solve problems. We spend an awful lot of our time talking about issues and debating. We have been diverted by partisan political kinds of bickering that have gone on here. We have been diverted by the kinds of administrative mischief that has gone on in the bank and the post office.

The fact is, we are here to solve problems, and it seems to me we ought to address ourselves to those problems that are most important to the people of this country. We have probably, at a maximum, 37 days yet to operate yet in this legislative session. That is not very many, so it seems to me we ought to have some leadership.

I urge the leadership to provide some leadership to deal with things like jobs, to deal with the economy, which affects more people in more ways than any other issue, and to do some things that provide incentives for the private sector to develop jobs, to do something about overregulation, which has caused us not to have the private sector develop jobs. We need to be talking about the deficit.

We have a great opportunity, at this time when we are going through appropriations bills which come into this place with 10- or 12-percent increases over last year. Do the Members know what a 10-percent increase is over last year if we did it on every bill? If we had a \$1.5 trillion budget, that is a \$150 billion increase over last year. I think we ought to address ourselves to the most important problems.

THE COST OF OVERREGULATION

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

Mr. DUNCAN. Mr. Speaker, a few days ago in a hearing of the House Committee on Banking, Finance and Urban Affairs, Stephen Steinbrink, Acting Comptroller of the Currency, said this:

Regulations that are more costly than necessary increase bank operating costs, reduce profitability, drive up the cost of services to bank customers, and make it more difficult for bank managers to run their institutions. To put it more plainly, bureaucrats are costing American consumers and hurting them where it hurts most, right in the pocketbook.

Then listen to these words from Mr. Steinbrink, himself a regulator, who is now the chief regulator of U.S. banks:

If these problems become severe enough, regulation intended to reduce risk can actu-

ally impair the safety and soundness of the banking system. In other words, when regulation becomes over-regulation it causes more harm than good and sometimes makes the problem worse. Right now, the U.S. economy is suffering from over-regulation. Our Federal bureaucracy is so protected and immune from politics that it is out of control. It has now become the main roadblock to a strong recovery, second only to our national debt, most of which itself has been caused by a wasteful, inefficient Federal bureaucracy.

□1210

Yet the same man who points out this problem also told us that he has 60 task forces writing new regulations for just one law that we passed last year.

If we are going to keep from collapsing economically we must reduce the size and power of or unelected Federal bureaucracy.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote of the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Wednesday, July 8, 1992.

USE OF UNOBLIGATED MONEYS IN CUSTOMS FORFEITURE FUND

Mr. GUARINI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3562) relating to the use of unobligated moneys in the Customs Forfeiture Fund, as amended.

The Clerk read as follows:

H.R. 3562

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 613A(f) of the Tariff Act of 1930 (19 U.S.C. 1613b(f)) is amended—

(1) by amending paragraph (1)—
(A) by inserting "(A)" after "Fund", and
(B) by striking out the period and inserting the following: "; and (B) for each fiscal year after September 30, 1991 (to the extent that moneys in the Fund are available after appropriations are made to carry out the purposes set forth in subsections (a) (1) and (3) and (b), and after paragraph (3) is complied with, with respect to such fiscal year), (i) \$30,000,000 for use by the Department of Health and Human Services in providing drug treatment under title V of the Public Health Service Act for individuals under criminal justice supervision; and (ii) any amount in excess of such \$30,000,000 for use by such Department in carrying out part D of title XII of the Public Health Service Act."; and

(2) by amending paragraph (3) to read as follows:

"(3) \$15,000,000 (or such lesser amount that may remain in the Fund after expenditures or obligations to carry out the purposes set forth in subsection (a) (1) and (3) and (b) are made in a fiscal year) shall remain in the

Fund for the carrying out of such purposes in the next fiscal year."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. GUARINI] will be recognized for 20 minutes, and the gentleman from California [Mr. THOMAS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. GUARINI].

GENERAL LEAVE

Mr. GUARINI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill presently under consideration.

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

There was no objection.

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

Mr. Speaker, first, I would like to thank my colleagues from the Ways and Means Committee—Chairmen ROSTENKOWSKI and GIBBONS—for their strong support and assistance in bringing H.R. 3562 to the floor. I want to thank Chairmen DINGELL and WAXMAN for their support as well.

H.R. 3562 would provide that, at the end of each fiscal year—any surplus amount remaining in the Customs forfeiture fund would be provided to programs administered by the Department of Health and Human Services. Presently, any surplus is deposited in the general fund of the Treasury of the United States.

The Customs forfeiture fund was established in order to direct the cash and assets seized in drug busts toward antidrug efforts. Permitted expenditures out of the fund for Customs and the Coast Guard are primarily law enforcement related, for construction of prisons, payments of informers, equipment, and expenditures such as overtime payments for joint operations with State and local authorities, among others.

Over the last several years, an average of \$30 million has remained unobligated at the end of the fiscal year. This legislation is a modest attempt to direct these excess unobligated funds for prison drug treatment programs and to provide financial relief to trauma centers with uncompensated care costs.

Prison drug treatment is the single most effective weapon we have for fighting the war on crime and drugs.

Right now, over 70 percent of our Nation's prisoners are serving time for a drug-related offense; that figure is expected to rise to 90 percent by 1995.

Nine out of ten of these drug offenders will be back in prison within 3 years of their release.

Our criminal justice system has become a revolving door that drug offenders walk through again and again. And, as a nation, we are spending billions of dollars each year to lock up prisoners that, upon release, go out and commit more violent crimes and injure more innocent people.

Prison drug treatment programs are a proven way to break this cycle of

drugs and crime. Seven out of ten prisoners who get comprehensive treatment successfully reenter society to begin productive lives.

They are also extremely cost effective; every dollar we invest in treatment saves \$12 in future incarceration costs. Yet, despite this established record, only 10 percent of drug offenders receive any form of treatment.

It only makes sense that we should take assets seized from the drug trade and put them toward a proven solution to our Nation's No. 1 problem. This legislation would do just that.

Violence attending the drug trade has had serious spillover effects in communities across the Nation, including threatening the viability of hospital trauma centers to cope with the impact. In 1989, over 80 percent of gunshot and stabbing victims treated in some urban centers were uninsured or eligible for medical cost assistance.

Directing excess customs forfeiture funds to trauma centers will address this urgent need. In the past few years, almost 100 trauma care hospital centers have closed due to uncompensated care costs, largely the result of the drug war. Our citizens are being denied emergency room care because of this crisis. This legislation would provide some relief to those financially distressed trauma centers.

The bill before us today won't take a single penny away from our law enforcement efforts. It is not only consistent with the goal of the forfeiture fund but will make it even more effective by reducing both the demand for drugs and the recidivism rate among violent criminals.

It is important to note that this concept has widespread bipartisan support. A similar proposal by Senators KENNEDY, HATCH, BIDEN, DECONCINI, SPECTER, GRAHAM, and KERRY was adopted by the Senate last year.

Additionally, the administration is recognizing the efficacy of drug treatment programs. They have proposed using money from the Justice forfeiture fund for expanding drug treatment programs.

The Office of Management and Budget has estimated that drug abuse drains \$300 billion a year from our economy. Until we reduce the demand for drugs, the costs associated with substance abuse, violent crime, destruction of property, lost worker productivity, and health care costs will continue to escalate.

We cannot afford to ignore the relationship between drug use and crime. This legislation will help us attack this problem at its source. I urge my colleagues to support H.R. 3562.

U.S. SENATE,

Washington, DC, July 2, 1992.

Hon. THOMAS FOLEY,
Speaker of the House of Representatives, Washington, DC.

Hon. ROBERT MICHEL,
Minority Leader, House of Representatives, Washington, DC.

DEAR MR. SPEAKER AND CONGRESSMAN MICHEL: Last July, the Senate unanimously adopted our bipartisan amendment to the crime bill providing that unobligated Customs Service Asset Forfeiture Funds be used to prevent crime by getting drug addicts into treatment. It is our understanding that H.R. 3562, a House bill incorporating a similar proposal, will be considered by the House on Tuesday.

Our amendment would dedicate up to \$30 million in unexpended money from the Customs Service Asset Forfeiture Fund to support drug treatment programs. If enacted into law, it would make a modest, additional sum of money available to activities that reduce the demand for drugs and thereby prevent crime. H.R. 3562 utilizes this same approach, but specifies that the money be used for drug treatment programs within the criminal justice system. H.R. 3562 also dedicates unobligated funds to reimburse trauma centers for costs arising from drug-related violence.

Neither our amendment nor H.R. 3562 would take a single dollar out of the hands of law enforcement. Under current law, money that the Customs Service does not use for its own purposes reverts to the General Treasury. Moreover, the Congressional Budget Office advised us that the amendment would not violate the Budget Enforcement Act nor count against the budget caps.

We hope that this bipartisan proposal will receive favorable consideration in the House.

Sincerely,

EDWARD M. KENNEDY,
ORRIN G. HATCH,
JOE BIDEN,
BOB GRAHAM,
ARLEN SPECTER,
JOHN KERRY.

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

Mr. THOMAS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a classic example of where the budget gimmickry that we have seen in the last several years leads us. The gentleman from New Jersey has just indicated a clear need for funds to be spent in drug rehabilitation programs. No one would argue with the intent of this legislation, and I oppose not what the gentleman wants to do but how he wants to do it.

If after reciting all of those statistics he is willing to leave the funding source to an open-ended, possibly zero amount, then I have to question whether or not he really believes that the program he wants funded is important enough to be funded. Why does he not go and secure fixed amounts of money for this program? Obviously, under the current budget structure he would either have to raise revenue or take funds from another source. He is taking funds from another source.

But the request is up to \$30 million in unspent amounts. He is now sending a

clear message to make sure that the Customs forfeiture fund has zero dollars in it.

What has been the purpose of the bulk of the Customs forfeiture fund? Members might recall that from 1968 when Congress passed the Omnibus Crime and Safe Streets Act that the Law Enforcement Assistance Administration set up a number of block grant programs to aid State and local governments in their fight against crime, because clearly, given the technological advances in the ability of various enforcement agencies to fund those costs, help was needed from the Federal level.

□ 1220

Those programs were useful principally throughout the 1970's. In the mid-1980's another source of funds was clearly needed, and an arrangement which has proven to be very satisfactory, a cooperative effort between State and local and Federal officials in seizing contraband valuables and assets and distributing a portion of the share back to those who participated in the activities, was clearly an incentive program that has worked.

A number of State and local law enforcement agencies have been provided with the necessary tools to fight crime through this program that they otherwise would not have had.

The gentleman from New Jersey says that the funds that he wants to use are excess unobligated funds. It is amazing to me that yet today with a budget deficit of \$400 billion a year any funds would be defined as excess. Approximately that amount has been returned to the general fund to assist in reducing the deficit. Would that every agency, including this body, returned a portion of the funds that they received to assist in reducing the deficit.

I do not believe that the term "excess" is the proper definition to these funds. They are unobligated. We do not know the amount that will remain unobligated.

Rather than try to find a secure, funded source for this admittedly worthy effort that H.R. 3562 seeks to represent, driven by the current budget structure, they are attempting to produce funds which I am quite confident that, after a year or two, will not exist.

More importantly, it sets a precedent for others now to go after these excess unobligated funds for other good and worthy purposes. What you have is a degree of cannibalism which would then eat up what is now a very useful program assisting State and local government law enforcement agencies.

I have here a copy of a letter which was sent to the gentleman from New Jersey from the State of New Jersey, Department of Law and Public Safety, Division of State Police, a letter from Col. Justin J. Dentino, superintendent

of the New Jersey State Police, and he says:

I am writing to you to express my strong opposition to H.R. 3562, once again, not in terms of what it plans to do but because of the way in which it attempts to fund the program. If your bill becomes law, I fear we will see others use these funds for non-law enforcement programs. The obvious result would be to cap law enforcement spending of these funds to assure funding for these new "pet" projects.

This gentleman from New Jersey, as are other State police, is desperately in need of these funds and does not want that source raided.

Finally, let me say that you can quote the Congressional Budget Office all you want to about what these funds are. Clearly under the law the Office of Management and Budget is the ultimate arbiter. It is the determiner of whether or not the moneys are to be scored or not scored for budgetary purposes, and OMB makes it clear that this money will, in fact, come under pay-go. It will be a loss, and it needs to be made up if in fact you have to issue a sequester to make it up.

So it is not excess unobligated funds. It is not free money. It is money that will have to be replaced one way or another.

If, in fact, the worthy goals of the legislation offered by the gentleman from New Jersey should be funded, they should not be funded in the manner in which he suggests in this bill. The administration opposes the bill, and I oppose the bill.

I would ask my colleagues to vote "no" on H.R. 3562, not for what he wants to do but for how he wants to do it.

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

Mr. GUARINI. Mr. Speaker, I yield such time as he may consume to my colleague, the gentleman from California [Mr. STARK].

Mr. STARK. Mr. Speaker, I thank the distinguished gentleman for yielding me this time, and I commend him on preparing this excellent legislation which enjoys broad bipartisan support in the other body, and hopefully will enjoy broad bipartisan support in this body.

As the Members have heard from the previous two speakers, there is, indeed, no criticism of the worthy purpose for which the funds are to be spent. They are to be spent for two purposes, both dealing very directly with law enforcement and preventing crimes from happening in the first place, particularly drug-related crimes.

The recidivism rate of people sent to prison for drug crimes is high. There is no question among drug experts, including the drug czar for the current administration, that drug counseling and drug training and drug rehabilitation in prisons would yield \$20 in savings for every \$1 invested in that worthy purpose. There is also no question

that one of the biggest problems in our emergency rooms today are traumas inflicted by the violence related to drug crimes.

So the moneys spent under this bill go very directly toward reducing the problems of our drug-related crimes.

The issue that my distinguished colleague from California raises is one of budget technology. I would submit this: That these funds that are received from captured cars and contraband and turned into cash and are not now being entirely used up under the present very proscribed uses in Federal law. In other words, the Federal law now says that the money received from the forfeiture fund may only be used for specific purposes to further fighting crime; that which is not used in any one year is returned to the Treasury. The only change that this bill would make is to clarify that these two purposes, drug training and rehabilitation and trauma care, are related to fighting drug-related crime and, therefore, would qualify under this particular Federal law.

It would be a great leap of faith to suggest that somebody might try to do the same thing and, say, spend this money for other worthy purposes like education or unemployment compensation. I admit it could be done, but I think there would then be some questions as to the relevance.

So this money would continue to be spent for law enforcement, particularly related to the drug problem. It would expand in a very imaginative and creative way that definition, and I say that in all sincerity. This would help the law enforcement people. They have first claim on the money, should they need it for additional overtime or additional informant payments. It is there.

We are only touching that money which gets returned to the Treasury and spent in many ways with which many of us might disagree such as star wars, welfare, or on a whole host of things to which my colleagues might object. There is no objection voiced in the way the money in this bill is intended to be spent. There is only some concern over the technical language in the Budget Act.

I urge people of good faith who want to work together to minimize drug crime in this country and help our distressed hospitals who are overburdened particularly in their emergency rooms, to support the bill. I urge its support.

Mr. THOMAS of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia [Mr. ALLEN].

Mr. ALLEN. Mr. Speaker, I rise in opposition to H.R. 3562, which is a bill to permanently transfer up to \$30 million in unspent amounts from the Customs forfeiture fund to the Department of Health and Human Services for spending on existing drug treatment grants.

This is a poor prioritization of these funds. These funds, these forfeited

funds, come from drug-dealer assets, whether they are yachts, art objects, jewelry, estates, cars, and so forth.

I think it is a great idea that we get after these ill-gotten gains of drug dealers and then get it to the people in the front line on the war against drugs, which are law enforcement primarily at the State and local level so they can use these buzzards' ill-gotten gains to catch more buzzards.

□ 1230

Now, what is happening here is they by this bill want to take these unspent amounts and roll them over into the general fund each year. Right now they are rolling over each year and used to reduce the deficit.

This amendment, though, first and foremost, is antilaw enforcement. It breaks a long standing practice of returning forfeited assets and proceeds derived from law enforcement activities back for law enforcement purposes so they can catch more drug dealers, also catch more users.

Over the years there have been many attempts up here at the Federal Government level to raid this forfeiture fund for numerous purposes.

Unfortunately, this bill now opens the floodgates for additional spending on every other cause and thereby jeopardizes substantial amounts which must now go and ought to go to State and local law enforcement agencies.

We have to allocate our ammunition in this war against drugs appropriately. We have to get it to those people who are on the front line in the war against drugs, which is your State and local law enforcement. They need that money to make undercover drug buys, to pay informants, to pay overtime surveillance costs. That is how we are going to win this war on drugs.

Second, this bill has some budget gimmickry to it and backdoor spending because it increases the deficit. Because of a mistake in the budget base line, the CBO assumed that no unspent forfeiture proceeds remain at the end of the year and ruled that the bill had no deficit effect; however, in the real world unspent forfeiture proceeds have consistently reduced the deficit over the last 7 years. Because of this fact, OMB has ruled that H.R. 3562 will increase direct spending and increase the deficit, besides being a poor priority.

As we all know, OMB makes the ultimate determination whether a budget sequester occurs at the end of each year.

Third the new direct spending on drug treatment under this bill is relatively insignificant compared to the overall Federal effort. The President's fiscal year 1993 budget already proposes \$2.3 billion for drug treatment, which is a 12-percent increase. In fact, out of this fund they are already getting approximately \$35 million for the national drug control policy special for-

feiture fund for similar purposes. So we already have sufficient increases on drug treatment spending and those should be approved under normal appropriation processes.

Finally, Mr. Speaker, this bill is strongly opposed by the administration and the Customs Service for the above-stated reasons previously. It is opposed by anyone who understands how we are going to wage this war on drugs.

While it may be well-intended, this bill sets a troublesome precedent for the future. It is the wrong thing to do at this time. It is both antilaw enforcement, antibudget enforcement, and I urge my colleagues to vote no on this bill and support your local and State law enforcement and support having a solid budget agreement.

Mr. GUARINI. Mr. Speaker, I yield such time as he may consume to my colleague, the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Speaker, first let me just offer my congratulations to my friend and colleague, the gentleman from New Jersey [Mr. GUARINI] for offering this legislation.

I am not sure that we are talking about the same bill when I listened to some of the arguments on this side of the aisle.

It has not been very long ago, perhaps too long for some, that we passed the Comprehensive Crime Control Act and in that is a break with precedent and in that we do set aside some moneys for drug treatment, much like we are trying to do with the Customs forfeiture fund.

Now, it may be a surprise to some here, but many years ago when we wrote the legislation, and I was the prime sponsor of the forfeiture bill as we know it today, along with my good colleague, former colleague, the gentleman from Grand Rapids, MI, Hal Sawyer, who was the ranking Republican, we wrote the legislation, working with the Ways and Means Committee on the Customs forfeiture fund.

We then talked about and contemplated setting aside a small portion of these funds for treatment and for education. We decided not to because at that time we had tremendous problems in south Florida and it was decided that as a tremendous incentive to law enforcement to change their focus and to focus in on seizing assets, we decided to give 100 percent of the forfeited funds to law enforcement, but we contemplated there would be a time when we should take and put aside some of those funds for other purposes such as treatment, as is contained in this legislation.

Now, that is because anybody who has spent any time in law enforcement, I have spent 27 years of my life, most of my adult life, in law enforcement, either as a prosecutor or working on criminal justice issues, chairman of the Subcommittee on Crime for 10

years; anybody you would talk to would admit that we are not going to solve the substance abuse problems in this country until we deal with demand reduction. That is education in the schools and treatment.

It is disgraceful that we have tens of thousands of people in this country who are walking around who want help, need help, that we cannot reach because we do not have the resources to deal with the drug problem.

Our prisons today are full of habitual drug offenders. Look at the statistics; 60 percent of our inmate population, and it is growing, are there because of drug-related offenses. They have drug problems.

We are doing a far better job today of screening prisoners who came into the system through pre-trial services, understanding some of the problems and we are understanding more and more about their substance abuse problems, but we do not have the resources to deal with their drug problems when they are in the prison system, and that is shameful, because we know that when they leave prison, if they leave illiterate, without skills, with substance abuse problems, they are going to leave and come back in very shortly, and that is exactly what is happening. The recidivism rate in this country is very high, and that is because we are not dealing with their problems in the system.

This is a very modest effort. It retains \$15 million as always contemplated in the legislation for continuing the program and it sets aside \$30 million to deal with prisoners substance abuse problems.

Now, I heard the gentleman from California read the letter from Colonel Dintino, and I understand where the colonel is coming from, but Colonel Dintino would be the first one to acknowledge that the only way we are going to get a handle on the drug problem in this country is by dealing with those who have drug problems, serious problems, in and out of the prison system and through education.

This is a very modest effort to set aside \$30 million, upwards of \$30 million of unobligated funds. These are funds that the law enforcement community has not used. They have not used these funds.

Any police officer will tell you that we need to deal with this component of the problem, and this is an effort to do so just as we did in the context of the comprehensive crime control bill with the Justice forfeiture fund, which is administered by the U.S. Marshal's Service.

Now, come on, folks, we have got to deal with the total problem. Our hardcore user population is eating at the soul of America, and this is one modest way we can deal with that, just as if there are any funds above the \$30 million it would go to hospitals for their

trauma centers, uncompensated fund which is growing through the roof, to try to deal with the very same problems, to try to nip crime in the bud. If that is not law enforcement, I do not know what is.

Mr. Speaker, I thank the gentleman for yielding me this time. It is a good bill. I commend my colleague, the gentleman from New Jersey, for offering it. I urge my colleagues to strongly support it.

Mr. THOMAS of California. Mr. Speaker, I yield myself such time as I may consume.

It is all well and good for us to speak for law enforcement officials, put words in their mouths and explain why this is in fact something that it is not.

□ 1240

But I think ultimately the law enforcement officials ought to speak for themselves.

In the letter that I mentioned earlier, which I will supply for the RECORD, the concluding paragraph of the superintendent of the State police of New Jersey, in response to my colleague from New Jersey's plea that they should speak for themselves and that they would feel good about this program, says, and I quote, "If the drug treatment program is worthy of funding as I believe it is, I urge you to seek funding another way."

The funding in this bill is wrong. Those people who agree with the program know it is wrong. And it is wrong because it is not, I would say as my colleague from California characterized it, my opposition is only on some budget technology.

No, the well-known vacuum cleaner from California in terms of Federal funds might believe that it is budget technology, but what we have done here by this bill is a major policy shift in how the monies are spent. And let me tell you you have put a floodlight out there for others who would stand in the well and argue this has some relationship to the initial spending of the money, it is good and worthy and it should be used as well.

This I believe is one of the primary reasons you see law enforcement agencies across the Nation opposing the way in which this bill is funded. This may be first; you can rest assured it will not be last because the argument that we are opposing it for some kind of, quote/unquote, budget technology will always be attempted to be used.

It is not budget technology; it is the law of the land. The scorekeeper is the OMB and you are in violation. That is where we are.

You can say all you want to about what law enforcement officers should be saying; what they are saying is "Don't fund it this way."

I would once again ask you to vote in opposition to this bill for mechanism and content because of a policy shift.

Mr. HUGHES. Mr. Speaker, will the gentleman yield to me?

Mr. THOMAS of California. I yield to the gentleman from New Jersey [Mr. HUGHES].

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

Mr. Speaker, I have known Justin Dentino for many, many years, and I would suspect that Colonel Dentino if he understood that we are talking about unobligated funds and that they were basically funds that would be used to attempt to deal with the substance abuse problems of prisoners in the criminal justice system, he would feel differently. I really believe that.

Mr. THOMAS of California. I appreciate that.

Mr. Speaker, reclaiming my time, in the third paragraph of the letter—and apparently the gentleman has not read the letter from his good friend Colonel Dentino because he says "It is understandable that now under pay as you go rules that you would seek funding that would not require an offset but this is the wrong source." The gentleman has answered you before you have pondered the question.

The answer is he fully understands the funding mechanism, he fully understands the way in which you attempt to make this raid, and he opposes it as do the national sheriffs.

Once again you may be after laudable goals, but why do you not go through the appropriations process, get the money for the program, follow the rules like everyone else instead of raiding some money that was being used for the deficit?

I would urge you "Don't play budget technology games," and I would urge my colleagues to oppose this legislation.

The letter referred to follows:

STATE OF NEW JERSEY, DEPARTMENT OF LAW AND PUBLIC SAFETY, DIVISION OF STATE POLICE,
West Trenton, NJ, July 6, 1992.

HON. FRANK J. GUARINI,
Member of Congress, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN GUARINI: I am writing to you to express my strong opposition to HR 3562. Let me first compliment your efforts to secure funding for drug treatment of prisoners. I agree with you that money spent on these important programs is an investment. Any efforts to make the nation's prisons a place of rehabilitation and not simply a storage facility is commendable.

While the goal is worthwhile the means are potentially very damaging to law enforcement. I have studied your bill and while it only uses unobligated funds of the Customs' Forfeiture Fund, I believe it opens "Pandora's Box" and I doubt we could contain the inevitable effects.

It is understandable that now under "pay as you go" rules that you would seek funding that would not require an offset but this is the wrong source. When law enforcement forfeiture funds came about it was a national commitment to our nation's law enforcement officers. For the first time law enforcement could acquire the tools needed. Police

officers no longer had to be on the streets with out bullet proof vests. Federal law enforcement agencies could reimburse state and local agencies for their assistance. Law enforcement agents and officers no longer had to be out gunned, they could replace very old weapons with weapons able to confront the threat. The uses and benefits of law enforcement forfeiture funds are too many to list.

If your bill becomes law I fear we will see others use these funds for non-law enforcement programs. The obvious result would be to cap law enforcement spending of these funds to assure funding for these new "pet" projects. Additionally, I fear that the states, who also are working with very limited resources, might follow this precedence.

If the drug treatment program is worthy of funding, as I believe it is, I urge you to seek funding another way.

Sincerely,

COL. JUSTIN J. DINTINO,
Superintendent.

Mr. GUARINI. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. I thank the gentleman for yielding.

Mr. Speaker, that is the point. The gentleman from California [Mr. THOMAS] just put his finger on the problem. It is a budgetary problem. It is the use of unobligated funds without going through the appropriations process.

Of course it is OK if we do that for law enforcement purposes, but it is not OK if we do that in an area where we do not have sufficient resources.

I think one of the worst things that I have seen in the last few years is the manner in which we unfortunately have changed that ratio between law enforcement—and I work in law enforcement. That is the area that I work in and have worked in for many years. But when we change that formula and only set aside a third for basically education and treatment programs and two-thirds for law enforcement, the ratio is out of sync.

Frankly, I did not hear from Colonel Dentino or anybody, really, when we changed the funding mechanism for the justice forfeiture fund; there did not seem to be any problem about that. It is only when we attempt to do the same thing in the context of the customs fund.

I do not think we are very consistent.

I thank the gentleman for yielding.

Mr. THOMAS of California. Mr. Speaker, finally I would say that this is a kind of microcosm of the debates we are going to have following the vote on the constitutional amendment for a balanced budget.

My colleagues rose and spoke vehemently against the need for a constitutional amendment to balance the budget, that the resources for doing so are present in this body, that all that is necessary is to exhibit the will and we could move in the direction of a balanced budget.

Mr. Speaker, I would say this is one of the first opportunities to exhibit

that will. What we have seen characterized by these folks who voted against a balanced budget constitutional amendment is that these are excess funds. Mr. Speaker, when is returning money to the general fund to offset the deficit excess funds? If it is, we need more of them; not less.

Mr. Speaker, it has been described as budget technology that we are dealing with. I would grant you that the vacuum cleaners who are not used to having any hurdles anyway whatsoever in terms of sucking up funds, find the fact that they have to fund new programs as they develop a budget, technology that should simply be swept aside.

But what you have here is a real opportunity for my colleagues on the other side of the aisle to prove that their vote against a constitutional amendment to balance the budget was not a phony political vote, that they really believed in what they were saying, that in fact they are going to exercise the will and the discipline and that his worthy program will go through the ordinary appropriations process so it could be reviewed annually to determine whether or not it is meeting its needs or whether it actually needs more funding.

But in that process you operate under the budget rules.

Now you told us clearly by your vote that you do not want a constitutional amendment to balance the budget. You are also showing us through this somewhat hypocritical move that you also do not believe that the budget process ought to be followed.

OMB says this is scored as losing money and that there may need to be an enforcement of the Budget Act which would require a sequester. But this is budget technology to the vacuum cleaners who seek every penny they can find. And if any is returned to the general fund it is, quote-unquote, excess.

Here is your chance, colleagues; you vote this through, all of what you said about will and no need to have a constitutional amendment was just words.

Action does speak louder than words. A "no" vote against this measure will clearly prove that Congress does indeed have the will and that it was not political rhetoric that stopped the constitutional amendment for a balanced budget going to the States to determine if three-quarters of those States would prefer it as well.

I would ask you once again to oppose H.R. 3562, not just for budget technology, not just because it is excess funds, but because it is a major raid, a policy decision which should be funded in a different fashion. And if you are going to listen to those people on the front line, the people on the front line are agreeing; they say "no" as well.

Mr. Speaker, I yield back the balance of my time.

Mr. GUARINI. Mr. Speaker, I yield 1 minute to my colleague, the gentleman from California [Mr. STARK].

Mr. STARK. Mr. Speaker, I suspect I was referred to as a vacuum cleaner. I just wanted to suggest that I am aware of the distinguished people at Office of Management and Budget, whom I have often categorized as having the mind of a piranha fish and the heart of a Doberman pinscher.

But I will stipulate to my distinguished colleague from California that they do indeed follow budget rules very closely. They know the value of nothing and the cost of everything.

Whatever the cost of this program, it will prevent addicts from returning to commit crimes. And whatever the reason for opposing it, it does not seem to me to transcend the need to continue this program to expand drug abuse training in our prisons and to aid our destitute hospitals.

Mr. GUARINI. Mr. Speaker, I yield myself whatever remains of the time.

The SPEAKER pro tempore. The gentleman from New Jersey [Mr. GUARINI] is recognized for 2 minutes.

Mr. GUARINI. Mr. Speaker, it seems no one said this is not a good idea, no one has said that the drug and the AIDS problem we have in our country is not one of our paramount issues. No one said that we are doing enough to treat these people, to help them come back into society as good citizens and safeguard our public that is out there, where our streets would be safer if these people are treated.

□ 1250

All we hear basically is: "It should be out of this pot instead of out of that pot. Why don't you go and have another funding system?" And it seems to me that, if it is a good idea, it is up to us, as Members of Congress, to make that idea work, not stand on these formalities and technicalities and be able to take \$30 million of unobligated funds, \$30 million, which is a pittance against a \$1.4 trillion budget, where we in a budget spend \$40 billion for star wars, and the space station and so many untold billions for supercollider, which I am sure my colleague, the gentleman from California [Mr. THOMAS] voted for, and \$13 billion for prisons, which is an enormous sum of money just to incarcerate one person. It is perhaps over \$40,000 a year, and here we have leverage. For every \$1 that we spend, we get \$12 back because that is how cost effective this program is.

I ask my colleagues, "Why can't we address the substance of the problem instead of arguing about some of the mere technicalities of the problem, the formalities? Why don't we get down to resolving in our Nation the real basic problems?" Seventeen States use forfeiture for prison drug treatment. There is a precedent that has already been established by the administration

that is recommended for fiscal year 1992 and 1993, law enforcement from the justice assets forfeiture program to be appropriated from the treatment capacity expansion program.

Mr. Speaker, I urge support of this bill. There is precedent, there is substance, and it makes good sense.

Mr. RANGEL. Mr. Speaker, today we consider under suspension of the rules H.R. 3562, relating to the use of unobligated moneys in the customs forfeiture fund. This thoughtful legislation was introduced by my good friend and colleague on the Ways and Means Committee, Congressman FRANK GUARINI of New Jersey. In addition, Congressman GUARINI has served with distinction as a senior member of the committee which I am privileged to chair, the House Select Committee on Narcotics Abuse and Control. This is FRANK's last term in Congress, and I will miss his wise counsel in years to come, and wish him well as he begins a new chapter in his life.

Mr. Speaker, the customs forfeiture fund is financed with the proceeds from the sale of assets that have been seized by and forfeited to the U.S. Customs Service or Coast Guard in drug interdiction and other law enforcement actions. Moneys from the fund are used to pay informers, purchase law enforcement equipment—including vehicles and aircraft—and to cover other law enforcement costs.

Under current law, \$15 million in unobligated funds are left in the fund at the end of each fiscal year as a carryover to ensure continuous operations. Any funds over that amount are transferred to the Treasury for debt reduction.

H.R. 3562 requires that excess unobligated funds remaining in the customs forfeiture fund at the end of each fiscal year be transferred to the Department of Health and Human Services for prison drug treatment programs and for assistance to hospital trauma centers. The bill does not alter current law which requires that \$15 million be left in the fund at the end of each year to ensure continuous operations.

Of the amounts transferred to HHS, the first \$30 million would be used to provide comprehensive drug treatment under title V of the Public Health Service Act to individuals under criminal justice supervision. Any amounts above that \$30 million would be used to provide financial relief to hospital trauma centers to help cover otherwise unreimbursed health care costs.

One in three inmates convicted of robbery or burglary charges reported that they committed their crimes to obtain money to buy drugs. Mr. Speaker, drug offenders should be punished; however, while they are in prison or under criminal justice supervision, it makes sense to attempt to rehabilitate them. This is particularly true, because many people who are convicted on drug charges are relatively young, and could contribute many productive years to our society upon completing their sentence. According to the Federal Bureau of Prisons [FBP] in March 1991, 51 percent of Federal inmates were serving time for drug offenses. FBP also reported that 47 percent of its prison population had a substance abuse problem prior to incarceration. By 1995, the percentage of Federal inmates serving time for drug offenses is expected to rise from 51 to 90 percent.

According to testimony before the House Select Committee on Narcotics Abuse and Control in 1991, 70 percent of State prisoners had a history of drug use, and 50 percent had a problem requiring intensive treatment. Of that 50 percent—325,000—82,000 were receiving treatment; 15,000 were on waiting lists, and the remainder were not receiving any programmatic treatment. H.R. 3562 makes sense because it recognizes the importance that effective drug treatment programs can have in helping to reduce the high rates of recidivism by drug offenders and America's escalating drug problem.

One of the alarming effects of the drug crisis is the rise in drug-related violence and the overburdening of the Nation's emergency medical services. Drug overdoses and physical injuries resulting from drug violence have drastically reduced the quality of care emergency rooms can provide. This has strained a system already deteriorating in the face of the AIDS epidemic and the medical demands of 37 million uninsured Americans, and another 100 million whose insurance is inadequate for their needs. The United States spent an estimated \$4.4 billion in treatment for gunshot wounds in 1990. According to a report of the American Nurses Association issued in 1991, drug-related emergency admissions increased by 121 percent between 1985 and 1989. After dropping in 1990, such admissions have risen steadily in each of the last three quarters for which data are available. In 1988, public hospitals lost \$1 billion by providing trauma care for people without the means to pay. Many hospitals report annual losses of \$1 million to \$6 million in their trauma centers. Some public hospitals have been forced to shut down their trauma centers because of the cost of providing uncompensated for trauma care services, and without the money such hospitals would receive under H.R. 3562, many more might have to close their trauma centers.

I commend Congressman GUARINI for introducing H.R. 3562. I support it, and I encourage all of my colleagues to vote in favor of it.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from New Jersey [Mr. GUARINI] that the House suspend the rules and pass the bill, H.R. 3562, as amended.

The question was taken.

Mr. THOMAS of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

ADDING TO CAPITOL POLICE LAW ENFORCEMENT AUTHORITY

Ms. OAKAR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5269) to add to the area in which the Capitol Police have law enforcement authority, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5269

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

TITLE I—LAW ENFORCEMENT AUTHORITY AND SUNDRY ADMINISTRATIVE PROVISIONS

SEC. 101. LAW ENFORCEMENT AUTHORITY OF THE CAPITOL POLICE.

The Act entitled "An Act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes", approved July 31, 1946 (40 U.S.C. 212a) is amended by inserting after section 9A the following new section:

"SEC. 9B. (a) Subject to such regulations as may be prescribed by the Capitol Police Board and approved by the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate, a member of the Capitol Police shall have authority to make arrests and otherwise enforce the laws of the United States, including the laws of the District of Columbia—

"(1) within the District of Columbia, with respect to any crime of violence committed within the United States Capitol Grounds;

"(2) within the District of Columbia, with respect to any crime of violence committed in the presence of the member, if the member is in the performance of official duties when the crime is committed;

"(3) within the District of Columbia, to prevent imminent loss of life or injury to person or property, if the officer is in the performance of official duties when the authority is exercised; and

"(4) within the area described in subsection (b).

"(b) The area referred to in subsection (a)(4) is that area bounded by the north curb of H Street from 3rd Street, N.W. to 7th Street, N.E., the east curb of 7th Street from H Street, N.E., to M Street, S.E., the south curb of M Street from 7th Street, S.E. to 1st Street, S.E., the east curb of 1st Street from M Street, S.E. to Potomac Avenue S.E., the southeast curb of Potomac Avenue from 1st Street, S.E. to South Capitol Street, S.W., the west curb of South Capitol Street from Potomac Avenue, S.W. to P Street, S.W., the north curb of P Street from South Capitol Street, S.W. to 3rd Street, S.W., and the west curb of 3rd Street from P Street, S.W. to H Street, N.W.

"(c) This section does not affect the authority of the Metropolitan Police force of the District of Columbia with respect to the area described in subsection (b).

"(d) As used in this section, the term 'crime of violence' has the meaning given that term in section 16 of title 18, United States Code."

SEC. 102. CHANGE IN THE COMPOSITION OF THE CAPITOL POLICE BOARD.

Section 9 of the Act entitled "An Act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes", approved July 31, 1946 (40 U.S.C. 212a) is amended—

(1) by striking out "SEC. 9." and inserting in lieu thereof "SEC. 9. (a)";

(2) in the first sentence, by striking out "consisting" and all that follows through "Architect of the Capitol,"; and

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

(b)(a) The Capitol Police Board shall consist of—

(A) the chairman and the ranking minority party member of the Committee on House Administration of the House of Representatives;

(B) the chairman and the ranking minority party member of the Committee on Rules and Administration of the Senate; and

(C) the Sergeant at Arms of the House of Representatives and the Sergeant at Arms

and Doorkeeper of the Senate, both ex officio and without the right to vote.

(2) The chairman of the Committee on House Administration of the House of Representatives and the chairman of the Committee on Rules and Administration of the Senate shall alternate, by session of Congress, as chairman of the Capitol Police Board."

SEC. 103. UNIFIED PAYROLL ADMINISTRATION FOR THE CAPITOL POLICE.

The Act entitled "An Act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes" approved July 31, 1946 (40 U.S.C. 212a), as amended by section 101, is further amended by inserting after section 9B the following new section:

"SEC. 9C. Payroll administration for the Capitol Police and civilian support personnel of the Capitol Police shall be carried out on a unified basis by a single disbursing authority. The Capitol Police Board, with the approval of the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate, acting jointly, shall, by contract or otherwise, provide for such unified payroll administration."

SEC. 104. TECHNICAL AMENDMENT.

Effective November 5, 1990, section 106(a) of Public Law 101-520 is amended by striking out "(a) The" and inserting in lieu thereof "Section 9 of the".

SEC. 105. EFFECTIVE DATE.

The unified payroll administration under the amendment made by section 103 shall apply with respect to pay periods beginning after September 30, 1992.

TITLE II—LUMP-SUM PAYMENT PROVISIONS

SEC. 201. DEFINITIONS.

For the purpose of this title—

(1) the term "officer" includes all personnel of the rank of lieutenant or higher, including inspector;

(2) the term "member" includes all personnel below the rank of lieutenant, including detectives; and

(3) the term "Clerk of the House of Representatives" or "Clerk" includes a successor in function to the Clerk.

SEC. 202. LUMP-SUM PAYMENT FOR ACCUMULATED AND CURRENT ACCRUED ANNUAL LEAVE.

An officer or member of the United States Capitol Police who separates from service within the 2-year period beginning on the date of the enactment of this title and who, at the time of separation, satisfies the age and service requirements for title to an immediate annuity under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, shall be entitled to receive a lump-sum payment for the accumulated and current accrued annual leave to which that individual is entitled, but only to the extent that such leave is attributable to service performed by such individual as an officer or member of the Capitol Police.

SEC. 203. PROCEDURES.

(a) IN GENERAL.—A payment under this title shall be paid—

(1) in the case of an officer or member whose pay (for service last performed before separation) is disbursed by the Clerk of the House of Representatives—

(A) by the Clerk;

(B) after appropriate certification is made to the Clerk by the Sergeant at Arms of the House of Representatives; and

(C) out of funds available to pay the salaries of officers and members of the Capitol

Police whose pay is disbursed by the Clerk; and

(2) in the case of an officer or member whose pay (for service last performed before separation) is disbursed by the Secretary of the Senate—

(A) by the Secretary of the Senate;

(B) after appropriate certification is made to the Secretary of the Senate by the Sergeant at Arms and Doorkeeper of the Senate; and

(C) out of funds available to pay the salaries of officers and members of the Capitol Police whose pay is disbursed by the Secretary of the Senate.

(b) CERTIFICATION.—Any certification under subsection (a)(1)(B) or (a)(2)(B) shall state the total of the accumulated and current accrued annual leave, to the credit of the officer or member involved, which may be taken into account for purposes of a computation under subsection (c).

(c) COMPUTATION.—(1) The amount of a lump-sum payment under this title shall be determined by multiplying the hourly rate of basic pay of the officer or member involved by the number of hours certified with respect to such officer or member in accordance with the preceding provisions of this section.

(2) The hourly rate of basic pay of an officer or member shall, for purposes of this title, be determined by dividing 2,080 into the annual rate of basic pay last payable to such officer or member before separating.

(d) TREATMENT AS PAY.—A lump-sum payment under this title shall be considered to be pay for taxation purposes only.

(e) CLARIFICATION.—For purposes of this title, the terms "officer" and "member" may not be construed to include any civilian employee.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Ohio [Ms. OAKAR] will be recognized for 20 minutes, and the gentleman from Kansas [Mr. ROBERTS] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I was proud to introduce H.R. 5269 and am pleased that the bill has the bipartisan support of members from the Committee on House Administration, and I would like to submit for the RECORD the cosponsors of the bill:

The gentleman from North Carolina [Mr. ROSE], the gentleman from Kansas [Mr. ROBERTS], the gentleman from Wisconsin [Mr. KLECZKA], the gentleman from Pennsylvania [Mr. KOLTER], the gentleman from New York [Mr. MANTON], the gentleman from Illinois [Mr. RUSSO], the gentleman from Alabama [Mr. DICKINSON], the gentleman from California [Mr. THOMAS], the gentleman from California [Mr. PARNETTA], the gentlewoman from the District of Columbia [Ms. NORTON], the gentleman from South Carolina [Mr. DERRICK], and the gentleman from Idaho [Mr. LARROCCO].

If it were not for the invaluable assistance of the members of the committee and the support of the distinguished chairman, the gentleman from North Carolina [Mr. ROSE], and the

members of the Subcommittee on Personnel and Police, we would never have reached this point today.

Mr. Speaker, H.R. 5269 is intended to assist the Capitol Police of the United States by, first, expanding jurisdictional boundaries in which the Capitol Police have law enforcement authority; second, enhancing Capitol Police arrest authority; third, reorganizing the Capitol Police Board; fourth, establishing a joint or unified payroll; fifth, providing for a lump sum payment for retiring members of the Capitol Police force.

The Capitol Police are among the most highly trained and best equipped police forces in the country. Providing our officers with the means necessary to ensure the successful and professional accomplishment of their respective assignments is our primary concern.

We daily read news accounts about random acts of violence that are occurring in every community in the country, including our own community on Capitol Hill, and we have had terrible tragedies in and around the Hill: a Senate aide that was killed, a car hijacking that resulted in another killing, the wife of a Senator who has been mugged, a Member of Congress who has been mugged, et cetera, and these acts of violence have affected individuals from all walks of life. We have recognized the need to make available on Capitol Grounds and in adjacent areas the highest degree of protection available to the staff, the Members, to the thousands of tourists who come to this great Nation's Capitol, to the visitors and the residents.

Under current law, loopholes in the police's jurisdiction have resulted in both wrongdoer's escaping detection, as well as potential civil liability to police for wrongful arrest. Enhancing their arrest authority means the Capitol Police will have the authority to make arrests and enforce Federal and D.C. laws in the District of Columbia under the following new circumstances:

First, anywhere in the District of Columbia for crimes of violence committed on Capitol Grounds;

Second, anywhere in the District of Columbia for crimes of violence witnessed by officers on duty;

Third, anywhere in the District of Columbia to prevent imminent injury to person or property or loss of life, if the officer is on duty.

Thus, in addition to the expanded map for Capitol Hill jurisdiction, Capitol Police will have expanded authority to make arrests throughout the District of Columbia. By expanding the geographic boundaries and enhancing arrest authority, members of the force can better perform their duties and carry out the mission of the Capitol Police.

Another area addressed in the bill is a change in the composition of the Cap-

itol Police Board. Currently, the Board is comprised of the House Sergeant at Arms, the Senate Sergeant at Arms and the Architect of the Capitol. The legislation would change the composition of the Board to the chair and ranking minority party member of the Committee on House Administration and the chair and ranking minority party member of the Senate Committee on Rules and Administration.

The Capitol Police Board has certain responsibilities in formulating and implementing the policies of the U.S. Capitol Police Force. Greater accountability will be achieved if that authority rests with a bipartisan group consisting of Members and Senators of the committees that set the internal policies of Congress. This will give members a more direct line into the general policies of the police.

The next component of the bill would establish a unified payroll administration. Currently, members of the Capitol Police Force are paid either by House or Senate funds. Through this legislation, a single disbursing authority for all members of the Capitol Police, including civilian support positions, would be established.

The final area addressed in the legislation is the lump-sum payment which would be available to sworn members of the Capitol Police who are separating from service because of retirement.

Currently, there are 96 officers who must retire on or before October 31, 1992 in accordance with the Capitol Police Retirement Act that became law on October 15, 1990. These officers must use their accumulated annual leave and compensatory time by the close of business October 31, 1992. Therefore, it will be necessary to carry some of these officers in a terminal leave status for a period of 5 or more months.

There is going to be a substantial cost to the department during this period of time. These officers, while on terminal leave, will continue to receive their salary and benefits until October 31, 1992. The overtime to cover the posts and assignments during this time is projected to cost \$1.1 million. Therefore, by amending this and providing this provision, we can achieve substantial savings to the taxpayers.

Mr. Speaker, by enacting this legislation, we have met our goal by bringing to near completion the Capitol Police reform package that this Subcommittee on Personnel and Police, which I am proud to chair, and the Committee on House Administration have been working towards since the beginning of the 101st Congress. Since that time the subcommittee and the Committee on House Administration have enacted the Capitol Police Retirement Act, created the position of Director of Employment Practices so that police feel that they can be treated fairly as members of the police department, reviewed the revamped Capitol Police grievant proce-

dures, made special technician positions competitive, instituted sensitivity training and educational assistance seminars, created 114 civilian positions to replace duties which do not mandate police skills and authorized pay compression for the Capitol Police.

□ 1300

Mr. Speaker, I want to say that I am very proud of these reforms and proud of the work that our staff and others have done.

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

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

Mr. Speaker, I am pleased to join the gentlewoman from Ohio [Ms. OAKAR] in bringing this bipartisan Capitol Police reform package to the House floor for consideration, and I wish to associate myself with her remarks.

As underscored by Chair OAKAR, this package contains the final components of the comprehensive Capitol Hill Police reform effort that began many years ago when the gentleman from California [Mr. PANETTA] was chairman of the Subcommittee on Personnel and Police of the Committee on House Administration. Under the leadership of first Mr. PANETTA and now Chair OAKAR, the subcommittee has held hearings and addressed many issues in regard to the Capitol Hill Police. The subcommittee's accomplishments have been many, and the success and professionalism of the force has risen.

Yes, I believe there is further room for improvement, but while the steps to improve the force have been very difficult at times, the overall objective is being accomplished and an already good force is being improved even further.

H.R. 5269 does contain, as the gentlewoman has outlined, five basic components: First, it resolves existing jurisdictional questions for the force; second, it enhances the arrest authority of our officers; third, it does reorganize the Capitol Hill Police Board to make it even more Member responsive; and fourth, it establishes a joint and unified payroll for both House and Senate officers. It also provides a cost saving by authorizing a temporary lump-sum payment for Members who are retiring from the force.

As stated earlier, this is the final phase of a long-term effort to revamp the force. While the Senate has yet to act on many of these components, I am truly hopeful that the House and Senate leadership can agree to these fundamental and needed changes.

I again wish to thank my colleagues on the subcommittee for their attention in bringing this legislation to the floor, and particularly the gentlewoman from Ohio [Ms. OAKAR] and also the gentleman from Alabama [Mr. DICKINSON], who has spent much considerable time and personal effort in

assisting to get the House leadership to move on this package.

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

Ms. OAKAR. Mr. Speaker, I yield 4 minutes to the gentleman from South Carolina [Mr. DERRICK].

Mr. DERRICK. Mr. Speaker, we are all aware of the well-publicized acts of crime committed in recent months against public figures in the shadow of the Nation's Capitol. These crimes were senseless and brutal.

No less serious are the crimes committed on Capitol Hill that do not make the news, such as the ones committed against ordinary citizens who live, work, or visit here.

Many of these terrible acts could be prevented with better police protection. H.R. 5269 would provide better protection to the community by utilizing the U.S. Capitol Police Force.

Currently, the U.S. Capitol Police Force has only a small area of jurisdiction. Their patrol territory is so small that many Capitol office buildings and parking lots are outside the regular patrol area.

The men and women of the Capitol Police Force are highly trained and capable. It is something Congress should be proud of, but we can no longer be stingy with the force's expertise. The force is not being used to its full potential, and the community needs its help.

The people who live and work in the area deserve to be better protected. And the thousands of tourists who grace the Nation's Capitol every year warrant better protection as they visit the historic neighborhoods surrounding the Capitol.

H.R. 5269 would allow the community and its visitors to rest easier. Among other things, the bill would triple the area of the force's jurisdiction. It would also enhance the force's arrest authority throughout the entire District of Columbia.

Sadly, the area and its visitors need more protection. They deserve more protection. It would be unthinkable to deny them more protection when it is so readily available.

Mr. Speaker, I wish to commend the gentlewoman from Ohio [Ms. OAKAR] for her efforts in this area. And I commend as well the delegate from the District of Columbia [Ms. NORTON].

Ms. OAKAR. Mr. Speaker, I want to compliment the gentleman from South Carolina [Mr. DERRICK], who has certainly called the problems of crime to my attention over the years. I am very grateful for his input.

Mr. Speaker, I yield 5 minutes to another stalwart Member, one who has represented this area so well in Congress and who has called our attention to the problems of crime in Washington, the delegate from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, may I say how pleased I am that the leadership of

both the Subcommittee on Personnel and Police and the House Administration Committee expedited action on H.R. 5269, a historic bill with bipartisan support to expand the jurisdiction of the U.S. Capitol Police. I strongly support this effort because it will bring additional police protection to tourists and visitors as well as to those who work and live in Washington, DC, at a time of unyielding crime, despite the best efforts of the D.C. Police Department. On behalf of the people of the District, I must say to the chair of the committee, Mr. ROSE, and of the Subcommittee on Personnel and Police, Ms. OAKAR, that District residents are enormously appreciative of your efforts to move this measure forward.

It cannot help but make a real difference to have the Capitol Police fully utilized in patrolling the area which reflects the Hill's real boundaries. The Capitol Police are a well trained force that, with the additional authority and jurisdiction this bill provides and without increasing or straining the present force, can help to increase public safety and allay public fear.

Although today's legislation is a quantum leap, as you know I am very much committed to the goal that the Capitol Police be given the same general law enforcement authority as other Federal police in the District. The U.S. Park Police and the uniformed division of the Secret Service already have general police authority and there is no good reason why the Capitol Police should be treated differently and denied the same authority. General police authority would allow an officer to exercise police powers to make an arrest, whether on or off duty, when she witnesses a crime against person or property beyond the Capitol Grounds. This is the same authority the D.C. police have and have shared with other Federal police for years, and which the D.C. Police Department believe the Capitol Police should have as well.

I prepared an amendment to H.R. 5269 that would give the Capitol Police general police authority, but, after consultation with the distinguished subcommittee chair, MARY ROSE OAKAR, I have agreed not to offer it at this time. I recognized that my amendment raised some issues which have not been fully discussed and thus could have encumbered this bill and delayed its consideration, something which, of course, I did not want to occur. The chair of the subcommittee suggested that I withhold my amendment, and that she would schedule an early hearing on the proposal. I believe that this suggestion is appropriate and fair in light of the issues that have not been explored before the subcommittee. I look forward to the opportunity a hearing will provide to fully investigate the merits of my proposal. I am confident that when this matter is fully investigated that

the subcommittee, the committee and the Congress will want to give the Capitol Police the same authority to fully perform as is now routinely exercised by other Federal police officers.

A hearing will also allow an investigation of the possible consequences of not providing the additional authority. Capitol Police officers are required to carry their weapons 24 hours a day and when off duty, therefore, are capable of responding to serious crimes which occur in their presence. Consider the embarrassment and regret the Congress would suffer if a Capitol Police officer were found to have witnessed a hold up in the District of Columbia on her way home, but took no action, fearing personal liability because of the absence of police powers routinely given other officers in similar positions. Most people would find it difficult to understand why the officer was crippled in this manner, especially at a time when Members who live throughout the District and the region, regularly complain about crime here. Members, their families, staff, and the public alike are seeking greater law enforcement efficiency and effectiveness in the District. The Capitol Police should not be prohibited from contributing to this effort but should be allowed to fully do their job.

Mr. Speaker, the legislation before us takes a very important first step toward the full utilization of the Capitol Police in fighting and preventing crime in the areas that surround the Capitol grounds. H.R. 5269 will also assist the overburdened and understaffed D.C. Police Department which, until now, has had no support from the Capitol Police in patrolling the areas that abut the Capitol. I strongly urge Members to support this bill. Once again, I deeply appreciate the skill, diligence, and attention that you, Mr. Chairman, that subcommittee chair OAKAR, and that the members of your committee have brought to this issue of great concern to the Congress and to Washingtonians.

□ 1310

Mr. Speaker, the gentlewoman from Ohio has authored a bill which would allow the Capitol Police Force to more effectively perform its job by providing some much needed help to the Metropolitan Police who are primarily responsible for the protection of Members, residents, and visitors in the District of Columbia. A recent Washington Post editorial, published on July 1, 1992, offers an astute analysis of the issues inherent in this bill. Mr. Speaker, I include the editorial for the RECORD.

[From the Washington Post, July 1, 1992]

CAPITOL POLICE HELP FOR D.C.

There was a time when the Capitol Police force was filled with marginally prepared beneficiaries—strangers to Washington—of congressional patronage. But today it is a trained force of recruited officers—30 percent minority—who could be of assistance to the

metropolitan police department's crime-fighting efforts. Because of antiquated limits in the law, however, these 1,300 officers can't even perform fully their designated duties of protecting members of Congress and staffs as well as tourists who visit the Hill area. Their boundaries of operation as well as their authority to perform as other federal police do in this city are restricted. They can't even respond to crimes within the outer boundaries of today's congressional facilities near the Capitol. That leaves much of this work for the city force, which could use some help.

Help is on the way if Congress approves a bill introduced by Rep. Mary Rose Oakar (D-Ohio), chairman of the House subcommittee on personnel and police, with the strong support of D.C. Del. Eleanor Holmes Norton. The bill would expand the patrol area from the current one-to-three-blocks around the Capitol to an area that would take in all congressional facilities in the vicinity. This would push out coverage to P Street SE, Seventh Street SE, Eighth Street NE and Third Street SW. The Capitol Police would not interfere with Metropolitan Police patrol or surveillance operations, nor would they become simply an escort service for members of Congress. Like other federal authorities here, the Capitol Police could help the neighborhoods in many ways.

Mrs. Norton proposes still more assistance. She seeks to give the force the same general policing authority as the U.S. Park Police and the Secret Service. Under the current restrictions, for example, Capitol Police officers witnessing violent crimes on their way to and from work may not make official arrests other than to attempt citizen arrests. The new authority would permit them to react in these situations. Again, the idea isn't to interfere with Metropolitan Police patrols or to get into investigative operations best left to the city force.

As Mrs. Norton has said, instead of more "bashing" of the city for its crime problems, "here's a way to do something about crime in this city while also expanding the full area that should be protected by the Capitol Police anyway." As it stands, the Capitol force is underused. The city—its residents and visitors—can certainly use the extra professional help.

Mr. Speaker, at this point, I would like to engage in a colloquy with my good friend, the chair of the Subcommittee on Personnel and Police, MARY ROSE OAKAR.

Is it correct that your subcommittee will be holding a hearing to consider the issues raised by further expansion of the Capitol Police's law enforcement authority?

Ms. OAKAR. In answer to the gentlewoman, if she will yield, yes I plan to hold a hearing as soon as possible on this important issue.

Ms. NORTON. I appreciate that the chair of the subcommittee, Ms. OAKAR, has scheduled an early hearing on my proposal to give the Capitol Police general police authority. I am grateful to her for moving so quickly to schedule the hearing and look forward to working with her on it. I deeply appreciate all of the excellent work she has done on this bill.

Ms. OAKAR. Mr. Speaker, again I want to thank the minority leader and members of the committee for their support and work on this bill.

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

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentlewoman from Ohio [Ms. OAKAR] that the House suspend the rules and pass the bill, H.R. 5269, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Ms. OAKAR. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the Senate bill (S. 1766) relating to the jurisdiction of the U.S. Capitol Police, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

Mr. ROBERTS. Mr. Speaker, reserving the right to object, I will not object, but under my reservation I would ask the gentlewoman from Ohio [Ms. OAKAR] for an explanation of her request.

Ms. OAKAR. Mr. Speaker, the text of the bill just passed will be substituted for the language of the Senate bill on the same subject, and the Senate bill will be returned to the Senate for consideration.

Mr. ROBERTS. Mr. Speaker, still under my reservation, I would simply like to add that I would like to associate myself with the previous remarks by the gentleman from South Carolina and the distinguished delegate from the District of Columbia [Ms. NORTON], and indicate strong minority support for fair and appropriate hearings in regard to police jurisdiction.

I would also like to state that this is a good package. This package, in fact, was introduced and first worked on as of May of last year. Chairwoman OAKAR and I have worked extremely hard on the package and would hope the Senate would certainly see the wisdom of passing the total package.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1766

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 "United States Capitol Police Jurisdiction Reform Act".

SEC. 2. JURISDICTION OF CAPITOL POLICE.

(a) Section 9 of the Act of July 31, 1946, (40 U.S.C. 212a), is amended to read as follows:

"SEC. 9. (a)(1) The Capitol Police shall police United States Capitol Buildings and Grounds under the direction of the Capitol Police Board, consisting of the Sergeant at Arms of the United States Senate, the Sergeant at Arms of the House of Representatives, and the Architect of the Capitol, and shall have the power to enforce the provisions of this Act and regulations promulgated under section 14 thereof, and to make arrests within the United States Capitol Buildings and Grounds for any violations of any law of the United States, of the District of Columbia, or of any State, or any regulation promulgated pursuant thereto: *Provided*, That the Metropolitan Police force of the District of Columbia is authorized to make arrests within the United States Capitol Buildings and Grounds for any violations of any law of the United States, of the District of Columbia, or of any State, or any regulation promulgated pursuant thereto, but such authority shall not be construed as authorizing the Metropolitan Police force, except with the consent or upon the request of the Capitol Police Board, to enter such buildings to make arrests in response to complaints or to serve warrants or to patrol the United States Capitol Buildings and Grounds.

"(2) The Capitol Police shall have the power to make arrests within the area outside the United States Capitol Grounds described in subsection (c) of this section for any violations of any law of the United States or the District of Columbia, or any regulation promulgated pursuant thereto. The arrest authority of the Capitol Police under this paragraph shall be concurrent with that of the Metropolitan Police force of the District of Columbia.

"(b)(1) For the purpose of this section, the term 'Grounds' includes the House Office Buildings parking areas, and any property acquired, prior to or on or after the date of the enactment of this subsection, in the District of Columbia by the Architect of the Capitol, or by an officer of the Senate or the House of Representatives, by lease, purchase, intergovernmental transfer, or otherwise, for the use of the Senate, the House of Representatives, or the Architect of the Capitol.

"(2) The property referred to in paragraph (1) of this subsection shall be considered 'Grounds' for purposes of this section only during such period that it is used by the Senate, House of Representatives, or the Architect of the Capitol. On and after the date next following the date of the termination by the Senate, House of Representatives, or Architect of the Capitol of the use of any such property, such property shall be subject to the same police jurisdiction and authority as that to which it would have been subject if this subsection had not been enacted into law.

"(c)(1) The area referred to in subsection (a)(2) within which the Capitol Police have arrest authority under subsection (a)(2) of this section concurrent with that of the Metropolitan Police force of the District of Columbia is the following described area:

"That area outside of the United States Capitol Grounds which is bounded by the north curb of H Street from 3rd Street, N.W. to 7th Street, N.E., the east curb of 7th Street from H Street, N.E., to M Street, S.E., the south curb of M Street from 7th Street, S.E. to 1st Street, S.E., the east curb of 1st Street from M Street, S.E. to Potomac Avenue S.E., the southeast curb of Potomac Avenue from 1st Street, S.E. to South Capitol Street, S.W., the west curb of South Capitol Street from Potomac Avenue, S.W. to P Street, S.W., the north curb of P Street from

South Capitol Street, S.W. to 3rd Street, S.W., and the west curb of 3rd Street from P Street, S.W. to H Street, N.W.

"(2) Except to the extent that this section confers on the Capitol Police jurisdiction concurrent with that of the Metropolitan Police force of the District of Columbia to make arrests within the area described in paragraph (1) of this subsection, nothing in this section shall be considered to affect or otherwise limit the jurisdiction of the Metropolitan Police force within the area described in paragraph (1) of this subsection."

(b) The authority granted by the amendments made by subsection (a) of this section shall be in addition to any authority of the Capitol Police in effect on the date immediately prior to the date of the enactment of this Act.

MOTION OFFERED BY MS. OAKAR

Ms. OAKAR. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Ms. OAKAR moves to strike all after the enacting clause of the Senate bill, S. 1766, and to insert in lieu thereof the provisions of H.R. 5269, as passed by the House.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Ohio [Ms. OAKAR].

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "An act to add to the area in which the Capitol Police have law enforcement authority, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 5269) was laid on the table.

APPOINTMENT OF CONFEREES ON S. 1766

Ms. OAKAR. Mr. Speaker, I ask unanimous consent that the House insist on its amendment to the Senate bill, S. 1766, and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio? The Chair hears none and, without objection, appoints the following conferees: Mr. ROSE, Ms. OAKAR, and Messrs. PANETTA, THOMAS of California, and ROBERTS.

There was no objection.

GENERAL LEAVE

Ms. OAKAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 5269 and S. 1766.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

PACIFIC YEW ACT

Mr. STUDDS. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 3836) to provide for the management of Federal lands containing the Pacific yew to ensure a sufficient supply of taxol, a cancer-treating drug made from the Pacific yew, as amended.

The Clerk read as follows:

H.R. 3836

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

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the "Pacific Yew Act".

SEC. 2. FINDINGS, PURPOSES, AND DEFINITIONS.

(a) FINDINGS.—Congress finds the following:

(1) Over 12,000 women die each year from ovarian cancer and 44,500 women die from breast cancer.

(2) Taxol, a drug made from the Pacific yew (*Taxus brevifolia*), has been successful in treating ovarian cancer in clinical trials and shows promise in the treatment of breast cancer and other types of cancer.

(3) The production of small amounts of taxol currently requires the use of large numbers of Pacific yew.

(4) The Pacific yew is a slow-growing tree species found in the Western United States.

(5) Significant numbers of Pacific yew trees are found in old-growth forests on Federal lands in the Pacific Northwest.

(6) Before the importance of taxol was discovered, the Pacific yew was considered a trash tree and was often burned in slash piles after timber operations.

(7) Remaining Pacific yew resources must be carefully managed in order to ensure a steady supply of taxol for the treatment of cancer, while also providing for the long-term conservation of the species.

(8) Appropriate management guidelines must be implemented promptly in order to prevent any wasting of the Pacific yew in current and future timber sales on Federal lands, while successful and affordable alternative methods of manufacturing taxol are being developed.

(b) PURPOSES.—The purposes of this Act are to contribute to the successful treatment of cancer by ensuring that Pacific yew trees located on lands of the National Forest System and on public lands administered by the Bureau of Land Management are managed to—

(1) provide for the efficient collection and utilization of those parts of the Pacific yew that can be used in the manufacture of taxol for the treatment of cancer;

(2) provide for the sale of Pacific yew from such lands for the commercial production and subsequent sale of taxol at a reasonable cost to cancer patients;

(3) ensure the long-term conservation of the Pacific yew; and

(4) prevent the wasting of Pacific yew resources while successful and affordable alternative methods of manufacturing taxol are being developed.

(c) SECRETARY CONCERNED DEFINED.—For purposes of this Act, the term "Secretary concerned" means—

(1) the Secretary of Agriculture, with respect to land and interests in lands under the jurisdiction of the Forest Service; and

(2) the Secretary of the Interior, with respect to lands and interests in lands under the jurisdiction of the Bureau of Land Management.

SEC. 3. PACIFIC YEW CONSERVATION AND MANAGEMENT.

(a) PACIFIC YEW POLICY.—The Secretary of Agriculture and the Secretary of the Interior

shall pursue a conservation and management policy with respect to lands and interests in lands under the jurisdiction of the Forest Service or the Bureau of Land Management, which contain the Pacific yew in order to—

(1) provide for the sustainable harvest of Pacific yew, or Pacific yew parts, in accordance with relevant land and resource management plans for the manufacture of taxol; and

(2) provide for the long-term conservation of the Pacific yew in the wild.

(b) **CONTENT OF POLICY.**—The conservation and management policy required by subsection (a) shall ensure that—

(1) in planning harvests of the Pacific yew, priority be given first to areas in which timber has been cut but Pacific yew trees have not been removed, second to areas in which timber is already sold but remains uncut, third to areas scheduled for timber sale in the near future, and fourth to those other areas where commercial and salvage timber sales are allowed under existing laws;

(2) individual Pacific yew trees are utilized with little or no waste;

(3) to the extent that timber harvesters' health and safety will not be jeopardized, the bark is harvested from Pacific yew trees in timber sale areas before the harvest of other timber resources;

(4) whenever Pacific yew trees are harvested, they are—

(A) cut using methods designed to allow for resprouting from the stump; and

(B) replanted where necessary to maintain the species in the ecosystem; and

(5) timber management and harvest activities are carried out in a manner that will minimize any adverse effects on the survival and regeneration of Pacific yew trees.

(c) **APPLICATION OF POLICY TO TIMBER HARVESTING.**—

(1) **APPLICATION.**—The Secretary concerned shall ensure that timber sales awarded after the date of the enactment of this Act, and timber sales completed before that date but still unharvested on that date, are conducted in accordance with—

(A) the policy expressed in subsection (a); and

(B) the relevant land and resource management plans of the Secretary concerned.

(2) **CONSULTATION UNDER ENDANGERED SPECIES ACT.**—If the Secretary concerned foresees the need to harvest Pacific yew in an area for which an opinion issued under subsection (b)(3)(A) of section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) has concluded that a commercial timber sale is likely to jeopardize the continued existence of an endangered or threatened species or destroy or adversely modify critical habitat identified for the species under that Act, the Secretary concerned shall immediately initiate consultation under that section to determine the effect on endangered and threatened species and critical habitat of harvesting only Pacific yew trees.

(d) **INVENTORY OF PACIFIC YEW.**—Not later than 6 months after the date of the enactment of this Act, each Secretary concerned shall complete the ongoing inventory of Pacific yew on lands under the jurisdiction of the Secretary concerned.

SEC. 4. RESEARCH.

Each Secretary concerned shall encourage and, where appropriate, assist in research regarding—

(1) the ecology of the Pacific yew;

(2) the development of alternative methods of procuring taxol, including utilization of other yew parts in addition to bark, the sustainable harvest of yew needles, and the utilization of other yew species; and

(3) the propagation of Pacific yew and other yew species in agricultural or commercial settings.

SEC. 5. COLLECTION AND SALE OF PACIFIC YEW RESOURCES.

(a) **ENFORCEMENT AND ACCESS.**—The Secretary concerned shall ensure the development, implementation, and enforcement of processes for the collection and sale of Pacific yew resources that will minimize the illegal harvest and sale of such resources. The Secretary shall also ensure that access to Pacific yew resources is allowed in a timely manner such that collection of Pacific yew parts can occur before the taxol properties of such parts are degraded.

(b) **NEGOTIATED SALES.**—

(1) **FOREST SERVICE SALES.**—Notwithstanding section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a), the Secretary of Agriculture may negotiate sales of Pacific yew on lands under the jurisdiction of the Forest Service at not less than appraised value, to parties manufacturing taxol in the United States in accordance with section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) for use in humans.

(2) **BUREAU OF LAND MANAGEMENT SALES.**—Notwithstanding the Materials Act of 1947 (30 U.S.C. 601-604), the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and Act of August 28, 1937 (43 U.S.C. 1181a-1181f), the Secretary of the Interior may negotiate sales of Pacific yew on lands under the jurisdiction of the Bureau of Land Management at not less than appraised value, to parties manufacturing taxol in the United States in accordance with section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) for use in humans.

(3) **DISPOSITION OF UNUTILIZED MATERIAL.**—The Secretary concerned shall, to the extent practicable, make material unutilized by purchasers of Pacific yew available to others.

(4) **LIMITS ON OTHER SALES.**—Except as provided in paragraphs (1), (2), and (3), the Secretary concerned shall not sell Pacific yew for commercial use.

(5) **USE OF RECEIPTS.**—The Secretary concerned may use amounts received from the sale of Pacific yew under this section to pay the costs incurred by the Secretary concerned associated with the harvest and sale of Pacific yew.

(c) **RECORD KEEPING.**—The Secretary concerned shall keep accurate records of all sales, bark removal, or other harvest of the Pacific yew. The records shall include the following information:

(1) The date of sale (where applicable) and the date of harvest.

(2) The names of the persons performing the harvest.

(3) The record of authorization for the harvest.

(4) The location and size of the area in which the harvest occurred.

(5) The quantity of Pacific yew harvested, including, to the extent practicable, the number of trees harvested, volume of bark harvested, and weight of bark harvested.

(d) **EFFECT ON PRIOR SALES.**—With respect to Pacific yew harvested before the date of the enactment of this Act on lands under the jurisdiction of the Forest Service or the Bureau of Land Management, the Secretary concerned may permit taxol derived from that Pacific yew to be used for purposes other than research if the Secretary of Health and Human Services certifies to the Secretary concerned that such permission—

(1) will increase patient access to taxol treatment; and

(2) will not result in insufficient supplies of taxol for clinical research.

SEC. 6. RELATION TO OTHER LAWS.

Nothing in this Act shall be interpreted as modifying the provisions of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.), the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), or the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), except as explicitly provided in section 3.

SEC. 7. REPORT TO CONGRESS.

Not later than one year after the date of the enactment of this Act (and annually thereafter), each Secretary concerned shall submit to the Committee on Merchant Marine and Fisheries, the Committee on Interior and Insular Affairs, and the Committee on Agriculture of the House of Representatives, and the Committee on Environment and Public Works, the Committee on Energy and Natural Resources, and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report containing the following:

(1) A judgment as to whether sufficient amounts of Pacific yew have been harvested, and can continue to be harvested for the next year, to supply necessary amounts of taxol required for medicinal purposes, together with a summary of the information on which the judgment is based.

(2) The results of the Pacific yew inventory required by section 3(d).

SEC. 8. EXPIRATION OF REQUIREMENTS.

The Secretary of Health and Human Services shall determine when quantities of taxol sufficient to satisfy medicinal demands are available from sources other than Pacific yew trees harvested on Federal lands and notify each Secretary concerned upon making such determination. If the Secretaries concerned concur, they shall jointly notify the relevant congressional committees, as listed in section 7, at which time the requirements of this Act shall expire.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 20 minutes, and the gentleman from California [Mr. HERGER] will be recognized for 20 minutes.

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

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

Mr. Speaker, I rise in strong support of H.R. 3638, the Pacific Yew Act. It is designed to promote the availability of taxol, an important new anticancer drug, by requiring the Federal Government to improve its management of the Pacific yew tree.

Thousands of women die each year of ovarian and breast cancer. The statistics are staggering. We, in fact, have an epidemic on our hands—one in every nine women are certain to contract breast cancer in the course of their lifetime. In Massachusetts alone 1,400 women are expected to die of breast cancer this year—more than 10 percent of all cancer deaths in the State. In health care meetings I've held from Hingham to Yarmouth to Plymouth to Barnstable to New Bedford, I have heard from women the overwhelming sense of anxiety, fear, and frustration about this deadly disease.

Taxol promises to be the best available weapon in the fight against these killers and offers new hope to the victims of ovarian and breast cancer. It's main source is the bark of the yew tree found in the remaining old-growth forests of the Pacific Northwest. This tree historically has been burned as a worthless trash tree when harvesting forests for more commercially valuable timber. That practice must stop. The bark of the yew is treasure, not trash; we should be hoarding it like gold, not burning it. It is the goal of this bill to see to it that everything that is humanly possible is being done to conserve and to wisely manage that tree and to see to it that the maximum amount of taxol is extracted as long as it is needed. Second, the bill seeks to ensure that the drug is made available to as many women as possible and at a price that makes it genuinely accessible to cancer patients whose lives may depend on it.

This bill was referred jointly to the Merchant Marine and Fisheries Committee, the Agriculture Committee, and the Interior Committee. We conducted a joint hearing this spring, and received strong support and many constructive suggestions. The joint committee amendment before us today was drafted cooperatively by the three committees and incorporates many suggestions that were made at the hearing. For example, we heard repeatedly at the hearing that the most important step we can take to maximize the amount of taxol that is collected from our Federal lands is to ensure that yew trees are harvested before commercial timber harvesting takes place. The amendment makes that a strict requirement, except in cases in which the safety of timber workers would be in jeopardy.

Second, it deletes several procedural requirements that the administration believed would have delayed the harvest of yew trees. Third, it ensures that once the FDA approves taxol for commercial use, yew from Federal lands will be sold only to those who are authorized to produce taxol for the treatment of cancer. Fourth, the amendment contains a sunset clause under which the requirements of this act will expire once we are able to produce taxol synthetically—and, thankfully, there are reports that significant progress is being made on that front.

This bill has been favorably reported by the three committees to which it was referred. In a time when the legislative process is too often marred by pointless, unproductive bickering, this bill represents what can be accomplished promptly by several committees working in good faith with one another to solve problems. This is not a simple subject, and it touches on forest management in the Pacific Northwest—a controversial topic by any measure. For their efforts and good

work, I want to commend the leadership of the two other committees and their staffs: Mr. DE LA GARZA and Mr. VOLKMER for the Agriculture Committee, and Messrs. MILLER, and VENTO for the Interior Committee. My thanks as well to Mr. JONES, the chairman of the Merchant Marine Committee, and Mr. YOUNG, the committee's ranking minority member.

Mr. Speaker, this bill will save lives and trees. It will ensure that yew bark is not wasted, and will expedite the availability of taxol to the cancer patients whose lives literally depend on it. I urge Members to support it.

□ 1320

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

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

Mr. Speaker, I rise in support of H.R. 3836 and urge its adoption.

This bill is the result of a compromise between three committees of the House, including my own Committees on Merchant Marine and Fisheries, and Agriculture. Passage of this bill will not only provide a much-needed source of cancer-fighting drugs to the Nation, but also will demonstrate how we can create a reasonable balance between resource conservation and human needs. I hope that all of those individuals who constantly argue that resources should be locked away for their own protection will see this bill as an example of how we can promote wise use of our lands and forests.

Finally, Mr. Speaker, I want to compliment our colleague DAN YOUNG, who serves as ranking minority member of both the Fish and Wildlife Subcommittee and the Interior Committee for his help in getting this bill through. His concern for both cancer victims and sound resource management has enabled us to bring this bill before you today.

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

Mr. STUDDS. Mr. Speaker, I yield 6 minutes to the gentleman from Oregon [Mr. WYDEN].

Mr. WYDEN. Mr. Speaker, I rise in support of this critical legislation, and I particularly want to commend our colleague, the gentleman from Massachusetts [Mr. STUDDS], for his outstanding work on this legislation.

This bill is designed to reduce waste in the harvest of the Pacific yew and increase accessibility to a critical drug for sick women across our country. Taxol, the active agent derived from the Pacific yew, may be the most potent cancer-fighting drug in the past 15 years, according to experts at the National Cancer Institute.

Reducing waste in the harvest of the yew and ensuring access to taxol for women suffering from breast and ovarian cancer has been a top priority for this Member since I learned 2 years ago

that the Federal Government was considering entering into extraordinary contracts with Bristol Myers Squibb to develop taxol.

My subcommittee investigated those contracts and made a special analysis of those contracts with respect to their effect on management practices. We found that those contracts literally encouraged mismanagement, and during last year's harvest, the first under the new taxol contract with the Federal Government, questionable forestry practices were engaged in on a widespread basis.

Let us make it very clear why this legislation is so important. Last year, waste of the Pacific yew was the rule and not the exception. Burning, bulldozing, and high grading of the yew, where only the easily obtained bark was taken, was widespread. My staff went out and looked at the harvest and found that in many instances the waste last year frittered away one-third of each tree's potential.

For example, last year the Federal Government consistently allowed commercial loggers to go into an area before the yews were harvested, a practice that ensured that 60 percent to 75 percent of the yew bark was wasted. Allowing the commercial loggers in first virtually guaranteed a monumental amount of waste of this national treasure, and fortunately, this legislation would stop that.

Incredibly enough, instead of adopting tough rules to protect this resource, the Federal Government last year shirked its responsibility and let the agents of Bristol Myers Squibb decide which yews to harvest and which to leave behind. Repeatedly, these and other problems were pointed out to the Bureau of Land Management and the Forest Service last year. We showed them pictures of burned yew, and still the agencies maintained that waste was an isolated situation, rarely found.

Finally, in February 1992, my staff investigators came across an internal memo that showed that BLM management did not know or would not tell the real story about waste in the yew program. On February 3, 1992, Mike Trumball, general manager of the corporation that collects for Bristol Myers, wrote Mr. Tresidder, with the BLM in Portland, OR. Mr. Trumball actually proposed holding off the harvest altogether, because, and I would quote, because there was no policy for harvesting, and the prospect of a highly exposed error.

I think that was the memo that broke the camel's back. Later that month, we wrote the Bureau of Land Management. We learned in March that finally the Bureau of Land Management would adopt strong rules to protect this resource.

This legislation codifies those rules and goes beyond them. This legislation gives legal teeth, enforcement muscle,

to the guidelines adopted by the Natural Resources this March to protect the yew.

In addition, the bill will also ensure that the Endangered Species Act is complied with. In my view, this legislation, if now we get real enforcement on the ground, will ensure that more cancer patients can get needed drugs from rare national resources and America's researchers will have the potential to save lives.

To move toward this goal, I recently brought together a citizens' committee made up of timber industry representatives, environmental agencies, and researchers to assist me in monitoring this year's harvest. We are also going to push hard to make sure that the health agencies build on this legislation and adopt standards to ensure that taxol can be purchased at reasonable prices. Sick women have already paid once for these trees to be maintained on Federal land. They cannot be gouged again on the price of taxol when it is available in our pharmacies and in our medical programs. This legislation moves us toward that goal. I want to thank the chairman, the gentleman from Massachusetts [Mr. STUDDS] for the chance to work with him and for all his fine work, and to thank our colleagues on the minority as well. This is a bill that in my view, is a victory for all Americans.

Mr. STUDDS. Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, I rise today in support of the Pacific Yew Act. I would like to express my thanks to Chairman STUDDS and the chairmen of the other committees who have worked to bring this critical legislation to the floor.

Taxol is a drug that offers new hope for the thousands of women who are diagnosed with ovarian cancer each year. Of all the cancers, ovarian cancer is one of the most lethal, with a 5-year survival rate of less than 39 percent. This year alone, 21,000 American women will be diagnosed with ovarian cancer and 13,000 will die from the disease.

As a survivor of ovarian cancer, I know the trauma that cancer represents. By passing this legislation, we have the opportunity to help women deal with the terrifying experience of ovarian cancer by ensuring a steady supply of taxol. The National Cancer Institute has declared the drug the most promising treatment for ovarian cancer in 15 years. Although it does not cure the disease, it has shown significant promise in shrinking tumors in women who do not respond to any other treatment.

The need to make taxol more widely available was made clear to me 2 weeks ago when I attended a benefit for the Julie Merle Epstein Cancer Fund in Connecticut. Julie Epstein was a 28-

year-old woman from Connecticut who died of ovarian cancer a little more than 1 year ago. Julie's tragic death was made even more painful for her family because they were unable to obtain taxol for Julie, which was the only treatment that could have helped her.

Like so many others, Julie suffered because ovarian cancer is a silent disease, that is often discovered late in its development. Our first line of defense against ovarian cancer must be in improving techniques of early detection. Failing that, however, we must continue to develop therapies like taxol that can treat the disease at later stages.

Unfortunately, the only currently available source of taxol is the bark of the Pacific yew tree. Over the past year, there have been widespread reports of mismanagement of this precious resource. This cannot continue. Until we have fully developed alternative sources of taxol to meet the demand for the drug, we must make absolutely certain that we are utilizing the bark of the tree as efficiently as possible.

The Pacific Yew Act represents a sound policy of minimizing waste of the yew and ensuring adequate yields to meet the demand for taxol. Taxol has potential applications not only for ovarian cancer, but also for breast and other cancers, and we must have a flexible policy that will allow us to meet these needs if necessary.

Hopefully, we will not have to rely on the Pacific yew much longer. The search for alternative sources of taxol is moving forward rapidly, and we all hope that management of the Pacific yew will only be a short-term concern. In the meantime, it is vital that we pass this legislation to ensure a rational, balanced policy for managing the yew tree and for meeting our common goal—making taxol available to the thousands of cancer victims like Julie Epstein who are desperately looking for a new source of hope, optimism, and life.

I urge my colleagues to join me in supporting the Pacific Yew Act.

□ 1330

Mr. STUDDS. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey, [Mr. HUGHES].

Mr. HUGHES. Mr. Speaker, first let me congratulate my colleague on the Merchant Marine and Fisheries Committee, the gentleman from Massachusetts [Mr. STUDDS], and the Interior and Insular Affairs Committee and the Agriculture Committee for developing what in essence is a very good piece of legislation.

The bill directs the Agriculture and Interior Departments to carry out a policy that will provide for sustainable harvesting of the Pacific yew for the manufacture of the cancer-treating drug, as has been indicated, taxol, and

for the long-term conservation of the Pacific yew in the wild.

The bill's provisions for the Pacific yew management would remain in effect until such time as the Department of Health and Human Services is able to determine that there is sufficient taxol to meet the medical demands in the future. It is interesting that the production of taxol requires large amounts of Pacific yew bark. Surprisingly, the bark of three 100-year-old yews is needed to treat just one cancer patient, so Members can see the dimension of the problem. And as my colleague from Massachusetts has indicated, we have been wasting this in logging operations particularly in the Pacific Northwest, and so this would put in place a conservation and management program that should serve us well.

Under the measure, the Agriculture and Interior Departments are to ensure that Pacific yew harvests in lands under their jurisdiction are carried out pursuant to certain policies. Among them, Pacific yews are to be utilized where their is little or no logging, and the bark is to be harvested prior to commercial logging, and the Pacific yews are to be cut with methods allowing new growth to resprout from the stump, and timber management harvest activities carried out in a manner that will minimize adverse effects.

In addition to that, Mr. Speaker, the bill does provide that both departments will complete an ongoing inventory of Pacific yews within 6 months of enactment. Also assist in research on Pacific yew ecology, develop and implement and enforce policies that will minimize their illegal harvest, and pursue the kind of alternative sources that are needed to service women who suffer from these dreaded diseases in the years ahead.

I urge my colleagues to support a very good bill.

Mr. STUDDS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman from Massachusetts for yielding the time and I want to rise to emphasize how difficult the job of the gentleman from Massachusetts has been and thank him very sincerely. As cochair of the congressional caucus on women's issues we have made the health issues of women a strong, strong priority. Obviously we could talk about them but when you come up with things that can treat them and then find them being wasted, this is a very difficult thing to get at, and that is exactly what the gentleman is doing in this bill, and I cannot thank him enough.

The other reason I know how hard it is is that I came from a family in the Northwest. I was born in Oregon and my father had a logging company. So I know when you walk into timber and

you walk into logging you walk into all sorts of problems. So to have gotten through there, and gotten this bill out it really is an incredible milestone, and I thank the gentleman very sincerely, and I know that all of the people who will be able to benefit from this through proper treatment will thank him too.

Mr. STUDDS. Mr. Speaker, I thank the gentlewoman from Colorado for her kind words.

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

Mr. STUDDS. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Speaker, I really want to thank the gentleman from Massachusetts [Mr. STUDDS] and others for this bill because we know, or we think we know that the yew tree may have a very, very valuable substance which I think in generic terms is called taxol, which has been found in some chemical trials to arrest cancer and other diseases, ovarian cancer in particular, as I understand it, and breast cancer, and lymphomatic cancers.

Apparently we cannot get the substance in great enough volume to really do the job, and this bill goes a long long way to finding cures for these diseases, more so than probably any other interrelated virus such as AIDS and others. So I want to really thank the gentleman for this bill. I think this will go a long way in finding cures to diseases.

We ought to be investing more in research when it comes to health needs, and this is a priority bill. I know that the scientific community as well as so many people who suffer from these diseases and their families will be very, very grateful.

I thank the gentleman for yielding me the time.

Mr. STUDDS. Mr. Speaker, I thank the gentlewoman from Ohio for her comments.

Mr. JONES of North Carolina. Mr. Speaker, the bark of the Pacific yew tree contains taxol, a promising drug for the treatment of cancer.

H.R. 3836 will decrease waste of Pacific yew tree bark, protect the tree's habitat, and increase the amount of taxol available for research and cancer treatment.

I urge my colleagues to support this bill. By doing so, we are promoting one of the most exciting and promising anticancer drugs of this decade.

Mrs. VUCANOVICH. Mr. Speaker, I rise today in strong support of the bill before us, H.R. 3836.

The bill would ensure that the bark found on the Pacific yew tree would not be wasted and would require Federal agencies to allow drug companies to harvest the yew trees before the area is available to commercial loggers. By taking such action, Congress is providing hope to women who have been afflicted with breast and ovarian cancer.

This year, I am saddened to say, 13,000 women are expected to die from ovarian can-

cer, and it is estimated that 46,300 women will lose the fight against breast cancer. As a breast cancer survivor myself, I know how difficult it is to take on this fight.

According to the National Cancer Institute, taxol is one of the most important cancer-fighting drugs of the past decade. This drug has produced a positive, reproducible response rate in clinical trials of women with ovarian cancer and has demonstrated a response rate of 50 percent for women with advanced breast cancer. Without the bark of the Pacific yew, taxol will not exist in the amounts needed.

Mr. Speaker, I am in strong support of this bill which will enable us to manage these lands in a way that researchers can take advantage of this natural and lifesaving resource. The Pacific yew and taxol are the hope we need, and the hope we must provide in ensuring good health to our Nation's women.

I urge my colleagues to vote in favor of this legislation.

Mr. YOUNG of Alaska. Mr. Speaker, I rise in strong support of H.R. 3836 and urge its adoption by the House.

This bill was reported by three separate committees, including two on which I serve. I am pleased to have assisted in the coordination of forest management practices with efforts to protect the health of human beings. This bill is an excellent example of how we can achieve a proper balance between resource conservation and human needs.

The medical value of taxol, which is made from the bark of the Pacific yew tree, was discovered in the late 1960's, and clinical trials were begun on patients with ovarian cancer in 1983. These studies showed that 30 to 40 percent of ovarian cancer patients responded favorably to taxol. Other, more recent studies, show that taxol can also be effective in treating breast cancer and lung cancer. According to the National Cancer Institute, taxol is the most important new cancer drug in 15 years.

The American Cancer Society estimates that in the United States alone there will be approximately 21,000 new cases of ovarian cancer diagnosed in 1992 and that an estimated 13,000 women will die from ovarian cancer this year. In my own State of Alaska, the American Cancer Society estimates that there will be 175 new cases of breast cancer diagnosed and an estimated 50 women will die from breast cancer in 1992. That is a lot of lives that can be saved through the sound forest management practices mandated by this bill.

Cancer is a disease which affects people of every description regardless of race, sex, age, or political preference. However, ovarian breast cancer are a particular plague on our Nation, and this bill will allow tens of thousands of American women to be saved through proper use of taxol. I am especially pleased that this legislation has allowed all of us—women and men, Republicans and Democrats—to work together for a common goal.

Mr. Speaker, passage of this bill is vital to American women, and I appreciate the cooperative efforts of these three committees in bringing H.R. 3836 to the floor.

Mr. DE LA GARZA. Mr. Speaker, I rise in support of H.R. 3836, as amended, and recommend its adoption by the House.

H.R. 3836, the Pacific Yew Act, is a bill intended to serve one simple, but critically im-

portant purpose—to help expedite the production of a potentially lifesaving drug that is derived from the bark of the Pacific yew tree.

Every year, over 12,000 women die from ovarian cancer and 44,500 die from breast cancer. In the search to find new drugs to treat these cancers, researchers have come upon a potential wonder drug—taxol. Interestingly, this drug, which remains an experimental treatment for these cancers, can only be produced from the bark of the yew tree.

The yew tree grows naturally in the western United States, often in the old-growth forests of the Pacific Northwest. Until the discovery of taxol, the yew tree, had no known commercial value. In fact, it has most often been destroyed as areas are cleared and burned to make way for new forest growth.

With the discovery of taxol, interest in the yew tree and its proper management and harvest has grown. H.R. 3836, as amended, would simply provide for the efficient collection, cultivation, and utilization of the Pacific yew to facilitate the manufacture of taxol at a reasonable cost to cancer patients.

Mr. Speaker, I believe there are two important lessons to be learned from our experience with taxol, the yew tree, and the legislation before us today.

The first lesson is that we must recognize the potential value of other parts of the forest beyond what is of known commercial importance today. The yew tree was considered a trash tree until its valuable role in fighting cancer was discovered. This experience argues for promoting a better understanding of the forest ecosystem than current management and research have provided.

The second lesson is that the Congress, and particularly the three committees of jurisdiction represented on the floor today, can work cooperatively and effectively to resolve issues of common interest and national concern. Our collective experience in resolving differences over H.R. 3836 can serve us well as we seek to resolve other issues affecting the old-growth forests of the Pacific Northwest.

I commend the author of the legislation, Mr. STUDDS, for his concern and his foresight in introducing this measure. In addition, I commend the chairman of the Merchant Marine and Fisheries Committee, Mr. JONES, and the chairman of the Committee on Interior and Insular Affairs, Mr. MILLER, for their efforts to join the Committee on Agriculture in expediting consideration of H.R. 3836 in their respective committees.

Mr. Speaker, I do not believe that there is any controversy regarding H.R. 3836, as amended. I would urge my colleagues to support this important legislation so that efforts to promote the production of taxol to aid in the battle against ovarian and breast cancer can continue unimpeded.

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

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Massachusetts [Mr. STUDDS] that the House suspend the rules and pass the bill, H.R. 3836, as amended.

The question was taken; and (two-thirds having voted in favor thereof)

the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STUDDS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3836, the bill just passed.

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

There was no objection.

ROCKY MOUNTAIN ARSENAL NATIONAL WILDLIFE REFUGE ACT OF 1992

Mrs. SCHROEDER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1435) to direct the Secretary of the Army to transfer jurisdiction over the Rocky Mountain Arsenal, CO, to the Secretary of the Interior, as amended.

The Clerk read as follows:

H.R. 1435

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

SECTION 1. SHORT TITLE AND DEFINITIONS.

(a) SHORT TITLE.—This Act may be cited as the "Rocky Mountain Arsenal National Wildlife Refuge Act of 1992".

(b) DEFINITIONS.—For purpose of this Act:

(1) The term "Arsenal" means the Rocky Mountain Arsenal in the State of Colorado.

(2) The term "refuge" means the Rocky Mountain Arsenal National Wildlife Refuge established pursuant to section 4(a).

(3) The term "hazardous substance" has the meaning given such term by section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(14)).

(4) The term "pollutant or contaminant" has the meaning given such term by section 101(33) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(14)).

(5) The term "response action" has the meaning given the term "response" by section 101(25) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(25)).

(6) The term "person" has the meaning given that term by section 101(21) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(21)).

SEC. 2. TRANSFER OF MANAGEMENT RESPONSIBILITIES AND JURISDICTION OVER THE ROCKY MOUNTAIN ARSENAL.

(a) TRANSFER OF MANAGEMENT RESPONSIBILITIES.—(1) Not later than October 1, 1992, the Secretary of the Army and the Secretary of the Interior shall enter into a memorandum of understanding under which—

(A) the Secretary of the Army shall transfer to the Secretary of the Interior, without reimbursement, all responsibility to manage for wildlife and public use purposes the real property comprising the Rocky Mountain Arsenal in the State of Colorado, except the property and facilities required to be retained under subsection (c) or designated for disposal under section 5; and

(B) the Secretary of the Interior shall manage that real property as if it were a unit of the National Wildlife Refuge System established for the purposes provided in section 4.

(2) The management of the property by the Secretary of the Interior shall be subject to (A) any response action at the Arsenal carried out by or under the authority of the Secretary of the Army under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and other applicable provisions of law, and (B) any action required under any other statute to remediate petroleum products or their derivatives (including motor oil and aviation fuel) carried out by or under the authority of the Secretary of the Army. In the case of any conflict between management of the property by the Secretary of the Interior and any such response action or other action, the response action or other action shall take priority.

(b) TRANSFER OF JURISDICTION.—(1) Upon receipt of the certification described in paragraph (2), the Secretary of the Army shall transfer to the Secretary of the Interior jurisdiction over the real property comprising the Arsenal, except the property and facilities required to be retained under subsection (c) or designated for disposal under section 5. The transfer shall be made without cost to the Secretary of the Interior and shall include such improvements on the property as the Secretary of the Interior may request in writing for refuge management purposes.

(2) The transfer of real property under paragraph (1) may occur only after the Administrator of the Environmental Protection Agency certifies to the Secretary of the Army that response action required at the Arsenal and any action required under any other statute to remediate petroleum products or their derivatives (including motor oil and aviation fuel) at the Arsenal have been completed, except operation and maintenance associated with those actions.

(3) The exact acreage and legal description of the real property subject to transfer under paragraph (1) shall be determined by a survey mutually satisfactory to the Secretary of the Army and the Secretary of the Interior. The Secretary of the Army shall bear any costs related to the survey.

(c) PROPERTY AND FACILITIES EXCLUDED FROM TRANSFERS.—

(1) PROPERTY USED FOR ENVIRONMENTAL CLEANUP PURPOSES.—The Secretary of the Army shall retain jurisdiction, authority, and control over all real property at the Arsenal to be used for water treatment; the treatment, storage, or disposal of hazardous substances, pollutants, or contaminants; or other purposes related to response action at the Arsenal and any action required under any other statute to remediate petroleum products or their derivatives (including motor oil and aviation fuel) at the Arsenal. The Secretary of the Army shall consult with the Secretary of the Interior regarding the identification and management of all real property retained under this paragraph and ensure that activities carried out on that property are—

(A) consistent with the purposes for which the refuge is to be established under section 4(c), to the extent practicable; and

(B) consistent with the provisions of sections 2(a)(2) and 4(e).

(2) PROPERTY USED FOR LEASE OF PUBLIC FACILITIES.—(A) The Secretary of the Army shall retain jurisdiction, authority, and control over the following real property at the Arsenal:

(1) Approximately 12.08 acres containing the South Adams County Water Treatment

Plant and described in Department of the Army lease No. DACA 45-1-87-6121.

(ii) Approximately 63.04 acres containing a unanimous consent Postal Service facility and described in Department of the Army lease No. DACA 45-4-71-6185.

(B) Nothing in this Act shall affect the validity or continued operation of leases of the Department of the Army in existence on the date of the enactment of this Act and involving the property described in subparagraph (A).

SEC. 3. CONTINUATION OF RESPONSIBILITY AND LIABILITY OF THE SECRETARY OF THE ARMY FOR ENVIRONMENTAL CLEANUP.

(a) RESPONSIBILITY.—Notwithstanding the memorandum of understanding required under section 2(a), the Secretary of the Army shall, with respect to the real property at the Arsenal that is subject to the memorandum, continue to carry out (1) response action at that property under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and other applicable provisions of law, and (2) any action required under any other statute to remediate petroleum products or their derivatives (including motor oil and aviation fuel). The management by the Secretary of the Interior of such real property shall be subject to any such response action or other action at the property being carried out by or under the authority of the Secretary of the Army under such provisions of law.

(b) LIABILITY.—(1) Nothing in this Act shall relieve, and no action may be taken under this Act to relieve, the Secretary of the Army or any other person from any obligation or other liability at the Arsenal under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and other applicable provisions of law.

(2) After the transfer of jurisdiction under section 2(b), the Secretary of the Army shall retain any obligation or other liability at the Arsenal under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and other applicable provisions of law and shall be accorded all easements and access as may be reasonably required to carry out such obligation or other liability.

(c) DEGREE OF CLEANUP.—Nothing in this Act shall be construed to restrict or lessen the degree of cleanup at the Arsenal required to be carried out under applicable provisions of law.

(d) PAYMENT OF RESPONSE ACTION COSTS.—Any Federal department or agency that had or has operations at the Arsenal resulting in the release or threatened release of hazardous substances, pollutants, or contaminants shall pay the cost of related response actions or related actions under other statutes to remediate petroleum products or their derivatives, including motor oil and aviation fuel.

(e) CONSULTATION.—In carrying out response actions at the Arsenal, the Secretary of the Army shall consult with the Secretary of the Interior to ensure that such actions are carried out in a manner—

(1) consistent with the purposes for which the refuge is to be established under section 4(c), to the extent practicable; and

(2) consistent with the provisions of sections 2(a)(2) and 4(e).

(f) RELATIONSHIP TO OTHER ENVIRONMENTAL LAWS.—(1) For purposes of response action at the Arsenal, each of the following laws, in addition to other environmental laws legally applicable or relevant and appropriate under section 121(d) of the Comprehensive Environ-

mental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9621(d)), shall be considered to be a Federal environmental law that contains a standard, requirement, criterion, or limitation that is legally applicable or is relevant and appropriate under such section:

(A) The Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(B) The Migratory Bird Treaty Act (16 U.S.C. 703 et seq.).

(C) The Act of June 8, 1940 (16 U.S.C. 668 et seq.; popularly known as the Bald Eagle Protection Act).

(2) In order to ensure that the continued existence of endangered and threatened species is not jeopardized, the Administrator of the Environmental Protection Agency shall, in administering the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) with respect to the Arsenal, consult with the Secretary of Interior pursuant to section 7 of the Endangered Species Act (16 U.S.C. 1536).

SEC. 4. ESTABLISHMENT OF THE ROCKY MOUNTAIN ARSENAL NATIONAL WILDLIFE REFUGE.

(a) ESTABLISHMENT.—Not later than 30 days after the transfer of jurisdiction under section 2(b), the Secretary of the Interior shall establish a national wildlife refuge that shall be known as the Rocky Mountain Arsenal National Wildlife Refuge and consist of the real property required to be transferred under such section. The Secretary of the Interior shall publish a notice of the establishment of the refuge in the Federal Register.

(b) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary of the Interior shall manage the refuge in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) and other applicable law.

(2) CONSULTATION.—In developing plans for the management of fish and wildlife at and public use of the refuge, the Secretary of the Interior shall—

(A) consult with the Colorado Department of Natural Resources and local governments adjacent to the refuge; and

(B) provide an opportunity for public comment on such plans.

(3) The Secretary of the Interior and the Administrator of the Federal Aviation Administration shall confer from time to time as necessary to coordinate the management of the refuge with the operations of the Denver International Airport.

(c) PURPOSES OF THE REFUGE.—The refuge is established for the following purposes:

(1) To conserve and enhance populations of fish, wildlife, and plants within the refuge, including populations of waterfowl, raptors, passerines, marsh and water birds, and species presently or in the future listed as threatened or endangered.

(2) To provide maximum fish and wildlife oriented public uses at levels compatible with the conservation and enhancement of wildlife and wildlife habitat.

(3) To provide opportunities for compatible scientific research.

(4) To provide opportunities for compatible environmental and land use education.

(5) To conserve and enhance the land and water of the refuge in a manner that will conserve and enhance the natural diversity of fish, wildlife, plants, and their habitats.

(6) To protect and enhance the quality of aquatic habitat within the refuge.

(7) To fulfill international treaty obligations of the United States with respect to fish and wildlife and their habitats.

(d) LIMITATIONS.—

(1) PROHIBITION AGAINST ANNEXATION.—Notwithstanding section 4(a)(2) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)(2)), the Secretary of the Interior shall not allow the annexation of lands within the refuge by any unit of general local government.

(2) PROHIBITION AGAINST THROUGH ROADS.—Public roads may not be constructed through the refuge.

(e) RESPONSE ACTIONS.—(1) The establishment of the refuge shall not restrict or lessen in any way the ongoing response action under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 or other applicable provisions of law, or any ongoing action required under any other statute to remediate petroleum products or their derivatives (including motor oil and aviation fuel), required to be carried out by or under the authority of the Secretary of the Army at the Arsenal and surrounding areas, including (but not limited to)—

(A) the substance or performance of the remedial investigation and feasibility study or endangerment assessments;

(B) the contents and conclusions of the remedial investigation and feasibility study or the endangerment assessments reports; or

(C) the selection and implementation of response action and any action required under any other statute to remediate petroleum products or their derivatives (including motor oil and aviation fuel) for the Arsenal and surrounding areas.

(2) All response action and action required under any other statute to remediate petroleum products or their derivatives (including motor oil and aviation fuel) carried out at the Arsenal shall attain a degree of cleanup of hazardous substances, pollutants, and contaminants that, at a minimum, is sufficient to permit access to all real property comprising the refuge by refuge personnel and wildlife researchers.

SEC. 5. DISPOSAL OF CERTAIN REAL PROPERTY AT THE ARSENAL FOR COMMERCIAL, HIGHWAY, OR OTHER PUBLIC USE.

(a) PROPERTY DESIGNATED FOR DISPOSAL UNDER THIS SECTION.—The following areas of real property at the Arsenal are designated for disposal under this section for commercial, highway, or other public use purposes:

(1) An area of real property consisting of approximately 815 acres located at the Arsenal, the approximate legal description of which is section 9, T3S-R67W, the W2W2 of section 4 and the W4E2W2 of section 4, T3S-R67W, and the SW4SW4 of section 33, the W4E2W2 of section 33, and the W2NW4 of section 33, T2S-R67W; except that the area designated shall not include the approximately 63.04 acres containing a United States Postal Service facility and described in Department of the Army lease No. DACA 45-4-71-6185 and the water wells located in buildings 385, 386, and 387 at the Arsenal and associated facilities and easements necessary to operate and maintain the water wells, which shall be treated in the manner provided in section 2.

(2) To permit the widening of existing roads, an area of real property of not more than 100 feet inside the boundary of the Arsenal on—

(A) the Northwest side of the Arsenal adjacent to Colorado Highway #2;

(B) the Northern side of the Arsenal adjacent to 96th Avenue; and

(C) the Southern side of the Arsenal adjacent to 56th Avenue.

(b) TRANSFER FOR HIGHWAY PURPOSES.—The Secretary of the Army shall convey those parcels of real property described in subsection (a)(2) to the State or the appro-

priate unit of general local government at no cost to allow for the improvement of public roads in existence on the date of the enactment of this Act or for the provision of alternative means of transportation.

(c) TRANSFER FOR SALE.—(1) The Secretary of the Army shall transfer to the Administrator of the General Services Administration those parcels of the area of real property described in subsection (a)(1). The transferred property shall be sold in advertised sales as surplus property under the provisions of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), except that the provisions of such Act relating to reduced or no-cost transfers to other governmental entities shall not apply to this property.

(2) Any amounts realized by the United States upon the sale of property as described in paragraph (1) shall be transferred to the Director of the United States Fish and Wildlife Service to be used, to the extent provided for in appropriation Acts, to supplement the funds otherwise available for construction of a visitor and education center at the refuge.

(d) LIMITATIONS.—

(1) PERPETUAL RESTRICTIONS.—(A) The disposal of real property under this section shall be subject to perpetual restrictions that are attached to any deed to such property and that prohibit—

(i) the use of the property for residential or industrial purposes;

(ii) the use of ground water located under, or surface water located on the property as a source of potable water;

(iii) hunting and fishing on the property, excluding hunting and fishing for non-consumptive use subject to appropriate restrictions; and

(iv) agricultural use of the property, including all farming activities such as the raising of livestock, crops, or vegetables, but excluding agricultural practices used in response action or used for erosion control.

(B) Nothing in subparagraph (A) shall be construed to restrict or lessen the degree of cleanup required to be carried out under applicable provisions of law at the property designated for disposal under this section.

(2) DISPOSAL IN ACCORDANCE WITH CERCLA.—The disposal of real property under this section shall be carried out in compliance with section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)) and other applicable provisions of law.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Colorado [Mrs. SCHROEDER] will be recognized for 20 minutes, and the gentleman from Guam [Mr. BLAZ] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in very strong support of this refuge bill, and tell Members how terribly important and historic this moment is. If anyone had told me a couple of years ago we could turn the Rocky Mountain Arsenal into a wildlife refuge I would have thought that they were absolutely crazy.

This was some of the most polluted land in America. It was a Superfund

site. It was a site that in World War II was used by the U.S. Army for chemical weapons, and then later on leased to companies to make herbicides and pesticides. And obviously in those days they never thought about it, so the waste was allowed to be stored, it was allowed to be buried, chemical weapons were stored, all sorts of things without really keeping maps, and without really understanding what they were doing.

□ 1340

When they really realized the level of toxicity and the level of poisoning of the soil and everything around there, obviously it had already been done, so we have made incredible progress from that day forward trying very hard to figure out what to do.

For many years there were many people who thought the Rocky Mountain Arsenal could never be cleaned up. The interesting thing is that in this 27-square-mile area, only 15 percent was really heavily contaminated, and the wildlife must have figured that out, because they moved in on the rest of it, and the next thing we knew, as we were debating how to clean up that 15 percent, was this incredible diversity and density of wildlife suddenly blossomed all over the arsenal. In fact, there is no other area of comparable size that has the diversity and density of wildlife.

In 1989 the U.S. Fish and Wildlife entered into a wildlife management agreement with the Army, and we have all been very concerned from that day forward that we find a way to clean up polluted soil to meet all the criteria of the Federal law. That is why we have had amendments to the bill, and many people looking at this bill to make sure it gets cleaned up to the standard that we want, but also that we do not interrupt the wildlife. You do not want to totally dismantle it, because at that point you really would be making them homeless or sending them out somewhere else, and since it is almost totally surrounded by urban areas, there are not too many places they can go.

I want to really commend so many people who worked so hard in trying to make this happen. It has not been at all easy, but the gentleman from Colorado [Mr. ALLARD] has been wonderful in that he came forward on the Republican side and helped broker the very first compromise as to what we did to get the community to accept it more, and I also want to thank the gentleman from Massachusetts [Mr. STUDDS] for the terrific work his committee did on Merchant Marine and Fisheries, and the gentleman from North Carolina [Mr. JONES] for shepherding it through that committee to make sure that we finally got a package that everyone agreed to.

Over and over, I have said there is no hidden agenda here. We want to comply with all the Federal laws. We want the

cleanup to be maximum, but we also want to make it very clear that when this is done, this wildlife refuge will be there, and it will not suddenly be bulldozed, or it will not be nibbled away or suddenly we find that people say we spent so much money cleaning it up that we have just got to pave it over. You know how that is. So this really is one of the very strong reasons, I think, so many people in the community worked together to make sure we made it clear what this land use was going to be and where we should go with it.

So I really am happy to be here today and to thank the many people for helping me get here, because it has been a long, long task. I think it was one of the very first issues that I got involved in as a young freshman when I came here, and I was not sure I was going to live long enough to see this ever happen.

I also want to thank Louis Walker, who has been the Deputy Assistant Secretary of the Army, who has helped shepherd this through, too. We have almost driven him nuts with meetings and all sorts of other things. There are many, many other people I should thank.

Once again, I will say that I think this is going to be a real national treasure. I stand very proudly here today saying I think my State of Colorado is learning how to do conversion, learning how to look at things we have not looked at with different eyes such as the military installations, to find out the wildlife significance they have, and these may be the last significant chunks of land we can put away for that kind of the breathing space of the next generation and to preserve many of the species that need certainly some space to be able to flourish in.

One of the groups that has flourished the best in our area have been the incredible beautiful bald eagle, and to go there and to winter and see all of those nesting bald eagles on an area that we thought was a total loss is just absolutely amazing.

So to have gone from this total loss to something we thought we would have to trash to something that we now recognize as a real treasure is a very historic moment, and we hope it is only the beginning of many more positive things that can be done as we go through this downsizing of the military and trying to figure out what to do with a lot of this land for the future.

I rise in support of H.R. 1435, the Rocky Mountain Arsenal National Wildlife Refuge Act. This version of the bill was ordered reported from the Merchant Marine and Fisheries Committee last week, and marks a continued improvement of the bill. I support it wholeheartedly.

H.R. 1435 creates a national wildlife refuge at the Rocky Mountain Arsenal, a former Army chemical weapons factory, in Adams County, CO.

I introduced H.R. 1435 on March 13, 1991. On September 9, 1991, the Armed Services

Subcommittee on Military Installations and Facilities, which I chair, held a joint hearing on the bill in Denver with the Merchant Marine Subcommittee on Fisheries and Wildlife Conservation and the Environment. We had an excellent hearing and received many valuable suggestions for improving the bill. On February 19, 1992 the Armed Services Committee marked up the bill, and approved a substitute bill incorporating these improvements. The bill before us today represents an additional improvement of that bill.

After years of controversy, local, State, and Federal Government officials, and private citizens, have reached a compromise agreement on the wildlife refuge concept. The Army, Department of Interior, and the Environmental Protection Agency support the bill.

Rocky Mountain Arsenal has an interesting, yet controversial, history. During World War II, the Army opened the 19,000-acre arsenal in Adams County, CO, 10 miles from downtown Denver. It was created to produce and store chemical and conventional weapons during World War II. After the war, a portion of the arsenal was leased to a company later acquired by Shell Oil Co., for production of pesticides and herbicides. Rocket fuel also was blended at the arsenal.

Wastes produced by these operation at the arsenal were dumped directly into the ground. Although this was commonplace at the time, it was environmentally unsound. Contamination also resulted from the toxic materials and by-products of the manufacturing operations. The result has been extensive contamination of soil and groundwater.

The arsenal was declared a Superfund site in the mid-1980's. Cleanup efforts have been, and continue to be, ongoing, funded by defense environmental restoration account appropriations and Shell Oil, under a Federal facilities agreement. Munitions are no longer manufactured or stored at Rocky Mountain Arsenal. The only mission left is environmental restoration.

For years many thought that the arsenal would never be cleaned up. And no one dared believe that the arsenal would ever be attractive to wildlife.

But because of its 27-square-mile size and the extensive contamination occurred on only approximately 15 percent of the site, the arsenal hosts a wide variety of wildlife. The arsenal has turned into an informal wildlife haven. No area of comparable size possesses the diversity and density of wildlife that exists at the arsenal.

In 1989, the U.S. Fish and Wildlife Service entered into a wildlife management agreement with the Army and instituted public tours, a visitors center and a bald eagle observation point. Last year, over 40,000 visitors took wildlife tours at the arsenal.

H.R. 1435 will ensure that environmental cleanup of Rocky Mountain Arsenal will continue and be completed, in accordance with the Comprehensive Environmental Response, Compensation and Liability Act [CERCLA] and other applicable provisions of law. The bill does not require the selection of a particular cleanup remedy. The remedy will be selected using procedures set forth under CERCLA and the national contingency plan.

After environmental remediation is complete, then the arsenal will become part of the na-

tional wildlife refuge system. Until then, the Department of Interior will manage the arsenal as if it were a national wildlife refuge.

Mr. Speaker, there are many people to thank for helping to pass H.R. 1435. I first want to thank all of the interested parties in Colorado who worked with us in creating and refining the wildlife refuge concept. My colleague from Colorado, Mr. ALLARD, gave great assistance by brokering the first compromise on the issue. His bill, H.R. 2883, was an important step in bringing together all of the parties in Colorado and agreeing to transform the arsenal into a wildlife refuge.

I want to commend and thank the gentleman from Massachusetts, the chairman of the Subcommittee on Fisheries and Wildlife Conservation and the Environment, Mr. STUDDS, and the gentleman from North Carolina, the chairman of the full Committee, Mr. JONES, for shepherding this bill through the Merchant Marine Committee. I also want to extend my appreciation to the chairman of the Energy and Commerce Committee, the gentleman from Michigan [Mr. DINGELL] for working with both committees to resolve concerns in the bill relating to environmental restoration. They and their staffs were very helpful in resolving these matters.

I also want to thank the Department of the Army, the Department of Interior, the Fish and Wildlife Service and the Environmental Protection Agency for working with us to create a strong and workable bill. I especially want to thank Lewis D. Walker, the Deputy Assistant Secretary of the Army, who has worked with me on Rocky Mountain Arsenal for many years, and John Fomous, the Army's attorney on the arsenal, for their help.

H.R. 1435 represents one of those rare opportunities when the Congress can turn what could have been a tragedy into a triumph. I ask my colleagues for their support.

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

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

Mr. Speaker, once in a while, we participate in the enactment of legislation that is a classic. I think today is one such instance.

We are dealing with a bill that has bipartisan support. We are dealing with a bill that is supported by the administration. We are dealing with a bill that converts, of all things, a war arsenal to a wildlife refuge. We are dealing with a bill that contemplates the cleaning of the contaminated areas and converting it so it would be suitable for nature. We are dealing with something that I think all of us would wish that we had been able to participate in, and that is working together in a bipartisan manner.

I cannot help but note the presence of the chairman, the gentleman from Michigan [Mr. DINGELL], because it reminds me of 7 years ago the first time I went to this well, the person on the other side was the chairman, the gentleman from Michigan [Mr. DINGELL], and on that day we had a major disagreement. I believe that today we may be on the same side of the issue.

I will soon yield to the gentleman who represents the district who will give many of the particulars that need to be heard.

At this moment, though, I would like to just say that I commend the gentlewoman from Colorado [Mrs. SCHROEDER], the chairman, for her work. She continues to do the kind of work that I think is the envy of many of us, of the manner in which she does it exquisitely well, and I also commend the gentleman from Colorado [Mr. ALLARD], who, in partnership with her, has gotten us this far.

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

Mrs. SCHROEDER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Massachusetts [Mr. STUDDS], who has been so helpful in helping us rewrite this bill and making it very acceptable.

Mr. STUDDS. Mr. Speaker, I want to commend the gentlewoman. This is something which she did not let me forget until we got it done and went so far as actually going to Colorado and look at this.

As a general proposition, I do not think that Superfund sites make ideal wildlife refuges, so I began as a skeptic, and I ended as a thorough and enthusiastic convert of the gentlewoman and her dream.

I think this is going to be a magnificent piece of our future, and I am proud to be a very small part of it.

I commend both the gentleman and the gentlewoman from Colorado.

Mr. Speaker, I rise in strong support of H.R. 1435, legislation that would establish a National Wildlife Refuge at the site of the Rocky Mountain Arsenal.

My initial reaction to the proposal was one of skepticism. Our wildlife refuges have been severely criticized as actually being harmful to wildlife—and I was wary of adding the arsenal—which is a Superfund site—to the refuge system. However, before the subcommittee's field hearing in Denver last September, I had the opportunity to visit the arsenal. I came to realize that the diverse array of wildlife there—so close to a large urban center—is truly unique. There were bald eagles and hawks soaring overhead, prairie dogs poking out of their holes, herds of mule deer and white tail deer grazing, and the Denver skyline providing a backdrop only a few miles away. I was convinced that this property can be a valuable addition to the refuge system, once cleanup is complete.

I want to commend Mrs. SCHROEDER and Mr. DINGELL and their respective staff for their efforts and good work in on this legislation. Mr. Speaker, This is a good bill, and I urge Members to support it.

Mrs. SCHROEDER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Michigan [Mr. DINGELL], the chairman of the Committee on Energy and Commerce.

Mr. DINGELL. Mr. Speaker, I first would like to commend the distinguished gentlewoman for her forceful

and able advocacy of this proposal. It is a good proposal. I support it, and I urge my colleagues to do likewise.

Mr. Speaker, I would also like to commend the distinguished gentleman from Wisconsin [Mr. ASPIN], chairman of the full Committee on Armed Services, and my good friend, the gentleman from Massachusetts [Mr. STUDDS], chairman of the subcommittee I used to have the honor of chairing in years past, which was a very happy time, for the cooperation and the effort which they have put into this very fine legislation.

I would like to ask the gentlewoman from Colorado a few questions to ensure that I correctly understand the intent and scope of the bill.

First, I want to ensure that we do not add contaminated sites to the National Wildlife Refuge System. Am I correct in my understanding that Rocky Mountain Arsenal will not officially become part of the National Refuge System until the site has been fully and properly cleaned up?

The Energy and Commerce Committee's concerns stem from the fact that this is the first time that Congress is legislating the ultimate land use at a Superfund site and that this determination precedes completion of the normal remedy selection process used for all Superfund sites. The risk assessments that are an integral part of the remedial investigation and feasibility study process have not yet been completed at Rocky Mountain Arsenal. Consequently, the appropriate remedy also has not yet been identified or considered. However, the Energy and Commerce Committee expects and intends that designating Rocky Mountain Arsenal as a wildlife refuge will not compromise the cleanup that otherwise was expected to occur at Rocky Mountain Arsenal.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I am happy to yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Yes. Rocky Mountain Arsenal will not become part of the Refuge System until the Administrator of the Environmental Protection Agency certifies that all response action required to be conducted has been completed. Until that time, the Fish and Wildlife Service will manage wildlife and public uses at Rocky Mountain Arsenal as if it were a refuge.

Mr. DINGELL. I am also concerned that the Fish and Wildlife Service not bear the costs of cleanup of contamination caused by the Department of the Army or any other Federal agency. Is it correct that those Federal agencies that may have caused the contamination will also pay the costs of cleanup?

Mrs. SCHROEDER. Yes, that is correct.

Mr. DINGELL. Lastly, I understand that nothing in this legislation pro-

hibits hunting on the refuge. Is this correct?

Mrs. SCHROEDER. Nothing in this legislation prohibits hunting on the arsenal. In fact, it is my understanding from the Fish and Wildlife Service that hunting may be needed in the future to control the deer population.

Mr. DINGELL. I thank the gentlewoman for engaging in this constructive colloquy.

Mr. Speaker, I commend the gentlewoman for the vigorous job which she has done in pressing forward with this legislation and commend my good friend, the gentleman from Guam [Mr. BLAZ], for the job which he has done also on this, and I wish her well on her success in this matter.

Mrs. SCHROEDER. I thank the gentleman for his very kind words.

□ 1350

Mr. BLAZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado [Mr. ALLARD].

Mr. ALLARD. Mr. Speaker, first, I thank the gentleman from Guam for yielding me this time.

Mr. Speaker, today is an extraordinary day. Today the House of Representatives will consider H.R. 1435, a bill to designate the Rocky Mountain Arsenal in Colorado a National Wildlife Refuge. This is a complex bill which required the cooperation of many individuals. Seeing H.R. 1435 being voted on today, a piece of legislation that has been so carefully crafted and combines so many interests, truly reinforces my belief in the legislative process and what can be accomplished when working diligently on a bipartisan basis.

While the Rocky Mountain Arsenal is presently in the Fourth District of Colorado, which I represent, it will become part of Congresswoman SCHROEDER's district next year.

I can hardly proceed in discussing this legislation without mentioning and extending my gratitude to Congresswoman SCHROEDER, who has been an invaluable part of this entire process. It is because of her hard work and political acumen in this session of Congress and in the past, as well as the efforts by Senator HANK BROWN, who was the previous Representative of the Fourth District and the sponsor of this legislation on the Senate side, that a compromise was able to be forged among the myriad parties involved.

Those individuals who may be somewhat familiar with the Rocky Mountain Arsenal, unfortunately, may only know of the infamous scope of its pollution. It is listed on the national priority list for Superfund cleanup sites and has even been classified as one of the "most polluted areas in America." For too long this site has been a symbol of mankind's environmental degradation and ecological ignorance.

Yet, what some may not know is that the Rocky Mountain Arsenal is also ac-

claimed for the depth and diversity of the Wildlife System it fosters. As one of the few Federal lands residing on the edge of a major metropolitan center, this Superfund site is visited by thousands of tourists and lovers of nature each year. It is a symbol of natural splendor and has the unique honor of being the largest—perhaps best—urban wildlife refuge in the country.

The decision to designate this unique Superfund site into a wildlife refuge met virtually no opposition. It was a unanimous feat waiting to be achieved. The decision was on how that was to be accomplished.

However, the numerous parties involved and the wide ranging concerns and proposals offered to achieve this renowned transformation, posed innumerable conflicts and a host of competing interests that had to be reconciled in order to accomplish the forward thinking initiatives set forth in H.R. 1435.

The compromise legislation that was forged combined the interests of five separate municipalities, three different county governments, the Army, Shell Oil Co., and other Superfund participants, U.S. Fish and Wildlife, the Environmental Protection Agency, the Department of Justice, the Department of Transportation, citizen and environmental groups, and last but not least, numerous local businesses and surrounding landowners in the community. The concerns varied considerably on the role of cleanup, transportation development and land use. Clearly there have been many differing, but valid concerns associated with a wildlife refuge at the Rocky Mountain Arsenal.

As background of my involvement in this issue and the genesis of H.R. 1435, we have held dozens of individual meetings with many groups and have hosted two, public, roundtable discussions, we have asked for and received input from many, many groups.

I will say this repeatedly and earnestly: It has been my goal to neither dictate nor diminish the level of cleanup which will be required at this site. The Army and Shell Oil must be responsible for the cleanup which must proceed in the same manner and within the guidelines of Superfund cleanup procedure currently in existence. As Congresswoman SCHROEDER can attest, this was not an easy challenge. Consequently, the remedy selected, uses current laws and procedures set forth under the Comprehensive Environmental Response Liability Act [CERCLA].

I am confident that any previous concerns have been addressed by the additions made by the Armed Services Committee, and the Merchant Marine and Fisheries Committee. Also by the very technical and prompt work of the Energy and Commerce Committee.

Clearly, this bill represents a fragile balance of support, making the passage

of this extraordinary legislation possible today. Bringing the bill to the floor has been, what some would say, a remarkable challenge. The opportunity to endorse this proposal and turn one of the most polluted Superfund sites in the Nation into one of the most spectacular wildlife refuges in existence, is here. It is an opportunity to have a wildlife research and education facility with endangered species juxtaposed to a metropolitan area. Truly a unique concept.

For this reason, I urge my colleagues to join the Colorado delegation and the many interested groups and support H.R. 1435.

Lastly, I just want to thank the following individuals:

Bill Porter, Gov. Roy Romer's office; Randall R. Bowman, U.S. Fish & Wildlife Service; Mike Brennan, U.S. Fish & Wildlife Service; James E. Rich, Shell Oil Co; Tom Lustig, National Wildlife Federation.

John Fomous, U.S. Department of the Army; Larry L. Ford, South Adams County Water & Sanitation; Kelly Drake, Colorado Wildlife Federation.

Steve Crowell, City of Commerce City; Connally Mears, EPA; Angela Medbery, Sierra Club; Bill McKinney, Shell Oil Co.

Pete Gober, U.S. Fish & Wildlife; Col. Eugene Bishop, PMRMA; Polly R. Reitz, Denver Audubon; Harold Kite, Adams County Commissioner; Bill Thomas.

Mr. BLAZ. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I just want to close my remarks by saying once again what a magnificent commentary on our House, this great House of ours, that a bill of this nature could come with the kind of support that it does carry with it.

It also must be very reassuring to the environmentalists and people who are so concerned about what we are doing, because I think the Colorado delegation here has held clinic for all of us on what could be done.

I was an indirect participant in this thing. I was part of the committee that heard it, but it was so encouraging, it was so inspiring, that I think it should be a source, quite frankly, of inspiration to many other jurisdictions.

And of all places, Mr. Speaker, it is happening in Colorado. Why not, why not Colorado?

So I salute Madam Chair, the gentlewoman from Colorado [Mrs. SCHROEDER] and the gentleman from Colorado [Mr. ALLARD] for their fine work and their demonstration of how we can do things around this magnificent body.

Mrs. SCHROEDER. Mr. Speaker, I yield 2 minutes to the other distinguished gentleman from Colorado who is on the floor today [Mr. SKAGGS].

Mr. SKAGGS. Mr. Speaker, I thank the gentlewoman for yielding me this time.

I want to commend her and my colleague, the gentleman from Colorado

[Mr. ALLARD] for the leadership they have shown in moving this legislation.

Although my district does not come as near to the arsenal property as either of theirs, I want to express my support and enthusiastically urge my colleagues to vote for this bill, because it really represents a tremendous example of cooperation at all levels of government and a tremendous example of what can be done with property that otherwise seemed to pose an enormous burden and turn it into a great potential benefit.

All the people of Colorado, and really the Nation, who visit us in great numbers as tourists, are going to enjoy the very unique habitat and wildlife potential of the arsenal as it becomes a wildlife refuge.

Again my thanks and commendation to my colleagues for moving this legislation.

Mrs. SCHROEDER. Mr. Speaker, I yield myself the balance of the time. I do not think I will take all the time, but I want to thank the gentleman from Guam for his kind words.

I want to thank the gentleman from Colorado [Mr. ALLARD], too. As a young freshman here, we threw him into this fight, and as you can tell by his eloquent speech, he came out just fine and landed on his feet.

If it had not been for all these many meetings and all the sweat equity we put into this, plus his incredible expertise as a veterinarian, so he really did understand about the size and the scope of the habitat that was needed, and I am not sure that we would be here today but for that.

I just want to say, as you can tell from the number of speakers who have been here, from the gentleman from Michigan [Mr. DINGELL] and his very esteemed committee and the Merchant Marine and Fisheries Committee and everyone else, many people have worked on this.

We are hoping that this is one of the bright spots as we look forward to see this done.

I know both the gentleman from Colorado [Mr. ALLARD] and myself have called this a refugee area. I think it is probably because the distinguished chair today is head of the Refugee Committee, I am not sure; but the more I think about it, wildlife is a refugee anymore in our country as we see urban sprawl and everything.

□ 1400

So in a way this is a refugee area for eagles and coyotes and all sorts of things that are being displaced by other things that are happening.

So I guess it is, of a sort, although we meant to say refugee area.

I started a bad precedent there.

Anyway, I truly say I never thought I would be standing here to say this was all nailed down. It has been rather like nailing jello to the wall. But it ap-

pears that we have made it, really, very clear as to what we want to do.

It is a very historic and wonderful precedent. And I am very pleased it has the bipartisan support and the enthusiastic support of my State that likes to think of itself as a leader in this kind of area, and I think this time it indeed has.

Mr. JONES of North Carolina. Mr. Speaker, H.R. 1435 directs the Secretary of the Army to transfer the lands of the Rocky Mountain arsenal to the Secretary of the Interior for use as a wildlife refuge.

These lands are home to significant numbers of fish, birds, and wildlife. Its value as habitat and its proximity to Denver will make it a premier wildlife refuge.

The history of this site will also help educate our children about the environmental costs of war. Between 1942 and 1982, chemicals and weapons made at the arsenal so severely contaminated the soil and water that the area has been designated as a Superfund cleanup site.

My committee has worked cooperatively with the Armed Services and Energy and Commerce Committees to craft this bill. As reported from my committee, the objectives of full cleanup, refuge establishment, and environmental education will be well served.

I urge by colleagues to support Mrs. SCHROEDER in getting these lands cleaned up and transferred to the national wildlife refuge system.

Mrs. SCHROEDER. So with that, Mr. Speaker, I yield back the balance of my time.

Mr. BLAZ. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentlewoman from Colorado [Mrs. SCHROEDER] that the House suspend the rules and pass the bill, H.R. 1435, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. SCHROEDER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1435, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

THIS YEAR PROVIDES OPPORTUNITY FOR CHANGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wyoming [Mr. THOMAS] will be recognized for 5 minutes.

Mr. THOMAS of Wyoming. I thank the Speaker.

Mr. Speaker, I want to talk a little bit about the direction this country is

taking. It is a good time to do it, with the good attitude, the happy bunch that was here from Colorado, all seemed to be pleased.

So I would like to talk a little bit about the direction this country is taking, and specifically the role of the Government and the direction it is taking, and the role of the Federal Government which of course is often overstated, I think, in an election year such as we have now.

I want to talk a little bit about change, fundamental change, and suggest that in my view we are going to need a peaceful revolution to do things differently than we have been doing them. We talk a lot about that but we do not do much of it.

We are in the midst of a Presidential election as well as congressional elections. We have a great opportunity to make some fundamental change.

As I view it there currently are three candidates for the Presidency. One has a notion that we ought to have more Government, that we ought to do more Government spending; another, most of us are not certain what his plan is; and the third, I think, has a plan for less Government but it is not very well defined.

So I am not surprised that there seems to be a great deal of frustration in the country about Government programs and the fact that they have not brought about a great deal of satisfaction. And I find this everywhere I go.

I think if you talked about some of the programs that are most important to us you would find a certain lack of success felt in these programs. For example, the economy.

The economy of course is not satisfactory to many people; growing perhaps but very slowly.

We find ourselves in competition with the world, we find ourselves in a transition I believe from 50 years of a defense-oriented kind of economy to one that will be absent the cold war and be a peaceful kind of economy, very difficult.

Talk about the deficit, surely our success rate in the deficit is not one that is satisfactory. We have gotten deeper and deeper into the deficit each year and continue to do that.

Health care, I do not know of many people who are satisfied with what we have done in health care. We have a very strong program for almost everyone, but we do not have health care for 35 million people in the way that we would like to see it.

We have a health care program that is increasing at 12 to 13 percent a year in cost which is unsustainable over a period of time.

Welfare, I do not know of many people who are pleased with the success ratio in welfare.

Education, even, is one that is very seldom viewed as being most successful.

So I guess the point is that you cannot then expect success over a period of time if you are unwilling to change, you cannot continue to put more and more money into the same programs and have anticipation of change.

It seems to me we ought to examine what we expect of government as individuals. Maybe we ought to say to ourselves, "What do you really expect from government?" and more particularly "from the Federal Government." And further, "How deeply should the Federal Government be involved in our lives?" "How much government do you want? More or less?" And I suppose each of us might come up with something of a different answer.

But I think those are basic questions that we ought to ask ourselves. I am encouraged—I am not discouraged about where we are, certainly, because I think there are some fundamental changes that can be made and in my view fundamental changes that would be successful and would improve the success ratio of what we are doing.

And some of those things are being done now. They have to do with entrepreneurial government, for example, entrepreneurial government such as we use in the private sector that has to do with the use of resources, with the changing use of resources so that they become more effective.

I stopped in Denver on my way back from Wyoming yesterday and went to a company, the UPS. I was really impressed by a company that is well managed, one that has an outcome orientation, one that has an orientation totally toward customers. It seems to me that that is the kind of thing we need to do.

All the items that I mentioned, the economy, if we could provide some more impetus to the private sector I believe it would be more successful. In the deficit area, clearly we have to do something fairly simple; either you spend less or you tax more, or some combination.

It is fairly simple to do.

It seems to me if you like less government, you have to spend less; leave more money in the hands of the people to use in the private sector.

Health care, we can fix health care; basically we have not made the decision whether we want a national health care program or whether we want to strengthen the private delivery system.

I know where my position is. I am strongly in favor of the private delivery system.

We have not crossed that threshold.

So, Mr. Chairman, I think there are great opportunities for us to take a look at what we really expect, what our expectations, realistic expectations should be and frankly what we are willing to pay for. And those two things do go together.

Mr. Speaker, it is a great opportunity I think to make some fun-

damental change, indeed a private revolution to say that we think we can change government programs to make them more effective. We have to take the bull by the tail and look the problem in the eye. I think we can do that. It would provide for this fundamental change. And if we answer these basic questions I believe this election will be one really oriented toward results rather than the bells and whistles we often find in Presidential elections.

□ 1410

POLITICAL REFORM AND HUMAN RIGHTS PROTECTION NEEDED IN VIETNAM

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

Mr. SKAGGS. Mr. Speaker, today, I and five other Representatives—all of us veterans of the war in Vietnam—are introducing a resolution which expressed United States support for democratic reform and human rights in Vietnam.

Currently, Vietnam stands at a historic divide, with one foot rooted in its Communist past and the other tentatively feeling its way toward the greater openness that marks the post-cold-war world. We believe the United States can, and should, take the lead in encouraging Vietnam to move decisively to the democratic side of that divide through political reform.

While increased economic liberalization and recent improvements in resolving POW/MIA cases by the Government of Vietnam are heartening, Hanoi's Communist rulers continue to deny its citizens freedoms that are recognized as basic throughout the world. Our Government is moving toward lifting the economic embargo and establishing normal relations with Vietnam, and we support this road-map plan on proceeding with normalization. However, we believe it's critical to address the issue of human rights in Vietnam.

Our resolution seeks to close this gap in our policy, expressing the sense of Congress that the United States supports democratic reform in Vietnam, including the holding of free elections there. By supporting nonviolent democratic reform in Vietnam, the United States would be serving the interests of the Vietnamese people and remaining true to America's longstanding democratic ideals.

I invite my colleagues to cosponsor our resolution, House Concurrent Resolution 347, and join us in expressing Congress' support for peace and freedom in Vietnam.

GENERAL BERKMAN RETIRING AFTER 42 YEARS OF SERVICE

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, Maj. Gen. William R. Berkman is retiring after more than 42 years of active and Reserve military service. His outstanding military career culminated in his assignment as the Military Executive of the Reserve Forces Policy Board in the Office of the Secretary of Defense. He was appointed in 1986, and has served continuously in that position as the senior member of the Board staff. The Board by law is the principal policy adviser to the Secretary of Defense on Reserve Force matters.

Previously, General Berkman served as the Chief of the Army Reserve from 1979 until the beginning of his current appointment in 1986. As Chief of the Army Reserve, he was responsible for the programming, budgeting, and administration of the Army Reserve members serving in Selective Reserve units or in the Individual Ready Reserve. During his tenure, he oversaw the growth of the Army Reserve from a strength of 390,000 to over 600,000. His leadership enabled the Reserve to absorb new missions, improve training, and maintain readiness during those turbulent times.

General Berkman, a native of Minnesota graduated from the University of California, Berkeley, majoring in economics. He received a law degree in 1957, from the University of California. He served as a law clerk in the U.S. Court of Appeals for the Ninth Circuit before joining a private law firm.

General Berkman was commissioned a second lieutenant from ROTC in 1950. He initially entered on active duty as a quartermaster supply officer for 2 years from 1952 to 1954. He subsequently served in Korea from 1953 to 1954 as an adviser to the Republic of Korea Army. After leaving active duty, he served in various assignments in civil affairs units from 1955 until 1979, culminating in his assignment in 1975, as commander of the 351st Civil Affairs Command, a major Army Reserve command.

General Berkman is a graduate of the Army Command and General Staff College and the Army War College. He is a member of various military associations, the State Bar of California, the Federal Bar Association, and the American Bar Association.

His decorations include the Distinguished Service Medal, Defense Superior Service Medal, Meritorious Service Medal, and the Army Commendation Medal.

I wish General Berkman and his wife Betty Ann success and best wishes in their retirement.

OVERRIDE THE VETO OF MOTOR-VOTER

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

Mr. MAZZOLI. Mr. Speaker, I rise to speak again this afternoon on what I spoke about earlier today, and that is the very unfortunate and, I think, totally unnecessary veto by the President of the United States last week of the bill which we call the motor-voter bill, which is essentially the bill which

eases the ability of the American people, many, many of them, too many of them, who remain unregistered, eases their ability to get on to the voter registration rolls and then, we hope, to exercise their precious right of franchise.

Mr. Speaker, the reason it is called the motor-voter bill is because, a la its title, among the many places where people could register to vote would be at the license bureau where they apply for or ask for a renewal of their drivers license. So, we call it the motor-voter bill.

I am very much unhappy that the President vetoed that bill, and I very much hope that we in the Congress will be able to override that veto. This may be a challenge on the raw numbers, but I think that that challenge ought to be undertaken regardless of the outcome because I think the principle is too important to turn away from, regardless of the outcome of the veto override fight. And I think the principle is simple: Do we trust the American people who come to the polls and vote? Do we trust the collective judgment of the American people? And if we do, then we should do everything possible to reduce the barriers that stand between the American people and the ballot box or the voting booth, whatever is in our States, and we should do nothing to put an additional barrier in their way.

I could recite, and I will not, but the sorry statistics of 60 to 70 percent, at best, of the American people who are registered to vote. In Kentucky, my home State, only about 70 percent are, of the even lesser percentage of the people who are qualified to vote and who do vote.

Those numbers, are, again, very dismal, and they are totally unacceptable. The whole idea of what we are trying to do in passing the motor-voter bill is to assist people in coming to vote, and I would salute the senior Senator from Kentucky, the majority whip in the other body whose bill primarily this is which the President vetoed last week and that this body had passed some weeks earlier.

Mr. Speaker, the senior Senator and I have been friends a long time, and colleagues in the Kentucky General Assembly and here in Congress, and he knows full well, as a former Governor, of the need to get people involved, the need to give people the chance to exercise their franchise, and that is what his bill will do, if it becomes a law of the land.

I would like to mention, Mr. Speaker, that this is not really an esoteric matter. There is nothing galactic or ethereal about this issue of voter registration. It is core central, it is fundamental, to the American political system's operating correctly. And, that is why I am so disappointed in the President's veto of the motor-voter bill which comes almost on the heels of his veto, and successful one at that because the

veto could not be overridden, his veto earlier this year of the campaign finance reform bill which would put some limits on overall spending which would eliminate the influence that political action committees have over the operation of Congress and the operation of political bodies, would reduce the ability to bundle, in which persons pool together individual campaign checks, and it would eliminate largely this whole question of soft money which has brought into disrepute a lot of the activities connected with the White House.

I would like to mention, Mr. Speaker, that the President vetoed motor-voter because he was fearful of the fraud that might ensue from voter registration. I can say that in the 28 States that have a kind of voter registration along the lines of motor-voter there is not that fraud. The President says that somehow this bill would not lead to increased voter participation. He makes a judgment that, even though we increase voter registration, we would not necessarily increase voter participation. I dispute that, and I have some data here which I will put in the RECORD from the Congressional Research Service, February 23, 1990, memo which says not only that motor-voter will raise the level of voter registration, but that higher levels of registration lead to higher voter turnout, and that is the kind of thing we are looking for in America.

And I would mention, Mr. Speaker, that I just had sent to me from home a note that in Kentucky we are now using, under the aegis of the secretary of state of the Commonwealth of Kentucky, Mr. Bob Babbage, we are using a toll-free phone system for voter registration. All the 120 counties of Kentucky are linked by a phone system that allows people to call in and be registered by telephone. Forms are sent out, forms are filled out and sent back, but the essence of it is it is an 800 number: 1-800-925-VOTE. There are, we think, Mr. Speaker, 800,000 Kentuckians who are not registered who we hope will register as a result of these new procedures.

As I said earlier today, there was some concern raised about the purgation, the fact that maybe the States would be deprived of their ability to cleanse the voter rolls of people who have moved or people who have transgressed the law and, therefore, should not vote. My experience and my research have shown that in fact the local voter purgation rules would still apply. People could not be purged simply because they did not vote in one general election, and they should not because sometimes people move unexpectedly, and they have a business trip, but certainly, if a person leaves the precinct, if a person is no longer there, then a purgation would show that and that person could be taken off the vote rolls.

□ 1420

Mr. Speaker, I appreciate having the time for this special order, and I would just say in closing that when we take up the question of the President's veto, for the good of America and the good of the political system, I hope that veto of motor-voter is overridden.

Mr. Speaker, I include the following material for the RECORD.

[From the Congressional Research Service,
Feb. 23, 1990]

VOTER REGISTRATION AND TURNOUT IN STATES WITH MAIL AND MOTOR-VOTER REGISTRATION SYSTEMS

(By Royce Crocker)

(1) States with motor-voter registration have higher registration rates than States without such systems in all election years for both Presidential and non-Presidential elections*** On average, registration rates for States with motor-voter registration systems is about 10 percentage points higher than for States without motor-voter registration (p. 23).

(2) States with motor-voter registration systems consistently have a higher percentage of their voting age populations turning out to vote than did States without such registration systems (p. 25).

(3) A comparison of voter registration and turnout rates between States with and without a motor-voter registration system consistently shows that States with motor-voter registration have higher voter registration and turnout rates than do States without such a registration system (p. 27).

(4) For each Federal election year since 1976, States with motor-voter registration systems have exhibited higher voter registration and turnout rates than States without motor-voter registration (from the summary of the study, p. II).

[From the Louisville Courier-Journal, July 4, 1992]

BUSH'S FIRECRACKER

When George Bush vetoed the so-called "motor-voter" bill on Thursday, the League of Women Voters quickly denounced his action, calling it "a terrible gift from the President for our nation's birthday."

You can believe what the League of Women Voters says—it's no radical, partisan group. Its purpose is to get everybody involved in the democratic process. That was also the purpose of the motor-voter bill.

Had the bill been signed, it would have made voter registration easier by allowing people to register by mail and when they renew drivers' licenses.

But the President claimed the legislation would "expose the election process to fraud and corruption." Experience shows something different: 28 states already have enacted some provisions of the bill, and none have experienced an increase in voter fraud.

In May, the president of the League of Women Voters said, "Americans need national voter registration reform to break down the barriers that discourage and discriminate."

How can the leader of the world's greatest democracy justify being opposed to that?

[From the New York Times, July 6, 1992]

PRESIDENT BUSH IMPEDES DEMOCRACY

With his veto last week of common-sense legislation designed to make it simple and convenient for all Americans to register to vote, President Bush has demonstrated his

opposition to expanded participation in government.

The measure, nicknamed "motor-voter," would have required states to allow citizens to register when they obtain or renew a driver's license. It also would have required states to offer registration by mail and at welfare, unemployment and other government offices. These steps, experts say, would boost registration to about 90 percent of all eligible voters—a big leap from the dismal 60 percent now signed up.

Why would anyone oppose making it easier to register and vote? To justify his veto, Mr. Bush offers a host of flimsy reasons. Most galling is his assertion that there's "no justification" for imposing new standards on the states. Surely the estimated 70 million eligible Americans left unregistered by the present system provide ample justification.

Mr. Bush also repeats the tired Republican argument that "motor-voter" would increase fraud, even though there has been no recorded increase in cheating in the 29 states that already sign up voters at motor-vehicle offices, or in the 27 states that permit registration by mail.

No matter how he tries to cloak it, it seems plain that Mr. Bush's veto decision was a blow to G.O.P. fears that easier registration might hurt Republicans by enrolling large numbers of low-income Democrats at accessible public offices. Yet the bill's provisions wouldn't become effective until after the 1992 election. This was an opportunity for Mr. Bush to show statesmanship, and he blew it.

There's only a slim chance that the bill's sponsors can muster the votes needed to override the veto. But with fully 40 percent of eligible Americans still unregistered, it's worth a real fight when Congress returns from the July 4th recess.

[From the Washington Post, May 25, 1992]

VOTING MADE EASIER

Half the states and the District of Columbia have moved in recent years to simplify voter registration, and last week the Senate moved to impose reforms nationwide. It passed a bill to require every state to adopt registration by mail procedures and allow citizens to register in connection with drivers' licensing and renewal. In addition, registration services are to be made available in the office of direct-service government agencies like libraries, welfare centers and unemployment offices. Will this measure increase voter participation, as its sponsors claim? It's not certain, but it's worth a try.

In 1990, only 36 percent of eligible American citizens went to the polls—the lowest percentage since 1942. Reformers point out that a full 40 percent of eligible citizens can't vote because they are not even registered. Based on figures from states that have adopted streamlined procedures, they estimate that 90 percent of those eligible will register if the process is simplified.

Will federal standards unduly burden the states, as opponents claim? There will be start-up costs and some continuing expense, but in the District of Columbia, which adopted the so-called motor-voter system a couple of years ago, the cost was only 6 cents per registered voter. Would the bill increase opportunities for fraud and coercion? Again, experience in the states doesn't bear out this fear. There is cause for some concern that recipients of government benefits might feel pressured not only to register but to register in a certain party if the agency offering registration is the same one that confers benefits. But the bill contains strong new federal

penalties for fraud and intimidation, which should take care of the problem.

The House is expected to pass this bill overwhelmingly, probably along party lines; with a handful of exceptions, this is what the Senate did. But the president is likely to veto it. Democrats charge that Republican opposition is grounded in the fear that almost all those added to the voting rolls will be Democrats. That outcome is far from a certainty, but partisan advantage is certainly not a valid reason to tolerate roadblocks in the registration process.

In this century, this country has greatly extended the franchise, first to women, then to 18-year-olds. Congress has also made good the Constitution's promise to secure the rights of minorities to participate in the electoral process. Yet there are still charges, in some quarters, that government red tape, unnecessary regulation and burdensome requirements keep citizens from the ballot box. This bill addresses those complaints directly and comprehensively. The president should sign it.

[From the New York Times, May 20, 1992]

LICENSES, AND LIBERTY

The legislation is called "motor voter" for short, and by approving it today the Senate can enlarge democracy. Exhorting citizens to vote is mere piety without doing what this bill would do, make it easier to register to vote.

Barely half the eligible voters participated in the 1988 Presidential election and, given wide expressions of disgust with politics, there's no reason to think turnout will improve this year. Indeed, it can't improve much so long as only 60 percent of eligible voters are registered.

The "motor voter" measure holds tremendous promise for increasing registration—to an estimated 90 percent. It would require states to allow citizens to register to vote when they apply for or renew a driver's license.

The bill is sponsored by Senator Wendell Ford, Democrat of Kentucky, and Senator Mark Hatfield, Republican of Oregon. It would also require states to permit registration by mail, instead of forcing citizens to appear in person at some municipal office, the discouraging requirement still exacted in 25 states. States would also be required to distribute registration forms and give assistance at public agencies like unemployment and welfare offices.

These common sense steps deserve the support of all who care about expanding democracy. Indeed, a similar bill passed the House in 1990 with strong bipartisan support. Yet Senate Republicans, evidently out of fear that unregistered voters are more likely to vote Democratic, have succeeded in blocking "motor voter" from even getting to the floor—that is, until today.

By joining the present honorable bank of Republicans who support the measure, Republicans like Alfonse D'Amato of New York and Arlen Specter of Pennsylvania can show the kind of bipartisanship "motor voter" needs if it's to have a realistic chance of avoiding a veto.

Opponents of "motor voter" say they're worried about cost and vote fraud. But these concerns are exaggerated. What's hard to exaggerate is the shame Americans confront in a system that leaves only six of every ten eligible voters registered. The Senate today can vote to efface that shame and enfranchise the other four.

THE ROSTOW GANG

The SPEAKER pro tempore. (Mr. ANDREWS of New Jersey). Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, today I will provide an update on the Rostow gang which will reveal that President Bush, his legal adviser, Boyden Gray, and National Security Adviser Brent Scowcroft, were all directly involved in the efforts to thwart the congressional investigation of the Iraq policy. I will also detail some of the more prominent examples of why the President is continuing to thwart the Banking Committee's inquiry of the Banca Nazionale del Lavoro. These include new evidence that shows that 2 days prior to winning approval for a \$1 billion fiscal year 1990 Commodity Credit Corporation program for Iraq—those are taxpayer-guaranteed programs—the National Security Council and the State Department received a detailed secret CIA report on BNL indicating that BNL loans were used to fund Iraq's clandestine missile and nuclear weapons procurement program.

The report concludes that a failure to approve the \$1 billion fiscal year 1990 CCC program for Iraq would harm the United States-Iraq relations. The White House staff intervened in the BNL investigation being conducted by the U.S. attorney in Atlanta GA. Critical intelligence information about the BNL scandal was withheld from prosecutors in Atlanta until after the Iraqi invasion of Kuwait.

In my floor statement of March 16 this year I revealed how the Bush administration had set up a high-level interagency group of lawyers to thwart or obstruct these congressional investigations of prewar Iraq policy. I did not have evidence that the President or most of his closest advisers had direct involvement in the attempt to stem the flow of Iraq information to the Congress. We did know that the President, both as President and before as Vice President, has intervened in behalf of aid to Iran. We did not have the documentation showing his participation in this elaborate net that was initiated by the lawyer for the NSC, Rostow, in order to keep Congress in ignorance.

Last week I obtained new evidence showing that the President and at that time his principal adviser, John Sununu, and Brent Scowcroft and Mr. Robert Gates, the Director of the CIA, and Boyden Gray, all had direct roles in limiting congressional access to Commerce Department export licensing information on Iraq. These were the licenses that were doctored before they were given to another Member, a distinguished Member of our Congress, of the House of Representatives, in which the purpose, for military purposes, of those licenses were blotted out.

Before I get into the details of the new evidence, let me refresh my colleagues' memories about what I call the Rostow gang. In April 1991, the National Security Council's legal adviser, Mr. Rostow, called a high-level, inter-agency meeting to discuss congressional investigations of Iraq policy prior to the invasion of Kuwait on August 2, 1990. The meeting was chaired by Nick Rostow, the individual referred to, the General Counsel to the NSC. Mr. Rostow's previous experience includes playing a key role in the White House efforts to cover up the Iran-Contra scandal and to obstruct a 1988 GAO investigation of then-Vice President Bush's ties to Panamanian leader and drug lord, one Gen. Manuel Antonio Noriega. Also at the meeting were President Bush's General Counsel, Boyden Gray, and the top lawyers for the Departments of Justice, Defense, State, Treasury, Commerce, Agriculture, Energy, and the CIA. Each of the agencies had received requests for information from the Congress, and these lawyers were responsible for overseeing the collection and submission of the information. That is where I referred to this high-level legal team as the "Rostow gang."

The Rostow gang established a process whereby a congressional investigation had to hurdle a series of increasingly difficult barriers in order to obtain information from an executive branch agency. Ostensibly the function of the group was to review documents and information applicable to congressional requests for Iraq-related information and to establish a coordinated approach for the dissemination of this information.

On the surface, that is understandable. If you are in the executive branch and you have requests from various committees and members of the Congress, yes, what is wrong with coordinating? That is one thing. But in reality this gang was established to limit and control and otherwise deprive this flow of information to the Congress, to delay it through dilatory practices, as they did with our Banking Committee. That was true even after the Banking Committee had issued about 50 documents or subpoenas, and we still are not getting the information. In reality, this was the main purpose of this gang, as well as to permit the White House to also regulate the flow of potentially embarrassing Iraq-related information to the Congress.

Now, all executive branches have done this. I have been in this Congress and I have been very fortunate and blessed to have been a Member of this great body known as the U.S. House of Representatives for 30 years and 7 months, and I can recall the 1974 episodes. I also remember the so-called Houston memorandum, Houston's highly

placed Security Council, and there were other related agency leaders. I remember the memorandum he prepared. Then, believe it or not, there were other side Executive promulgations all under the secrecy of the President's National Security Council, either advisory or as memorandums, which were even intended to suspend the 1974 general elections, if necessary.

The whole point of all this basically, and the reason I am triggered off in my interest, is that we are at this time and period in our country's development facing the greatest constitutional crisis since the adoption of the Constitution, including the Civil War. Now, that has not come true yet, but that does not diminish our responsibility. We are charged under the Constitution to respect the integrity and the independent coequality and separateness of this body.

So the records obtained by the committee indicate that the Rostow gang met at least eight times during April, May, and June last year, 1991. The Banking Committee recently received documentation indicating that President Bush participated directly in the process of the Rostow gang. On June 5, 1991, there was a meeting of the Rostow gang chaired by the President's legal adviser, Boyden Gray. Lawyers from the State, Treasury, Commerce, and Justice Departments were in attendance. The meeting was called to discuss a long pending Commerce Department request for Iraq licensing information and to discuss congressional requests for data, including my own Banking Committee's request.

□ 1430

Most of the meeting was dedicated to the different strategies that could be used to limit the flow of information to Congress. Claims of executive privilege, which we received one from Treasury, were mentioned most often.

It is clear from interviews, documents, and notes that the strategy of the Rostow gang was to try to claim executive privilege or deliberate the process over as many documents as possible. The Congress was not to have the entire story on the administration's Iraq policy. It was hoped that making these claims would work to deny Congress the most embarrassing and damaging information on Iraq.

As I said before, not only executive agencies, but all people in power, whether it is political power, money power, or religious power, will do everything to try to not disclose an embarrassing mistake. We know that.

The Houston memorandum, for instance, was highly secret. It was kept from the American people. Everybody else knew about it. Finally it was published intact in a book by the assistant to J. Edgar Hoover, Mr. Sullivan, who died under, some people claim, mysterious circumstances. There he has it in the book.

So here is the Congress though, the Representatives of the people, supposedly, denied information through this highly secure state of national matters, that they alone, the American people and the Congress do not know about, but everybody outside of the United States knows. Let me tell you about that later on.

Congressional challenges to the fallacious executive privilege claims only worked to deny the submission of information. One agency's notes indicate that Robert Kimmett of the State Department advocated the delaying of a request for information as long as possible so that the congressional subpoena authority would lapse at the end of the 1st session of the 102d Congress.

They knew that. As a matter of fact, we in the Banking Committee unanimously passed out these subpoenas and renewed them. This way the committee would have to go to its members for subpoena authority which would delay the production of documents for still more months.

The following quote from notes of a Rostow gang meeting provides a feel for the strategy that this group deployed. "By Monday, identify the most sensitive documents in each agency. We will go to the mat. There are many of these that will head toward denial."

Several Cabinet members, including Secretary of State James Baker and Education Secretary Lamar Alexander, were apparently opposed to certain aspects of the Rostow gang process. Notes indicate that they thought better of obstructing the Congress to the point of being subpoenaed.

Secretary Baker also did advocate withholding information related to the State Department's position on certain Commerce Department export licenses that were to be submitted to Congressman GEJDENSON.

On October 26, 1991, Commerce Department memorandum states, "Note: Kimmett/Baker (per Matheson): Do not want agency recommendations to be provided but will not argue for Executive privilege."

Other agency documents indicate that Brent Scowcroft played a prominent role in determining what information should be provided to the Congress. I should say that is Gen. Brent Scowcroft, the National Security Director for this administration.

For example, a Commerce Department note related to the submission of a sanitized list of export license information to subcommittee Chairman DOUG BARNARD of the Government Affairs Committee states, "Up to Scowcroft at the NCS."

Other Commerce Department notes state, "Scowcroft willing to stand up and be counted."

Yet others state, "Scowcroft will take the lead on asserting executive privilege."

Mr. Robert Gates is also listed as a recipient of several Commerce Depart-

ment memos dealing with the submission of information to Congress. So is Mr. Mosbacher, the former Secretary of Commerce from Texas. In fact, notes related to Mr. Mosbacher's response to a congressional subpoena for documents related to National Security Directive 315, NSD-315, and National Security Review 17, NSR-17, are rather interesting.

The notes state:

Secretary Mosbacher will have to appear before Congress or run the risk of contempt, or appear without documents and still run risk of contempt. Able to say President directed him to withhold. No criminal risk. Burford, U.S. Attorney, will not prosecute when officials withhold at direction of President on Executive privilege grounds.

The previous quote appears to indicate that the Rostow gang was contemplating what potential criminal liabilities lay ahead if Commerce Department Secretary Mosbacher refused to comply with a congressional subpoena. It certainly appears that the President is willing to allow his name to be used as a defense for not complying with the law.

What could the White House and the Commerce Department be hiding that would be that sensitive? The question arises, did the President know his top advisers were using his name and good office as a shield?

So far I have shown that Brent Scowcroft, Robert Mosbacher, James Baker, and other Cabinet-level members of the Bush administration participated in the efforts to limit the flow of information to the Congress.

What is most astonishing and disturbing is that the President of the United States appears to have been directing this effort. Notes from one Rostow gang meeting quotes the President's legal adviser, C. Boyden Gray:

The President will want to meet with all Cabinet Secretaries one-to-one to work it out adequately internally. Very sensitive. Sununu impressed with the significance.

That is not the only occasion that the President had a lead role in the Rostow gang process. A Commerce Department memorandum dealing with the submission of information to Congressman GEJDENSON again states:

This memorandum is to report that Counsel to the President, C. Boyden Gray indicated this week it may be necessary to have Cabinet level discussions with the President on Executive privilege issues.

The same Commerce Department memorandum states:

On June 4, 1991, Chairman GEJDENSON sent you, Secretary Mosbacher, a letter reiterating his request and complaining that we had not provided any documents. We, Commerce, will soon seek to meet with his staff to discuss a possible accommodation under which we would begin providing information. Any such accommodation will have to be cleared by the White House.

Any such accommodation would have to be cleared by the White House. These notes indicate that the President

has participated in the effort to stem the flow of Iraq-related information to the Congress. The fact that President Bush would require his Cabinet to go along with the scheme is startling. With all the responsibilities associated with the Presidency of the United States, it is reminiscent of the Watergate days, that the President and his top advisers should have time to consider such trivial matters. The time and effort spent on developing schemes to thwart congressional oversight is monumental.

□ 1440

It is too bad the President didn't put as much effort into high level inter-agency meetings designed to ensure that law enforcement agencies had enough resources to track down and prosecute companies that violated United States export control laws related to illegal export to Iraq.

Now come these notes, and the question is, how come there are no indictments of these companies like Matrix-Churchill that were helping to arm Iraq? Where is the Carlos Cardoen indictment? Sadly there has been no high-level Presidential directive aimed at bringing the United States companies that armed Iraq to justice. Instead, scarce resources are spent on coverup.

The President and his top advisers took an oath of office to uphold the Constitution, as we all do. The courts have repeatedly ruled that the Constitution granted the Congress a legitimate right to executive branch information, yet the President and his closest advisers have shown a complete disdain for the Congress and the Constitution.

These are frightened officials who apparently cannot face having their actions judged by the Congress. They hide behind the cloak of secrecy rather than facing up to their actions. The President, or at least people acting in his name and apparently with his knowledge, has conspired to keep the truth about his Iraq policy from the very public that elected him and fought and died to support his efforts in the gulf.

After reading the Rostow gang documents and seeing the great lengths to which the President has gone to stop investigations of his Iraq policy one can only wonder what everybody is hiding. Did the President do more than just coddle, powder, and diaper Saddam Hussein? As Frank Lemay said in his now famous October 13, 1989, memo, "If smoke indicates fire we may be facing a four alarm blaze."

I will now provide some details on the secrets that the President does not want the public to know about the BNL scandal and his handling of the CCC Program for Iraq.

A CIA report of November 6, 1989, indicates termination of the \$1 billion

fiscal year 1990 CCC Program will harm United States-Iraq relations.

In recent weeks President Bush has been characterizing his administration's actions for Iraq as proper and above board. "We were just trying to bring Iraq and Saddam Hussein into the society of law-abiding nations." What a funny way to do that, by arming them, arming him in a way that I will show later on was unparalleled with any other country outside of the top two superpowers. He states that his plan was to woo Saddam Hussein with agriculture credits in order to encourage Iraq to join the family of nations, as I said. At least the President is now admitting that his policy failed, but he is still intent on misleading the public about certain aspects related to the CCC Program for Iraq and the BNL scandal and how the credits were multiplied, obtained through the BNL scheme of financing and this elaborate network of procurement that Iraq built up for military hardware, including chemical weaponry and nuclear.

In particular, the President claims that the decision to approve the \$1 billion fiscal year 1990 CCC Program for Iraq in November 1989 was a well thought out, prudent approach to allocating taxpayer resources. He also vehemently claims that the United States did not help enhance Iraq's missile and nuclear, biological, and chemical weapons capability. Both of these assertions are untrue.

While recently addressing an agriculture group the President stated:

I think we properly used these (CCC) credits for what they were designed to do, and I think it's been beneficial to American agriculture and I'm going to continue to use them in a way that's beneficial to American agriculture with the national interest of the United States foremost in my mind. So I can't say it's been perfect, but I do think that the department and I hope the White House has done a good job in the implementation of the law and the using of these credits.

It is obvious that the White House and the State Department did not act properly in granting the \$1 billion in CCC credits to Iraq in November 1989. They ignored many warning signs in granting agricultural credits to Iraq as well as what I am not mentioning here, and that is quite a number of hundreds of millions of dollars in export-import guarantees, on which Iraq has defaulted. For example, Iraq was not creditworthy, and this was known and set forth, when the decision was made to give them \$1 billion in those new credits in 1989. The Iraq CCC Program was rife with corruption. We brought that out in the hearing we had in the committee, which at that time nobody was paying much attention to last year, and there was no proof that commodities destined for Iraq in the shape of agriculture commodities ever arrived in Baghdad.

The Lemay memo of October 13, 1989, indicated that there was a risk that

Iraq was diverting agriculture credits to pay for weapons and nuclear equipment. In fact, just this morning it was announced on the radio that the United Nations is demanding access to the Iraqi Ministry of Agriculture's records. Clearly the United Nations suspects that Saddam Hussein used the CCC Program to acquire weaponry.

Well, I would like at this point in the RECORD, and I ask consent to do so, to refer to an article that I first read before the firing started in the Persian Gulf. And it was from, it is from the Bulletin of the Atomic Scientist. So many of my colleagues and others in the news media seem to think that I came across this and that the documents that I have been putting in the RECORD would be the exclusive source. Absolutely not. I had been triggered by such articles as this and others.

This article is entitled "Fueling the Fire: How We Armed the Middle East." And in it it says on the very first page, "The arms-trade danger is underscored by the relative ease with which Saddam Hussein was able to assemble a massive arsenal of conventional weapons. Between 1981 and 1988," that was the Iran-Iraq war in which, I think, very few Americans realized we were wholeheartedly committed by the Reagan administration on the side of Iraq, "Iraq purchased an estimated 46.7 billion dollars' worth of arms and military equipment from foreign suppliers, the largest accumulation ever of modern weapons by a Third World country. Included in the largesse were some 2,300 modern Soviet and Chinese tanks, 64 Mirage F-1 fighters armed with Exocet missiles," and it was one of those from Iraq that killed 37 of our sailors in the Persian Gulf, "2,650 armed personnel carriers, and 350 Scud-B surface-to-surface missiles."

Now, this article appears, and it is very extensive, and I am going to put it in the RECORD, I brought it to the attention of the staff.

□ 1450

I analyzed it, and I wondered how in the world we could have helped the very country that the President was already engaged in one of the largest expeditionary forces in the history of our Armed Forces against. The date of this article was December-January; that is, 1990-91. So it had to be prepared and printed before, long before any shooting started. I read it before the shooting started. It was after that that I introduced my impeachment resolution.

If the Members will read further they will see in this article where they precisely bring out the help that continued to go to Iraq or Saddam Hussein; that is, after the cessation of the active shooting war between Iran and Iraq. At this time I include that material in the RECORD:

FUELING THE FIRE: HOW WE ARMED THE MIDDLE EAST

(By Michael T. Klare)

(Michael T. Klare is the five-college associate professor of peace and world security studies based at Hampshire College, Amherst, Massachusetts. He is the author of *American Arms Supermarket* (1985).)

Warning that "the virtually unrestrained spread of conventional weaponry threatens stability in every region of the world," President Jimmy Carter attempted in the mid-1970s to constrain U.S. military sales in the Third World and to negotiate a mutual curb on arms exports with the Soviets. These efforts failed. Carter's attempt to limit U.S. military sales collided with the use of arms transfers as an instrument of diplomacy—especially in the Middle East—and his overtures to Moscow were forestalled by a resurgence of Cold War tensions. Since then, no serious effort has been made to curb international arms trafficking, and sales to the Third World have skyrocketed. As Carter predicted, unrestrained commerce in conventional arms has fueled local arms races and inspired aggressive powers like Iraq to employ their bulging arsenals in unprovoked attacks on neighboring countries. If the present crisis in the Persian Gulf is to have any positive outcome, therefore, it should be to demonstrate the urgent need to curtail the global arms trade.

The arms-trade danger is underscored by the relative ease with which Saddam Hussein was able to assemble a massive arsenal of conventional weapons. Between 1981 and 1988, Iraq purchased an estimated \$46.7 billion worth of arms and military equipment from foreign suppliers, the largest accumulation ever of modern weapons by a Third World country.¹ Included in this largesse were some 2,300 modern Soviet and Chinese tanks, 64 Mirage F-1 fighters armed with Exocet missiles, 2,650 armored personnel carriers, and 350 Scud-B surface-to-surface missiles.² These and other imported weapons enabled Baghdad to prevail in the Iran-Iraq War and subsequently fed Hussein's vision of Iraqi dominion over Kuwait and the western Gulf area.

U.S., French, and British troops now face the unappealing prospect of head-on conflict with Hussein's well-armed forces, but Western officials and arms suppliers are understandably reluctant to discuss their role in enlarging the Iraqi arsenal. Although direct U.S. arms sales to Iraq have been largely blocked since the late 1950s when Iraq became a client of the Soviet Union, Washington has on occasion permitted sales of military-related science and technology. Soviet leaders are also tight-lipped about Moscow's contributions to Hussein's military capabilities. But Iraq would not represent such a powerful threat to global peace and stability if world leaders had agreed to the mutual restraints Jimmy Carter proposed in 1977.

On the basis of this experience, U.S. officials should be wary of transferring more arms to the Middle East—at least until some multilateral constraints are in place. Instead, the Bush administration has decided to proceed with a new round of multibillion-dollar sales to friendly nations in the region. In August, Bush authorized the transfer of 150 M-60A3 tanks, 24 F-15 aircraft, and 200 Stinger anti-aircraft missiles to Saudi Arabia (a \$2.2 billion deal), and in September he approved a \$21 billion package of tanks, aircraft, and missiles. The White House subsequently agreed to downsize the second package in order to allay congressional concerns, but the items removed from this sale are in-

corporated into another package scheduled for early 1991. Bush also agreed in principle to sell \$1 billion worth of additional military hardware to Israel, and forgave a \$7 billion Egyptian arms debt in order to allow new military sales to Cairo. Meanwhile, as Aerospace Daily reported in early September, other major suppliers—including France and Britain—have been flocking to the Middle East, looking for new military sales of their own, helping to insure that 1990 and 1991 will break all existing records for arms sales to the region.

In approving new arms exports, the administration maintains that the weapons will help deter further Iraqi aggression. But most of the weapons ordered in 1990 and 1991 will not be delivered until 1992, 1993, or thereafter—long after the present crisis in the Gulf has been resolved by one means or another. These new arms shipments will then be available for other military purposes, regardless of the administration's claims. The intended beneficiaries of these sales will continue to pursue their own political and military objectives—often risking armed combat with their neighbors in the process. The most likely outcome of fresh arms deliveries to the middle East will thus be intensified regional tensions and a heightened risk of armed conflict.

This prospect dampens hope that the Persian Gulf crisis will help usher in a new era of peace and stability, as some in Washington suggested. "Out of these troubled times," George Bush told a joint session of Congress on September 12, "a new world order can emerge," on in which "the rule of law supplants the rule of the jungle, [and] nations recognize the shared responsibility for freedom and justice." While the Gulf crisis has engendered an extraordinary degree of international cooperation, it has not resulted in any talks on controlling the conventional arms trade. As long as contentious regional powers are able to obtain large quantities of sophisticated weapons, the prospects for averting future conflicts are not promising.

The risk of escalating conflicts in volatile Third World areas has led nations to agree on the need to prevent sales of chemical and nuclear weapons and to curb the diffusion of ballistic missile delivery systems. Despite repeated crises, however, there are no such constraints on conventional weapons—especially on modern tanks and aircraft that can be used for aggressive military moves of the sort undertaken by Iraq. Are curbs on arms transfer possible?

"REVERSE DEPENDENCY"

Many countries offer some type of weapon for sale, but the trade in major combat systems is highly concentrated. According to the Congressional Research Service of the Library of Congress, in the 1980s the United States and Soviet Union accounted for three-fifths of all arms sales to the Third World, and five other nations—France, Great Britain, West Germany, Italy, and China—shared another 22 percent. These nations remain the source of most heavy weapons supplied to Middle Eastern countries, and it is their sales policies that must be addressed if the flow of combat gear is to be constrained.

Many factors—political, economic, and military—figure in these nations' arms export behavior. For the superpowers, economic considerations have generally played a secondary role to political and strategic considerations. Samuel Huntington suggested in 1987 that U.S. and Soviet involvement in the Third World reflects "the bipolar structure of world politics and the com-

petitive relationship they have with each other." In their mutual quest for strategic advantage, each superpower has sought to expand its own perimeter of influence while "minimizing the power and influence of the other."³ As part of this process, each side has used arms transfers to lure new allies into its own camp or to discourage existing allies from breaking away.

This use of arms transfers began in the Middle East in 1955, when President Gamal Abdel Nasser of Egypt turned to Moscow for the modern weapons the West had denied him. By giving Egypt advanced weapons, Moscow forged a de facto alliance with Cairo, and succeeded, for the first time, in leading over the ring to hostile states organized by the United States to contain Soviet power in Eurasia. This feat prompted Washington to establish arms-supply relationships with other countries in the region, including Iran, Israel, Jordan, and Saudi Arabia. These moves, in turn, aroused anxiety among the more radical Arab regimes, leading Syria, and the Iraq to forge military ties with the Soviet bloc. Egypt switched sides following the October War of 1973, but the Middle Eastern arms acquisition patterns established in the mid-to-late 1950s have remained essentially intact to this day.

In justifying U.S. arms transfers to the Middle East, U.S. leaders repeatedly asserted that supplier and recipient were bound by common opposition to communist expansionism. For their part, Soviet leaders stressed the common struggle against imperialism. However, the recipients' principal motive for acquiring arms was not the struggle between communism and imperialism, but rather a desire to offset the military might of their regional rivals or to deter attack by an antagonistic neighbor. As Stephen M. Walt suggested in his masterful study of Middle East alliance patterns, "The superpowers sought to balance each other, [while] their clients sought outside support to counter threats from other regional states."⁴

At first glance, this system has a certain logic: each party receives something it wants, and the various arms deliveries balance each other out. In reality, however, the system is fundamentally unstable. No recipient is content with balancing its rivals, but seeks a margin of advantage—either to allow for a preemptive strike (should that be deemed necessary), or to compensate for the other side's perceived advantages. Any major weapons delivery to one side automatically triggers a comparable but larger delivery to the other, prompting a new round of deliveries to the first party, and so on. The only break in this grim pattern occurs when one side or the other seeks to forestall an imminent shift in military advantage to the opposing side by launching a preemptive attack—as has occurred again and again in the Middle East.

This instability is mirrored in the relations between client and supplier. By agreeing to provide arms to a client, the supplier seeks a local ally for its ongoing struggle against the other superpower. Once the relationship has been forged, however, the recipient comes to expect continuing and even expanded arms deliveries in exchange for its continued loyalty to the supplier—and any reluctance on the part of the supplier will be condemned as evidence of inconstancy and unreliability. Such charges usually have the effect of prying additional or more advanced weapons out of the supplier's hands.

The result is "reverse dependency." The patron finds itself beholden to the good will

of the client, and must satisfy the client's appetite for modern arms. As Walt points out, "A large [military] aid relationship may actually be a reflection of the client's ability to extort support from its patron, rather than being a sign of the patron's ability to control its client." For the Soviet Union, the principal beneficiaries of reverse dependency were Egypt (until 1973), Syria, and Iraq; for the United States, they were Iran (until 1978), Israel, and Saudi Arabia.

CARTER, IRAN, AND CATT

It was the U.S. arms-supply relationship with Iran that first prompted U.S. policymakers to perceive a need for restraints. The relationship was initially forged in 1954, after the U.S. Central Intelligence Agency engineered the overthrow of Mohammed Mossadeq and installed Shah Mohammed Reza Pahlavi as virtual dictator. During the late 1950s and throughout the 1960s, Washington provided Iran with a steady, but not exorbitant, supply of munitions in order to balance Soviet military deliveries to neighboring Iraq. In the early 1970s, however, there was a sharp increase in U.S. arms deliveries as the Shah, with mounting oil revenues at his disposal, sought to greatly enhance Iran's overall military capabilities. Iran's desire for arms was complemented, moreover, by a U.S. desire to recover some of the petrodollars sent to the Middle East in the aftermath of the 1974 OPEC oil price increase, and to implement the so-called Nixon Doctrine, which called for Third World allies to shoulder more of the burden of regional defense against Soviet-backed insurgents and regimes.

Between 1972 and 1978, Teheran ordered \$20 billion worth of advanced U.S. armaments—the largest arms export endeavor ever concluded with a Third World nation up to that point. For the first time, U.S. officials agreed to transfer front-line U.S. combat equipment, including F-14 aircraft, Spruance-class destroyers, and Phoenix air-to-air missiles. These sales were widely applauded by Defense Department officials and American arms makers. But Congress became concerned when the scale of the transactions were revealed and when it was disclosed that U.S. companies were using bribes to get Iranian officials to sign military orders. According to a 1976 Senate Foreign Relations Committee staff report, "U.S. arms sales to Iran were out of control" in the early 1970s, with senior administration officials routinely approving the Shah's extravagant arms purchases.

Suggesting that the United States had become "a kind of arms supermarket into which any customer can walk and pick up whatever he wants,"⁵ Sen. Hubert H. Humphrey in 1975 sponsored legislation to give Congress veto power over major U.S. military sales. The resulting measure, later incorporated into Section 36(b) of the Arms Export Control Act of 1976, gives Congress some control over arms transactions, but unfavorable court decisions, and a waive allowing the President to overrule congressional reservations when he concludes that critical national security issues are at stake—which Bush used to rush tanks and aircraft to Saudi Arabia in September—have diluted congressional power.

With Carter's election in 1976, the momentum shifted to the White House. On May 13, 1977, Carter formally adopted an "arms export restraint policy"—Presidential Directive No. 13 (PD-13)—which imposed an annual ceiling on the dollar value of U.S. arms sales to all non-NATO nations except Israel, Japan, South Korea, Australia, and New Zea-

land, and restricted the export of certain high-technology weapons to Third World countries. "I have concluded," Carter affirmed on May 19, "that the United States will henceforth view arms transfers as an exceptional foreign policy implement, to be used only in instances where it can be clearly demonstrated that the transfer contributes to our national security interest."⁶

The Carter policy also called for negotiations with other suppliers—including the Soviet Union—that might lead to the adoption of multilateral curbs on arms transfers. Carter made clear that the United States would adhere to self-imposed limits only so long as it appeared likely that other major suppliers would follow suit. "I am initiating this policy," Carter noted, "in the full understanding that actual reductions in the worldwide traffic in arms will require multilateral cooperation."

At Carter's urging, U.S. and Soviet representatives began the Conventional Arms Transfer Talks (CATT). Most observers expected little progress, and were surprised when the first few rounds of talks, held in Washington and Helsinki in December 1977 and May and July 1978, resulted in agreement on parameters of a regime to restrain conventional arms transfers. In October 1978, U.S. negotiator Leslie Gelb testified that "harmonized national guidelines" similar to those of the London Suppliers' Group (for nuclear technology) were "realistic possibilities."⁷ But before further progress could be achieved, CATT fell prey to a souring international environment and to bureaucratic wrangling within the Carter administration that pitted Gelb against the President's hawkish security adviser, Zbigniew Brzezinski; no further talks were held after a fruitless negotiating session in December 1978.⁸

By late 1979, Carter's unilateral arms restraint policies and the CATT process had been essentially abandoned. The decline in presidential enthusiasm for these measures was prompted, to a considerable degree, by Iran's Islamic revolution and the Soviet invasion of Afghanistan—events that largely erased any public or congressional support for U.S. initiatives of this type. In a more fundamental way, however, the policy of restraint was doomed from the start by the administration's failure to question the politics of arms sales. Washington still viewed arms transfers as an effective tool for diplomacy—one of the few such tools available—and Carter was never able to significantly reduce the role of military sales in U.S. relations with such allies as Egypt, Iran, Israel, Jordan, and Saudi Arabia.

The fate of Carter's initiatives became apparent early on. In February 1978, only nine months after PD-13 was signed, the White House approved a multibillion-dollar sale of advanced jet fighters to Egypt, Israel, and Saudi Arabia. The "aircraft sale of the century," as it was called at the time, had been in the works for several years, and its cancellation would have provoked howls of dismay from the nations involved, along with threats to shop elsewhere—threats Carter was not prepared to face. For much the same reason, Carter then approved a new \$8 billion arms request from the Shah, despite Iran's internal unrest, which his advisers warned could result in chaos. Any hopes of keeping arms exports under the ceiling Carter had set were dashed in 1979, when, as part of the Camp David Accords, the United States agreed to provide billions of dollars worth of new arms to Israel and Egypt.

"ARMS REPLACE SECURITY FACTS"

By the time Ronald Reagan became president in 1981, arms export restraint was no

longer a major objective of U.S. foreign policy. Nonetheless, Reagan felt compelled to denounce his predecessor's initiatives and to promulgate a new, open-door approach to foreign military sales. In a May 1981 speech unveiling the new policy, Undersecretary of State James L. Buckley affirmed that "this administration believes that arms transfers, judiciously applied, can complement and supplement our own defense efforts and serve as a vital and constructive instrument of our foreign policy."⁹ Reagan quickly approved the sale of F-16 fighters to Pakistan, F-15s and AWACS radar patrol planes to Saudi Arabia, AH-1 Cobra helicopter gunships to Jordan, and similar items to other U.S. clients in the Middle East and Asia.

U.S. arms flowed to the Third World in record amounts. Capped by a \$5 billion sale of F-15s and AWACS to Saudi Arabia, total U.S. military sales rose to \$19.1 billion in fiscal 1981, an all-time record. Only the oil-induced recession of 1983-84, which greatly constricted the spending ability of would-be Third World arms buyers, prevented new records from being set in subsequent years. The recession notwithstanding, Washington continued to use arms sales to extend U.S. influence abroad and to counter similar efforts by the Soviet Union. "Arms sales are the hard currency of foreign affairs," an unidentified State Department official told U.S. News and World Report in 1983. "They replace the security pacts of the 1950s."¹⁰

What was true for Washington was true for Moscow. Lacking funds to offer economic assistance or capital investment, Soviet leaders employed the one foreign policy tool available to them in seeking influence abroad: arms transfers. According to the Congressional Research Service, Soviet arms transfers to the Third World from 1981 to 1988 amounted to a whopping \$139 billion (in constant 1988 dollars), an amount that exceeds the U.S. total by a significant margin. The major recipients of Soviet arms in the 1980s were clustered in the Middle East and South Asia, with the largest deliveries going to Algeria, India, Iraq, Libya, Syria, and the two Yemens.

As in past years, both superpowers also sought to woo away each other's allies and clients, often using arms transfers in the process. The Soviet Union, for instance, has readily supplied Jordan and Kuwait with modern weapons when leaders of these countries encountered difficulty in obtaining high-tech systems from the West. The United States, for its part, has encouraged several long-standing Soviet allies, including India and Iraq, to diminish their military dependence on the Soviet Union. Consistent with this policy, the Reagan administration raised no objection to French sales of advanced missiles and aircraft to Iraq, or to Brazilian sales of multiple-launch rocket systems. In a further effort to pull Baghdad out of the Soviet orbit, Reagan (and later Bush authorized the sale to Iraq of \$1.5 billion worth of sophisticated U.S. scientific and technical equipment—much of which has apparently been used in the development of conventional, nuclear, and chemical weapons. Indeed, so eager was Washington to forge links with Iraq that Reagan and Bush continued to allow deliveries of such equipment even after it had become evident that this technology was being diverted for military purposes, and long after Iraq had used chemical weapons in attacks on Iran and its own Kurds.

As a result of these deeply entrenched arms-supply patterns, many Middle Eastern nations now possess arsenals comparable or

superior to those found among the front-line states in NATO and the Warsaw Pact. But if the genesis of these arms-supply relationships was the early Cold War, it would seem logical for them to fade as the Cold War draws to a close. U.S. and Soviet leaders have lent some credence to this assumption. In an August 1990 letter to U.N. Secretary-General Javier Perez de Cuellar, Soviet Foreign Minister Eduard Shevardnadze wrote that "the Soviet Union considers that the inclusion on the U.N. agenda of the problems of restricting international sales and supplies of conventional weapons is a logical development of the trend toward the internationalization of the dialogue on most important questions of world politics."¹¹ President Bush and Secretary of State James Baker have made similar comments, noting that the control of conventional arms transfers should be considered along with efforts to curb the proliferation of nuclear arms, chemical weapons, and ballistic missiles.

Despite progress on the rhetorical front, however, the superpowers have taken no steps to curb their exports of conventional arms to the Third World. As noted above, the United States has announced record-breaking sales to Saudi Arabia, and sales of sophisticated arms to Egypt, Israel, Turkey, and the United Arab Emirates are in the offing. The Soviet Union continues to supply major equipment to India, Libya, and Syria, and was pouring arms into Iraq until the moment Saddam Hussein ordered the invasion of Kuwait.

Economic conditions have something to do with this. The Soviet Union is desperately in need of hard currency for its industrial rehabilitation, and weapons are among the few commodities it can successfully market abroad. Arms exports give U.S. weapons manufacturers an attractive "safety valve" at a time of declining military spending at home. But political factors remain a major determinant of the superpowers' arms transfer policies. Moscow and Washington once sought Third World allies in their struggle with one another; today they seek allies in order to better position themselves for global influence in an uncertain, polycentric era.

In the view of senior U.S. strategists, this era is likely to witness the emergence of regional powers, many of which will be armed with weapons of mass destruction, and some will be hostile to long-term U.S. interests. "The emergence of regional powers is rapidly changing the strategic landscape," President Bush noted in an address to the U.S. Coast Guard Academy in May 1989. "In the Middle East, in South Asia, in our own hemisphere, a growing number of nations are acquiring advanced and highly destructive capabilities," posing a significant threat to U.S. security. In this environment, any effort by the United States to protect its overseas interests through military means—as in Operation Desert Shield—will require the cooperation of friendly Third World powers. "Where American intervention seems necessary," the U.S. Commission on Integrated Long-Term Strategy affirmed in 1988, "it will generally require far more cooperation with Third World countries than has been required in the past."¹²

And cooperation is secured through arms transfers. In arguing for congressional approval of the administration's September 1990 emergency arms package for Saudi Arabia, Under-secretary of State for International Security Affairs Reginald Bartholomew told the House Foreign Affairs Committee that these sales are intended to "develop the interoperability that will allow the U.S.

and other friendly forces to reinforce the Saudis more effectively should that ever again be necessary," and to "help contribute to stronger and more stable post-crisis security arrangements."¹³ In other words, arms sales are the essential glue for the "regional security structure" that Secretary of State James Baker told the House Foreign Affairs Committee on September 4 the administration wants to establish in the Middle East.

Whether the Soviet Union has similar intentions cannot be determined. It is clear that Soviet leaders want to maintain close ties with regional powers like Syria and India, and to establish new ties—cemented by arms transfers if necessary—with other powers in the region. Potential buyers are still able to play one suitor off against the other, obtaining favorable conditions for the acquisition of ever more capable weapons. Whatever impact the end of the Cold War may have in other areas, it has not diminished the intensity of local arms races—or the likelihood of regional conflict—in the Middle East.

SEVEN WAYS TO CURB ARMS

There is no escape from this pattern if the major powers continue to view arms exports as tools of convenience in their quest for political advantage, and if regional powers continue to rely on military means to resolve disputes with their neighbors. U.S. and Soviet leaders—and subsequently, the leaders of France, Britain, and China—must be convinced that a stable international order cannot be achieved in a world of uncontrolled arms transfers, and that curbs on arms are essential to post-Cold War stability. At the same time, Middle Eastern leaders must be persuaded that the best hope for long-term protection against dissension and bloodshed lies with a regional peace agreement that respects the national aspirations of unrepresented peoples, eliminates nuclear and chemical weapons, and limits the acquisition of offensively oriented conventional weapons.

These objectives may take years of effort, but intermediate goals could build momentum for more sweeping and long-lasting objectives. Seven measures could produce real improvements in global security:

Reconvene the CATT talks. As the only U.S.-Soviet negotiations ever undertaken in this field, the Conventional Arms Transfer Talks are a useful mechanism. At the original sessions, CATT negotiators reportedly reached agreement on many basic elements of nomenclature, scope, and applicability which could save months of future talks and consultations. Resuming CATT talks would also send a powerful signal to other suppliers and to recipients that the two superpowers had agreed on the need to constrain the arms traffic.

If the talks are resumed, the two sides should agree to set a mutual ceiling on arms transfers (perhaps \$8-10 billion each per year) while pledging to negotiate lower levels in subsequent talks, after experience has been gained in implementation and verification. The superpowers should also agree to ban or restrict the sale of particularly inhumane and destabilizing weapons such as wide-area cluster bombs, fuel-air explosives, incendiary devices, shoulder-fired anti-aircraft missiles, and long-range bombers.

Expand and enhance the MTCR. The Missile Technology Control Regime, established in 1987 to restrict exports of ballistic missile technology, represents an important precedent for multilateral action. But it has critical defects: several countries that have played a vital role in the transfer of missiles and missile technology to areas of conflict

are not signatories—notably Argentina, Brazil, China, and the Soviet Union. And the MTCR generally exempts technology used in developing missiles for space exploration, most of which can be converted to military use.

To be effective, the MTCR needs to be substantially strengthened. Including the Soviet Union should be the most immediate priority, particularly as Soviet officials have already met with their U.S. counterparts to discuss possible cooperation in this area, and an agreement would be consistent with policy statements issued by Soviet leadership. It would then be easier to persuade other holdouts to join. Restrictions on the transfer of sensitive technology, including space-related technology, should be tightened.

Establish controls on other advanced military systems. Instruments similar to the MTCR should be established for controlling the export of other destabilizing weapons, including cruise missiles, submarines, and deep-penetration strategic bombers.

Convene an international conference on nuclear and chemical disarmament in the Middle East. No lasting progress toward regional security can be made unless the nations of the Middle East agree to restrict possession of weapons of mass destruction and their means of delivery. A Middle East agreement will require progress in other areas, including boundary disputes. But the history of East-West negotiations demonstrates that progress on arms control will not occur unless countries talk to one another, and preliminary negotiations can often result in the adoption of confidence-building measures that help set the stage for political accommodation.

When the crisis in the Gulf is resolved, efforts should be made to convene a U.N.-sponsored regional conference on nuclear and chemical disarmament, which might also provide the impetus for adopting confidence-building measures tailored to the Middle East. These could include international inspection and monitoring of nuclear and chemical facilities; establishing "hot lines" for communication between hostile nations in a crisis; and mutual promises to sign and abide by the Nuclear Non-Proliferation Treaty and the proposed Chemical Weapons Convention. A U.N. conference could also develop into an ongoing negotiating process, as did the Conference on Security and Cooperation in Europe.

Impose economic and trade sanctions against nations developing nuclear weapons. The U.N. trade embargo has prevented the transfer of materials and technology to Iraq's weapons development and production facilities, including its nuclear and chemical installations. These sanctions should be maintained until Baghdad agrees to dismantle its nuclear and chemical weapons facilities under international inspection. When the current crisis is over, the United Nations should develop an array of trade and economic sanctions to apply against nations that persist in developing such weapons after international norms are established. Sanctions could be limited to a ban on transfers of military technology in the case of states that agree to participate in regional negotiations, or entail more stringent measures if states refuse to participate in such a process.

Reduce or restrict international aid to nations developing domestic arms industries. Many of the more affluent Third World countries are developing elaborate military-industrial complexes modeled on those found in the major military powers of the industrialized "North."

These complexes contribute to the worldwide diffusion of conventional weapons, and, in the case of Iran and Iraq, help to sustain regional wars of great duration and ferocity. Most of these countries receive significant technical and economic assistance from the North that enables them to divert scarce national resources to pet military projects. In the future, such assistance—whether provided by individual governments or by multilateral agencies like the World Bank—should be denied to states that divert an excessive share of their national income to military-industrial purposes.

Establish an international clearinghouse for intelligence on clandestine arms technology transfers. Iraq's apparent success in acquiring sophisticated arms-making technologies through black market arms channels highlights the need to collect and process intelligence on clandestine arms operations. A clearinghouse could track suspicious "front" operations in target countries and inform police and military authorities of any apparent wrongdoing. Such a mechanism might draw on the staff and experience of COCOM (the Co-ordinating Committee for East-West Trade Policy), the Western agency established to intercept transfers of high-technology goods to the Soviet bloc.

In the absence of controls, the arms trade will continue to operate as in the past, and there will be a continuing series of regional crises and conflicts. But these seven measures could significantly improve the global security environment and set the stage for a comprehensive solution to the Middle East's outstanding security concerns.

Presidents Bush and Gorbachev have spoken glowingly of the new world order they hope to construct on the ruins of the Cold War system. But a new order cannot be built on the premises that have guided international behavior in the past. Obsolete practices will have to be abandoned, particularly the practice of supplying implements of war in return for political promises and favors. Only when munitions are eschewed as an instrument of statecraft and diplomacy will a more peaceful order be possible.

FOOTNOTES

¹Richard F. Grimmett, *Trends in Conventional Arms Transfers to the Third World by Major Supplier, 1981-1988* (Washington, D.C.: Congressional Research Service, Library of Congress, 1989), p. 51.

²Stockholm International Peace Research Institute, *SIPRI Yearbook 1990* (Oxford and New York: Oxford University Press, 1990), and earlier editions.

³Samuel P. Huntington, "Patterns of Intervention: America and the Soviets in the Third World," *The National Interest* (Spring 1987), pp. 19-20; for a discussion of supplier and recipient motives, see Andrew J. Pierre, *The Global Politics of Arms Sales* (Princeton: Princeton University Press, 1982).

⁴Stephen M. Walt, *The Origins of Alliances* (Ithaca, N.Y.: Cornell University Press, 1987), pp. 50-103.

⁵Quoted in *New York Times*, Oct. 19, 1975.

⁶U.S. Congress, House Committee on Foreign Affairs, *Changing Perspectives on U.S. Arms Transfer Policy*, Report by the Congressional Research Service, 97th Cong., 1st sess., 1981.

⁷U.S. Congress, House Committee on Armed Services, *Indian Ocean Arms Limitations and Multilateral Cooperation on Restraining Conventional Arms Transfers*, Hearings, 95th Cong., 2d sess., 1978, p. 17.

⁸See Jo L. Husbands and Anne Hessing Cahn, "The Conventional Arms Transfer Talks," in Thomas Ohlson, ed., *Arms Transfer Limitations and Third World Security* (Oxford: Oxford University Press, 1988), pp. 110-25.

⁹James L. Buckley, address, Aerospace Industries Association meeting, Williamsburg, Va., May 21, 1981 (U.S. State Department transcript).

¹⁰Quoted in *Wall Street Journal*, June 19, 1983.

¹¹*Izvestiya*, Aug. 16, 1990 (translated in *Foreign Broadcast Information Service-Sov-90-159*, Aug. 16, 1990, p. 6).

¹²U.S. Commission on Integrated Long-Term Strategy, *Discriminate Deterrence* (Washington, D.C.: U.S. Government Printing Office, 1988), p. 10.

¹³Testimony, October 3, 1990 (State Department text).

Here is the President telling us now that he would continue, and depend on him to protect the national interest, these agricultural credits. Here are the records, which we have already published in the CONGRESSIONAL RECORD, from the Federal Reserve Board members at the Advisory Council, the National Advisory Council to the Export-Import, the professional credit analyzer saying, "But look, Iraq has defaulted with six other countries," most of those that had obtained these arms that I just referred to in the bulletin of the Atomic Scientist, and it is not creditworthy, but then here comes the Vice President at that time and then later the President, Bush; here comes the Deputy Secretary of State, one Eagleberger; and here comes Secretary of State James Baker and says, "No, no, this is essential to maintain our relations with Iraq. We have to do this. It is essential to our political foreign policy."

This is where I came in. This is where I still am, because at this moment there is no telling how many BNL's and BCCI's which incidentally, Mr. Speaker, our committee is not finished with yet, there are right now, because of our lax defense of our national interests from the standpoint of safety and soundness, not only of our banking system, but the use of our credit and our Government's credit. We have learned nothing since then. We are now doing the same thing with other countries that conceivably, and God forbid, I pray daily does not happen, the so-called Balkan area in flames, yet it has enlarged and it is headed that way. We are exposed with millions of dollars in guarantees to some of these countries that might be on the opposite side before too long, such as with China.

We not only consider China as a favored nation trading partner, but we have also extended some governmental guarantees that I think are just absolutely fantastic and unbelievable.

Our committee has jurisdiction, in accordance with the definition of the rules providing its jurisdiction, on all credit-issuing activities. This is where we come in. This is why some colleagues seem surprised when I say, "We have jurisdiction over Farmer Mac, the credit-issuing secondary banking system, and all of this system is shaky." It is very shaky. We are in an acute critical condition.

However, there seems to be no general awareness, like in 1988 there seemed to be and there was a planned effort not to reveal the serious conditions of the S&L's. Incidentally, the banking system, too, even though it has been denied, but today it is the banking system, and still continuing S&L conditions.

How can the Federal Reserve Board, which is our monetary policymaking body, be able to set the right monetary policy for a country if it has no knowledge about \$1 trillion of this kind of money floating around in this country? I am not talking about the external money, international, I am talking about that that can be leveraged with just a small chunk of it. My estimate is that in this there is at least \$1 trillion involved in the drug money laundering illegality that is so nefariously adverse to the best interests of our country, and at the bottom of it all is financing, banking. That is why we are concerned.

I am not interested in the foreign policy, but I am if that politics of foreign policy is used to cancel out the policy of the monetary-setting bodies, and our central bank, as it is known. That is where I come in and that is where I have stayed.

The main memo of October 1990, indicated that there was a risk that Iraq was diverting, as I said and repeat, credits to pay for weapons and nuclear equipment. In fact, just this morning, I repeat, the United Nations certainly suspects it and they are there now in Baghdad, camping out. They have been refused access, but they are still there.

It is clear that the administration violated its own policy and used food as a political tool. All these years we have been denying it to the world, and here it is. Ambassador April Glaspie admitted that, and I placed the record in the CONGRESSIONAL RECORD. The decision to approve the fiscal year 1990 CCC Program for Iraq is not without cost. To date the taxpayer is out more and still in default over \$400 million, but 10 American banks have already been paid out \$1.2 billion of taxpayers' money, so the exposure to the taxpayer for these activities, not counting the Export-Import Bank, will be around \$2 billion. How desperately our States, our cities, our communities, our school system needs just a little chunk of that \$2 billion, which could make a big difference to any one of our more seriously detrimentally impacted communities. We are out. The taxpayer is going to have to make up for the default on those guarantees.

The Italian bank, and nobody seems to realize, even some of the people, the regulatory authorities, do not seem to realize that when we talk about foreign banks, like the BNL, we are not talking about an entity like a United States bank or a private bank. These are all government-owned banks.

The Italian Government, the Italian Senate, to which, incidentally, I owe a great debt of gratitude, particularly to the chairman, Senator Carta of Rome, who did a magnificent job in its investigating committee. They came over and I met with them. In fact, when the Federal Reserve Board would not give me some documents we found a way to get them from this other source, so

that the Italian Government and the taxpayers of Italy will be out about another \$2 billion on BNL for that and other involvement, incidentally, where BNL and BCCI dovetail. It is like a giant web, a big web. We touch one end and the whole thing quivers.

The decision to approve that fiscal year 1990 CCC Program for Iraq is not without cost, I repeat. That is not the end to this costly story of imprudent and improper management. It gets worse. Two days prior to winning approval for \$1 billion, the National Security Agency and the State Department received a detail secret CIA report on BNL. The CIA report is entitled, "Iraq-Italy, Repercussions of the BNL-Atlanta Scandal." The report was prepared by the CIA's special division, the Office of the Near East and Southeast Asia Analysis.

□ 1500

I am writing and I have sent a letter to the CIA Director asking him to declassify this report so that it can be made public, to wit: to us, the Congress.

The secret report indicates that BNL loans were used to fund Iraq's clandestine military procurement network which was operating in the United States and Europe. The report indicates that several of the BNL-financed front companies in the network were secretly procuring technology for Iraq's missile programs and nuclear, biological, and chemical weapons programs.

The President recently denied point blank that the White House or the State Department knew of the charges that Iraq was diverting United States assistance to build nuclear weapons. The President was quoted as saying:

We didn't know that. The State Department didn't know that. You can talk about what one State Department employee * * * and if we had known it wouldn't have happened.

Given the contents of the CIA report the President's statement seem rather disingenuous. The White House and State Department were keenly aware that BNL loans were tied to Iraq's highest priority weapons programs. The CIA also had plenty of information in its files showing that the Iraqis involved in the BNL scandal represented the highest levels of the Iraqi Government.

For example, one of the unindicted coconspirators in the BNL scandal is Hussain Kamil. Mr. Kamil is Saddam Hussein's son-in-law and at the time he was in charge of Iraq's massive military industrialization effort. At the time of the BNL scandal the CIA listed him as the second most powerful man in Iraq. At this point I would like to place a telex in the RECORD showing Kamil wishing the employees of BNL a happy Easter.

The telex referred to is as follows:

MARCH 26, 1989.

For the attention of Mr. C. Drougou:
I would like to express my greetings and personal good wishes for you and your family and all your staff at Del Lavoro Bank-Atlanta on the occasion of the Easter festivities. Wishing you all happiness, good health, and prosperity.

HUSSAIN KAMIL HASAN,
The Ministry of Industry
and Military Production.

Another example is Safa Al Habobi, one of the Iraqis indicted for his role in the BNL scandal. Al Habobi was the head of Iraq's secret military technology procurement network. He directed how much of the BNL money was spent and at the time of the BNL raid the CIA lists him as an Iraqi intelligence agent.

It is important to note that the BNL investigation in Atlanta was not provided access to the CIA report on BNL or the CIA information on Mr. Kamil and Mr. Al Habobi and others. In fact, the committee has been told that requests for CIA information went unanswered until after the Iraqi invasion of Kuwait—1 year after the BNL raid.

The lack of CIA cooperation with the prosecutors in Atlanta was a calculated administration effort to conceal the true nature of the BNL scandal and to hide the level of Iraqi Government complicity in the scandal. The CIA could have easily opened its files and allowed the Atlanta prosecutors to know what they were up against. New leads could have been pursued, but that is not what happened. Instead the CIA was silent. It is downright criminal that the CIA did not help the prosecutors in Atlanta understand BNL's role in funding Iraq's military technology procurement network. Astonishingly, it appears that the Bush administration wanted Iraq's clandestine procurement activities to continue.

It is beyond me how the President and his advisors can claim that the decision to approve \$1 billion in CCC credits for Iraq was prudent. Providing Iraq with a billion dollars in additional credit while knowing of Iraq's sinister intentions is inexplicable. How can the administration explain that? Clearly they don't want to.

The CIA report also sheds light on the reasons why the President authorized the release of the CCC credits for Iraq despite all the ominous warning signs.

In the late summer of 1989 Iraq was in dire financial straits. Iraq badly needed the \$1 billion allocation of CCC credits in order to meet the food demands of its people. When the BNL raid occurred in August 1989, investigators found over \$4 billion in unreported loans to Iraq—\$4 billion, not million, billion—three quarters of a billion of the loans were guaranteed by the CCC Program. One of the main focuses of the investigation was fraud against the CCC Program.

Starting in August 1989, it was obvious that the new fiscal year 1990 CCC

Program for Iraq was in trouble. On top of the BNL scandal the Treasury Department, OMB, and the Federal Reserve doubted that Iraq could make good on \$1 billion in new guarantees that had been planned for fiscal year 1990. In September 1989, these agencies balked at that Agriculture Department proposal to go ahead with the full \$1 billion program.

The State Department and White House were stunned. Together they were just completing work on a new Bush administration policy for the Middle East called National Security Directive 26. The publicly available part of NSD 26, which was signed by the President on October 3, 1989, states:

Normal relations between the U.S. and Iraq would serve our long-term interests and promote stability in both the Gulf and the Middle East. The U.S. Government should propose both economic and political incentives for Iraq to moderate its behavior and to increase our influence with Iraq.

The CCC Program for Iraq was the largest economic incentive the United States had to offer—termination of the program would frustrate the President's orders. A State Department memo to Secretary Baker dated October 26, 1990, states:

Earlier this month the President signed NSD-26 mandating pursuit of improved economic and political ties with Iraq. Our ability to influence Iraqi policies in areas important to us, from Lebanon to the Middle East peace process, will be heavily influenced by the outcome of the CCC negotiations.

Consequently, the White House and NSC devised a strategy to win approval for the corruption riddled program. In early November, Secretary of State James Baker called Agriculture Secretary Clayton Yeutter pledging his support for the full \$1 billion program. At the same time Deputy Secretary of State Lawrence Eagleburger called his counterparts at the OMB and Treasury Department to ask for their support for the full \$1 billion program for Iraq.

What is generally not known is the role the CIA report played in the decision to grant the CCC credits for Iraq. The CIA report states that a failure to approve the full \$1 billion CCC Program for Iraq will harm United States-Iraq relations. It was with that secret information in hand that the White House and State Department went to the NAC Deputies Committee meeting of November 8, 1989. The various agencies discussed the proposal for the CCC Program for Iraq. Notes of the meeting state:

The State Department's Robert Kimmitt stated that his comments reflected the views of Secretary Baker who believed that the program in Iraq was crucial to the U.S. bilateral relationship with Iraq. He noted that in National Security Directive 26 the President had called for improvement of the U.S. relationship with Iraq and bilateral trade expansion offered a good means to achieve that end. To abruptly terminate the CCC program in Iraq would, he said, clearly run counter to the President's intention and would further-

more cause a deterioration in our relationship with the Iraqis.

The high level lobbying effort paid off. This time the CCC Program for Iraq was approved. The CIA report shows that unless the full \$1 billion CCC Program was approved, the President's goal of improving relations with Saddam Hussein as spelled out in NSD-26 would be frustrated. Making NSD-26 work appears to be the main motive and driving force behind the decision to release the CCC credits. The problem was that NSD-26 was flawed—closer relations with the brutal Saddam Hussein was not a prudent strategy.

It is reasonable to infer that the President himself authorized the release of the CCC Program for Iraq and it is the President who should answer to the taxpayers for this faulty judgment. That inference is supported by recently acquired Treasury Department notes of November 7, 1989, which state: "Non-attributable: Rumor: White House ordered release of the \$1 billion."

These revelations are important for several reasons. First and foremost is the striking stupidity in giving Saddam Hussein \$1 billion in credit when he is obviously intent on building weapons of mass destruction. The administration clearly had more in mind than helping American farmers.

The Bush administration had a policy of not allowing food to be used as political weapons, yet clearly the CCC Program was used as a political tool and not a market enhancement mechanism as the highest levels of the administration have claimed in recent congressional testimony.

□ 1510

The decision to approve the CCC credits also shows that prudent management was abandoned for political expediency, and yet in recent testimony before the Banking Committee Mr. Lawrence Eagleburger stated:

I intend to make clear that the administration followed a prudent policy toward Iraq, including the management of the CCC Program.* * *

Now, this is the same Mr. Eagleburger, Deputy Secretary of State, when in his appearance before a committee, looks at me and says, "Well, it was not until I saw in the CONGRESSIONAL RECORD in preparation for this hearing the cable memorandum that you put in the RECORD that I did not even know existed." I said, "Well, you signed it." He said, "That is true." It is signed as Acting Secretary of State. But somebody sent that cable. To whom? To our Ambassador in Baghdad. What did the cable say? It said, "Hey, we are going to get that help for Saddam Hussein. Be sure to tell him," but then the last paragraph said, "But do not tell anybody back here in the States."

So when we bring this out, the Deputy, with great ado, alarms the docu-

ment on the table in our committee hearing room and says, "That proves I did not know about this. I would never have written such a stupid paragraph." Well, who then is acting? Who is responsible for anything then?

If I should send a cablegram like that and it is over my signature, I should not be answerable for that? I should blame some unknown, undetermined, unidentified, locally placed State Department Foreign Service Officer somewhere? Of course not.

But those are the times we are living in. Yes, we made a mistake, but nobody is taking responsibility, no accountability.

What are we waiting for in our country? What is the net dead-end result of all of this on levels reflected, as I can tell you in hearing after hearing in the Banking Committee, from the high and the low and the banking and big financial experts and all? "Yes, sure, but we are not responsible," because, you know, everybody was riding that merry-go-round at the time. You know, that was the thing to do. But who answers for it? And what are you going to do to make up for these crass errors, and if not greedy, greed-driven activities, and redeem such as it can the national interest? No volunteer there.

The scandal does not end here. The committee has learned that in late October-early November 1989 the White House called the assistant U.S. attorney in Atlanta to discuss the BNL case.

Last week the committee was provided access to a pile of long lost Treasury Department notes on the NAC. The committee asked for them in October 1990, and they were recently uncovered and turned over by an honest Treasury Department lawyer.

These meticulous and comprehensive notes were taken by a dedicated career Treasury Department employee who was assigned responsibility for monitoring the BNL scandal and the NAC decision on the fiscal year 1990 CCC Program for Iraq.

Last, the committee staff, and let me here give credit to the staff that has been the most rewarding. We have very limited staff, but Mr. Dennis Kane, who has been in the forward of this, under the most able direction of the staff director, Mr. Meek, Kelsay Meek, with credit for painstaking night after night all night, weekends all night, poring through these documents, assembling them, and then consulting and identifying.

Mr. DORGAN of North Dakota. Mr. Speaker, will the gentleman yield?

Mr. GONZALEZ. I am happy to yield to the gentleman from North Dakota.

Mr. DORGAN of North Dakota. Mr. Speaker, I wanted to observe that I have watched the gentleman in the well, the gentleman from Texas [Mr. GONZALEZ], take the floor over recent months on this same subject, and I think that the House of Representa-

tives owes the gentleman from Texas [Mr. GONZALEZ] a debt of gratitude for the work he has done.

Mr. GONZALEZ. I thank the gentleman from North Dakota [Mr. DORGAN].

Mr. DORGAN of North Dakota. Clearly something strange has gone on here under the cloak of great secrecy in which billions of dollars have flowed in unusual ways that have apparently ended up buying weapons for Saddam Hussein, and the gentleman from Texas [Mr. GONZALEZ] has been determined to find the answer to these questions that have been posed, and I think the House owes him a debt of gratitude. I do not know where this all leads. I do not know where it all ends up, nor I suspect does the gentleman from Texas, but the American people deserve the truth. They wanted to know what has happened.

Mr. GONZALEZ. The gentleman is correct.

Mr. DORGAN of North Dakota. What happened, why it happened, under what conditions it happened, who authorized it. That is what the gentleman from Texas seeks, and I hope that he will pressure all of the forces in the House and in the whole Congress and in the executive branch to make sure the mechanisms are available for you to get at the truth so that the American people can understand what the truth is.

Mr. GONZALEZ. I thank the gentleman very much, I say to the gentleman from North Dakota [Mr. DORGAN]. I deeply appreciate that, and particularly coming from a gentleman I honor and esteem highly. I want him to know that he has succinctly stated the main underlying motivation that guides us here, and as I said, insofar as these collateral issues touch on the banking and financial and the safety and soundness of our system, which unfortunately and sadly is not so safe and so sound, as the gentleman well knows, and the gentleman has developed quite an expertise in that line even though he is not a member of the Banking Committee, and we respect him very much. But I thank the gentleman again for his generous words.

So we had last week finally provided a look at a pile of Treasury Department notes on the NAC. It resisted, denied, in fact, I had one letter in which Treasury interposed executive privilege, but we persisted and finally, last week, the staff was permitted to look at some of these documents, not all that we are still looking for, and the committee asked for them in October 1990. That is over a year and a half ago.

We were told that, "Well, we did not know"; they did not know they had them. So here they uncovered them last week, and they were turned over to an honest Treasury Department lawyer, probably a career.

You know, we always forget how many dedicated career, what we used

to call civil service, but which has been undone, that on the subleadership level, and I know in the case of the regulators and the old Home Loan Bank Board how many heroically performed despite facing either the loss of their careers or the removal of their jurisdiction if the big cheeses up in D.C. did not like what they were doing.

Now, what I have said all along is that secrecy by its very, very identification is an enemy of democracy.

I have served, and I have been privileged, as I have said before time and time again, to serve on the local legislative level 3 years, 39 years and 8 months ago city council of my city, State senate 5 years, and 30½ years here, 30 years and 7 months here on this level, and I can honestly tell anybody that I know of no occasion in which I would participate or know of any participation in any matter that had to be secret, that the doors could not be thrown open, the windows opened, and I cannot for the life of me understand all of this penchant for secrecy other than the fear of ridicule for being shown up to have made a very dumb mistake.

Well, we all make mistakes, but if we then try to deny it, and then what is worse, cover up or obstruct the legitimate jurisdictionally wise organ of our Government that is directly responsible to the people itself, the knowledge and the inclination that men such as J. Madison and the ones who wrote the Constitution say is indispensable.

This employee had regular contact with the various agencies involved in the handling of the BNL scandal and the decision to approve the CCC Program for Iraq. This includes regular contact with the State Department, Agriculture Department, Federal Reserve, and the Justice Department. The contacts also included the White House.

On November 7, 1989, this individual had a conversation with a fellow Treasury Department employee and the assistant U.S. attorney in Atlanta, Ms. Gail McKenzie. The notes of the conversation read:

McKenzie: She has been called by the White House—got impression (they are) concerned about embarrassment level.

It is clearly improper for the White House to be calling an assistant U.S. attorney to talk about an open criminal case—especially a case as sensitive as the BNL case. A call from the White House could certainly be perceived as threatening.

This revelation raises a myriad of questions:

Who at the White House made the call?

Who at the White House authorized the call?

Was the prosecutor required or asked to reveal grand jury secrets?

Who at the Justice Department was aware of the call?

Did the Justice Department approve of the call?

Why was the call made in the first place?

It is interesting to note that during recent hearings before the Judiciary Committee whether to appoint an independent counsel Attorney General Barr did not inform the committee that the White House called the prosecutor in Atlanta to discuss the BNL case. Clearly someone at the White House wanted the prosecutor to know that the BNL investigation was an extremely important case.

ROSTOW GANG STILL ACTIVE

I am sorry to report that the President's efforts to thwart the Banking Committee's investigation of BNL and Iraq policy are still quite active. On May 15, 1992, the Attorney General sent me a letter stating that the Banking Committee would not be provided access to classified information. The Attorney General spuriously claimed that I harmed the national security by placing documents in the CONGRESSIONAL RECORD during my floor statements on BNL.

I should note that the Attorney General did not send his letter until nearly 4 months after I entered the first documents in the CONGRESSIONAL RECORD. In fact, the Attorney General's letter arrived just after the Bush administration started getting negative press for its failed policy toward Iraq.

On numerous occasions I have asked the Attorney General and the State Department to demonstrate how the documents I placed in the CONGRESSIONAL RECORD harmed the national security. Not surprising, neither has replied and I bet they never will because the documents in no way harmed the national security.

The truth is that the President and his advisers are hiding behind the cloak of national security to cover up embarrassing and potentially illegal activity related to his policy toward Iraq.

INDEPENDENT COUNSEL

The Judiciary Committee is now contemplating appointment of an independent counsel to investigate potential criminal activities associated with the Bush administration's policy toward Iraq. It is now clear that the President, Brent Scowcroft, and other top advisers had their hands in the effort to thwart congressional oversight of Iraq policy.

We know that the administration submitted false Commerce Department export licensing information to the Congress. Before today all we knew was that Dennis Kloske was pointing his finger in the direction of the White House.

We now know that the White House called the assistant U.S. attorney in Atlanta just prior to deciding to approve the \$1 billion fiscal year 1990 CCC Program for Iraq in November 1989. That was clearly improper.

We know that the White House and State Department had CIA information showing how the loss of BNL loans could harm Iraq's procurement effort which apparently was the linchpin of the policy to mollify Saddam Hussein, a man who a few months later would be referred to as Adolf Hitler by President Bush.

The White House wanted to keep the money and the technology flowing to Saddam Hussein. And naturally, today they do not want to talk about it. But it will not go away. The people of this country are entitled to know what happened and why.

□ 1520

THE FUTURE OF AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Dakota [Mr. DORGAN] is recognized for 60 minutes.

Mr. DORGAN of North Dakota. Mr. Speaker, yesterday I was in my district in the State of North Dakota and I met someone who said that they had been involved in some investments in the country of Poland. I was thinking about that on the airplane yesterday coming back to Washington, DC, thinking a bit about Poland and thinking about an experience I had here in the House of Representatives about 2 or 3 years ago. It was kind of an unusual experience.

As you know, Mr. Speaker, we have joint sessions of Congress in which the Senate comes over in this Chamber, meets with the House, the diplomatic corps comes, the President's Cabinet arrives, the Supreme Court shows up, and then we have an address. Typically, the address is by the President of the United States to give a State of the Union or some other special address. In other cases, it is from a head of state.

In this case, several years ago the Speaker of the House recognized and the Doorkeeper announced from the back door of the Chamber a gentleman from Poland. The Doorkeeper said "Mr. Speaker, Lech Walesa from Poland," and Lech Walesa marched in that back door and walked to the front of the room and stood at the podium, just beneath where the Speaker now sits, and the joint session of Congress rose and gave him a long standing ovation.

This rather short, pudgy man, with a mustache and red cheeks, was not a politician. He was not a diplomat. He was not an intellectual. He was not a scholar. He was an electrician, an unemployed electrician at the shipyard in Gdansk, Poland, who 10 years earlier had been beaten by the Communist Secret Police in Poland because he tried to lead a labor strike for a free labor movement in Poland.

Lech Walesa stood at that microphone and told us of the experience. Ten years earlier he had been beaten in

the shipyard in Gdansk for trying to lead a labor strike. They took him and threw him over the fence outside of the shipyard, and Lech Walesa lay there bleeding, unemployed, beaten, wondering what to do next, wondering about the future, his family, his country, and this common man, this ordinary man with extraordinary courage pulled himself up off the ground, climbed back over the fence and went back into that shipyard once again, and 10 years later he showed up at the door of this House of Representatives as a leader of Poland, now President of Poland.

From that podium he said something to us that I shall never forget. He said, "You know, we didn't even break a window pane in Poland. The Communists had all the guns. The Communists had all the soldiers. We had no bullets. What we had was an idea and ideas are more powerful than weapons, the idea that free men and women should be free to make their own choices."

And the power of an idea toppled communism in Poland, and then, too, it toppled communism in East Germany, Czechoslovakia, and Romania. Eastern Europe is largely free and democratic as a result of the courage and leadership of common people willing to exhibit uncommon courage to stand for freedom.

I was thinking of that yesterday because I was thinking about the political trouble in our country, all of the nail biting, all of the knashing, all of the concern, all of the fretting that goes on at the White House and here in Congress and in the cafes all around the country, in the small town restaurants, wondering what is becoming of this country. How do we fix what is wrong? What on Earth has happened to America?

I wondered yesterday, thinking about all of this, where is the courage? Where is the courage in the White House, in Congress; yes, even in the restaurants across the country for all of us to stand together and decide that we are as good in this country as anybody else in the world? We took on the world and beat them economically. We became the most powerful economic center in the world. We made the best products, sold them at the best prices. We outcompeted everybody. We outraded everybody and we became No. 1.

I grew up in a town of 350 people, went to school there for my first 18 years. Every day that I walked to school, I knew this with certainty. This country was the biggest, the best, the strongest, the most important, and we were No. 1. I knew it without a debate as I walked to school and as I came home from school. I did not think much about it. I, like everybody else in this country, just took it all for granted, but it is not true anymore. We live in a different world. We now face enormous challenges.

We had the chief economist of the Deutschbank in Japan come to Congress and testify a couple weeks ago and here is what he said, and it reaffirms the knot of fear in the stomachs of most Americans. It is why people are worried. It is why they are biting their fingernails about the future. Here is what the chief economist of the Deutschbank in Japan said:

By the year 1997, Japan will become the world's No. 1 manufacturing power, and just after the year 2000 Japan will become the world's economic leader.

Is it inevitable that happens? No. Will it happen if nothing else changes? Yes.

So the question is, What do we do about that?

Well, the chief economist of the Deutschbank said this, and here is why it is happening. In Japan every year they are investing \$440 billion more in new plants and equipment than we are.

What does that mean? It means their plants and equipment are newer, therefore more productive, therefore they produce better products at a cheaper price and outcompete us in the international marketplace. It is very simple.

Why do we not invest that much in new plants and equipment? Because we are spending money we do not have on things we do not need. This generation of Americans, yes, this Congress, and certainly this President, and yes, this group of American people living here today have decided collectively one way or another that we want all these things, but we are unwilling to pay for them, so we would charge them, and we will rack up deficits and debts that is terribly unhealthy to this country and is threatening this country's future.

Now, is it inevitable that this continue? No, it is not, not if we like Lech Walesa and others demonstrate a little courage and decide that it is not our careers that are at stake, it is the country's future that is at stake, and we have got to begin making different kinds of decisions to put this country back on track.

I am guessing that if you went around the country today and asked folks, "Do you know about the dream team?" They would all say, "Oh, of course we do. The dream team is America's basketball team." It is the finest in the world. It does not just beat everybody. Heck, it just creams and smothers everybody, 50 or 60 points.

Why, it has got Larry Bird, it has got Michael Jordan, it has got Magic Johnson, it has got everybody on it. It is America's pride. They wear the USA jersey. They are going to go to the Olympics and they are going to win the gold medal, and they will march beneath that flag just like our other athletes will and we will have an American team there.

The American team is a team that will all say USA on the front of their jackets.

Well, that is fine, I am going to sit on the edge of my couch watching television and rooting for our team just like everybody else is, and I support the Olympics, but there is another competition going on that is a whole lot more important than the effort in the Olympics, and frankly, we are not winning, and honestly, we do not even have a team. That is the economic competition. It is the competition that determines who has the jobs, who has the economic growth, who has the bright future of opportunity as opposed to who lives in economic stagnation and decline. That is the competition that matters. That is the competition that we need to worry about, and we do not even have a team.

Do we have an economic strategy in this country? No.

Why not? Well, President Reagan, now President Bush, have said, "We don't want any kind of a plan. God forbid. That would represent some government involvement in picking winners and losers, so we won't have an economic plan."

We are the only country in the industrial world without a national economic strategy, the only one.

Every other country must pick Japan. They not only have a strategy, they have got their starting lineup. They have got the corporation. That corporation is affiliated with other corporations in their corporate group. They are joined with their bankers as part of the team. The government is part of the team.

□ 1530

And it is called the keiretsu. That keiretsu, the affiliated group, the government, the banker, the corporation and related companies, they move out into the world to do what their objective is, and that is to get business and sell Japanese products around the world.

What do we do? Well we have a government and business that fight each other most of the time. There is no cooperation. We have a government without a plan. We have a corporate economic structure that has tentacles all around the globe; they are not saying the Pledge of Allegiance. They are interested in international profits, not national economic recovery.

What we need in this country is a plan to compete, one that marshals all of our resources together that says we are all in this together, it is this country's future and we have got to change gears and start deciding to compete to win.

How do we do that? Well first of all, before I talk about the steps that we need to take to do that, and I think we can. If I did not think the future is going to be better than the past I would not have the energy to do this job. But before I talk about those steps—and there are very certain steps

that I think we can take to improve this country's future—let me just say I think everybody in this Congress understands the need for programs to help those who are down and out and need a helping hand. That is a given.

Yes, we have to do that.

Mr. Speaker, we had a 10-year-old boy testify before the Committee on Hunger, and I will never forget it, 10-year-old boy who said to us, "I have to put my head down on my desk in the middle of the afternoon at school because it hurts to be hungry." Ten-year-old kids should not be hungry at school.

He lives in a homeless shelter with his mother and does not have enough to eat, he says. Ten-year-old kids should not have to tell Members of Congress they are hungry. Programs ought to be developed to take care of that.

I had a veteran who fought in the Second World War come to a town meeting of mine one time. He said he needed a new set of teeth. He had teeth in his mouth that were 19 years old.

He fell through the cracks at the VA. The VA said, "Well, we can't pay for new teeth." His teeth did not fit anymore. He had cracks on both sides of his mouth.

Well, I checked with the VA and sure enough he did not fit the guidelines. For years, he fought with the Air Corps in the Second World War but this poor old guy did not fit the guidelines and did not have a cent to his name.

I went to a dentist friend of mine who volunteered his time and a dental lab that volunteered the teeth and as a consequence this fellow has new teeth, which is nice.

But the pity is that this fellow in his seventies had to stand up at a town meeting and beg for a set of teeth. This is a person who fought for his country.

It is disgraceful that sort of thing happening here in this country.

My point is there are people who are down and out in this country who need a helping hand, and there ought not to be any debate about it. Of course we have to offer a helping hand to help them step up and out to opportunity.

But once we get past that, the funding of Head Start, the funding of WIC, the early intervention with children who live in poverty, the help for impoverished veterans; once we get all those things that are necessary for us to do, the question is what do we do to put the country back on track? The most important social program in this country's future is a program that expands this economy to create new jobs.

How do we do that? Today, President Bush is in Europe once again. He has traveled close to 400,000 miles on this new 747 of his. As you can tell, I am not the biggest supporter. I did not vote for President Bush. I do not happen to think that all the problems in the world are to be hung around his back

either. The fact is he ran for President and the sad fact is he does not have a plan for this country. He has a plan for Russia, he has a plan for Saudi Arabia, he has a plan for Kuwait and a plan for Egypt; he just does not have a plan for us.

When he comes back from Europe he will say, "Well, I have had a plan that Congress just won't pass it." That is not a plan; it is the same baloney, "Give the rich another tax break." That does not substitute for an economic plan to help expand the American economy.

What we need in this country is an American plan in which all of us participate, Democrats and Republicans, and decide as a President and a Congress we are going to pull the oar together and move this country ahead.

I fault the President but I fault this Congress as well. We have not done as well as we should. We can say the President's fiscal policy is not any good; but that means that we have got to create one that is better.

Yes, the President is a leader. He stands for election; but we also stand for election and we have to meet our responsibilities.

I voted against the President's budget this year. He proposed a budget deficit of \$440 billion, approximately, for next year.

The Democrats' budget was marginally better but still awful and I voted against that as well.

I want radical and complete economic change that puts this country back on track. I do not want to quibble about the yard lines. We are playing in the wrong stadium here. We have to have fundamental change.

I would like to talk a little bit about what that is. First of all, we will not find the necessary capital to invest in this country unless we control the Federal deficits. It is at the root of this country's economic problem.

How do you control deficits? Well, you can ask some to pay more if they are not paying enough. I happen to support a higher tax rate on the rich. Some say that is easy to do. Well, maybe it is. But the fact is that 31-percent tax rate on the richest Americans is not high enough. When I came here the top tax rate was 70 percent; then it went to 50 percent, and now it is 31 percent. If you make \$20 million a year—and some people do—you ought to pay more money in taxes than 31 percent in my judgment.

I happen to think we ought to cut spending—and cut a lot of spending.

Mr. Speaker, I spent a year working on this booklet which is called, "Task Force on Government Waste." We just finished it. From this book we have been on the floor in the last couple of weeks with amendment after amendment cutting spending. And I am going to continue to do that.

Last Thursday we had the defense bill on the floor. From this booklet on

waste I offered an amendment from this podium that cut \$500 million in spare parts for the defense system. I offered an amendment that passed that cut \$200 million in consulting fees down at the Pentagon.

I have offered amendments cutting other appropriations bills in other agencies. I have supported amendments cutting appropriations for this Congress. The spending for this Congress for next year is going to be 6 percent below this year. And that is the way it ought to be.

We ought not stand here and say, "Cut everybody else but increase ours." Frugality starts at home. Cutting starts here. That is why the legislative appropriations bill passed this year with a substantial cut.

Now this document on waste suggests that we can save up to \$85 billion a year by cutting waste. We are starting on that now, appropriation bill after appropriation bill.

Let me give you some examples. We have got 1.2 million bottles of nasal spray in storage down at the Department of Defense. It will take a century of plugged noses to use 1.2 million bottles of nasal spray. That makes no sense.

Do you know we had money for 10 years in a bank not earning interest that was appropriated in the foreign aid bill to build water projects and road projects in Egypt but they were not built. So the money sat there not earning interest.

Well, I am pleased to say that that recommendation is now embodied in the bill we passed a week or so ago that is going to bring that money back and use it to reduce the deficit, hopefully. The examples of waste are extraordinary.

We need to consolidate offices in USDA. We have an ASCS office in almost every county in the country. The richest county in Connecticut has an ASCS office for farmers, except there are no farmers enrolled in the farm program in that county; there are only six dairy producers; there are more polo players than there are people who call themselves farmers. And the only thing they could bring out in that office was to provide a \$3.5 million loan on a manure-loading chute at a polo pony facility.

Now you know that is waste. We can cut these things and should and will. To reduce the deficit the first place to start is cutting waste. Second, we can reduce the deficit if we decide as Americans that we are not going to pay for everybody else's defense anymore. Why should we pay for the defense of Japan and Western Europe?

Do you know we have 150,000 to 250,000 American troops right now in Western Europe? I guess they are there, they say, to protect France from invasion from Poland despite the fact that Poland is free and most Poles

want to shop in France, not fight in France.

Look, things have changed and we have to change. We do not need those troops in Western Europe. We cannot afford as American taxpayers to pay \$100 billion a year to defend our allies. Let them defend themselves or let them pay us for defending them. One way or another that could make an enormous dent in this country's deficit.

Another area that we have to begin making significant policy changes in is trade. We have a system of international trade in this country that in my judgment cheats and shortchanges the American consumer, the American producer, and the American worker.

It seems to me that our trade policies ought to be to say, "Yes, we support free trade, our markets are open. We want American consumers to have available goods from around the world." But we expect at the same time that when we import goods from Japan that the Japanese market be open to American products. When we import goods from Singapore then we want American products to be able to get into Singapore. When we import goods from Korea we want American cars and American goods and American production to be able to go into Korea. It seems to me our trade policy ought to be able to say to other countries that we agree with reciprocal trade and fair trade. Yes, free trade, but it has to be fair.

□ 1540

The President went up and negotiated the free trade pact with Canada. Might be free, but it is fundamentally unfair. The President is now negotiating a free trade pact with Mexico. If he gets it, he is going to have a devil of a fight on the floor of this House.

Mr. Speaker, I ask, "How do you integrate the economies of a country in which the wage paid is 50 cents an hour with a country whose wage base is \$12 to \$15 an hour? How do you integrate countries in which a garage door manufacturer in Chicago pays a wage rate that is a decent, good living wage for its workers and cannot dump raw chemicals into the river, cannot pollute the air, cannot hire 12-year-old kids with a country which has no such restrictions, or at least has no enforcement of laws that do restrict it?"

The President, under the conditions he is discussing now, enacts a free-trade agreement with Mexico, and we will see hundreds of thousands of American jobs moving from this country to Mexico. That is not this country's future in my judgment.

This administration is over-negotiating a GATT agreement. It is negotiated in secret, behind closed doors, with people wearing monogrammed shirts, I suppose, who say they are working for us, they are on our side. Unfortunately,

every time we see their scoresheet, they have been keeping score for the other side. I have never seen an agreement in which they stand up for the economic interests of the producers and the workers of this country. I would like just once for our negotiators to have a little courage and a little strength to say to other countries, "We expect you to allow the products of the American workers and the American producers and American companies into your country to compete on a fair and equal basis."

Some while ago I read an article that the two largest imports in the east coast ports in this country were automobiles and electronics. The two largest exports were used paper and scrap metal. A country cannot remain a strong economic country with that kind of trading pattern. We need fundamental reform in our approach to trade policy, and that reform ought to be to say we do not believe that we want to shut our borders and become isolationist and keep products out. Quite the contrary. We support free, open, and fair trade, but we insist that it be reciprocal and fair. We will treat them like they treat us and say, "Make sure you treat the American worker and the American producer fairly."

In addition, Mr. Speaker, this country needs to pay attention on a partnership basis between programs and the private and public sector to product quality. Frankly, I say to my colleagues, "You compete and win around the world when you have open markets and you're producing the best products. If you're producing the best products at competitive prices, then you're going to win."

Our product quality has suffered in the last decade. Why? Because a whole lot of people that are producing things in this country were too busy worrying about leveraged buyouts, junk bonds, hostile takeovers, and the orgy of greed of the private sector, especially on Wall Street and, in some cases, in the corporate boardroom. They spend a lot of time worrying, not about how to build better products and sell them at better prices, but how to buy somebody out, how to carve a bigger slice out of the existing pile for themselves. It was greed unlike any we have seen in this country, perhaps since the 1920's.

Fortunately, Mr. Speaker, we are getting beyond that at this point, but we cannot return to it. We have got to build the best products. We cannot do that with financial speculation. We do that by paying attention to detail, by investing in research and development and by developing programs that encourage product quality in this country.

I say to my colleagues, "There isn't anybody, in my judgment, that can do better than we can. There is no one that can outproduce us. There is no one that is going to produce better quality,

if we decide that's our mission and our goal in this country."

The genesis of most progress in this country has always been, and always will be, education. We cannot have recovery in the long term in America to put this country back on track unless we have an education system that competes with any around the world. If we do not and will not dedicate ourselves to have the finest education in the world, we simply will not win.

I have told my colleagues many times, and I am going to tell them again, that the first time I walked into the office of the oldest Member of Congress, Claude Pepper, I saw two plaques above his chair on his wall. One was an autographed picture of Orville and Wilbur Wright making the first airplane flight, and it was autographed from Orville Wright to old Claude Pepper before Orville died. It said, "To Congressman Pepper, best wishes, Orville Wright."

Beneath that, Mr. Speaker, was an autographed picture of Neil Armstrong standing on the Moon, autographed to Congressman Pepper, and it occurred to me that those two pictures represent from the ground, to the air, to the Moon, the most incredible burst of technology ever seen in the history of civilization.

How did that happen in America? Education, massive investment in the human mind, in the education of the American people. It is the genesis of all progress. From it flowers all of the development and progress in this country, and we must, it seems to me, decide to commit ourselves to being No. 1 again in education.

Another policy area that we have to pay attention to and do something about is health care. A colleague of ours recently in Pennsylvania asked the rhetorical question: "If in a country where when you are charged with a crime you have a right to see a lawyer, shouldn't you, if you are sick, have a right to see a doctor?"

The answer is: Of course.

We have 34 to 37 million Americans who are uninsured, who have no health care opportunities at this point. Wonder, if they get sick tomorrow, what will become of them.

Health care has had price increases that outstrip inflation by three and four times year after year. Health care is being priced out of the reach of too many of the American people.

So, Mr. Speaker, what do we do about that? There are a dozen plans, maybe two or three dozen plans in this Chamber. The President has a plan, the Congress has a plan. Look. The root of the problem is prices are increasing too rapidly and competition does not work in health care.

I studied economics and I taught economics briefly in college, and one of the things we taught was that in a system, a market system, price was a

competitive regulator. In health care it is not. In my State of North Dakota there are six places to get open-heart surgery—six different locations. It is a State of only 640,000 people. We certainly do not need six separate locations for open-heart surgery.

Why do we have it? Competition.

In health care competition means higher prices because it means one provider must duplicate what the other provider does in order to compete, and the result is higher prices.

In my judgment the Government role in health care is to use price controls and cost containment to keep a lid on prices where the market system, where the competitive system, does not work. We must find a way to extend health care coverage to those who are now not covered, but we also must use, it seems to me, our ability to impose price controls and cost containment so that we bring the price of health care into line so that most of the American people can afford health care and those who cannot will be covered by the auxiliary program.

We cannot wait. We cannot have people in this country, the vulnerable, who are going without health care. It does not work that way. We cannot in a country as good as this decide that health care is not a right.

I had an 85-year-old woman telling me the other day that she takes half the prescription of the medicine her doctor prescribed for her heart trouble and diabetes because she does not have enough money to take the full prescription. So, she takes half the dose the doctor asks. It lasts her twice as long.

Mr. Speaker, that should not happen in this country.

Drug prices are too high as well. There are a lot of component parts of this problem. In some areas drug prices, I think, have represented price gouging. Let me give my colleagues some examples.

A common blood thinner called Coumadin has been on the market for a long while. It increased in price over 100 percent in 3 years. Tylenol with codeine, not a new drug, increased in price over 100 percent in 3 years.

That is not right. That should not happen. That is price gouging in my judgment, and this Government needs to do something about that as well.

We have got a lot of other problems: crime, welfare.

As for the crime problem, I say to my colleagues, "You can go blocks from this building, the U.S. Capitol, and take a look at houses, and almost every house, without exception, will have bars on its windows, and you wonder who the prisoners are, those inside or those outside." Why in a city like ours, blocks from the U.S. Capitol, do all of the houses have to have bars on their windows? Because of crime.

□ 1550

This country is awash in crime. Now, there are a lot of reasons for it and a lot of things we can do. It relates to values, it relates to economics, it relates to a lot of things. But I am somebody who believes that even while we address all those other things that give hope and opportunity to people, that we also have to have a criminal justice system that takes those who are prone to violent crime off the streets and keeps them off.

About 8 percent of the criminals commit two-thirds of all the violent crimes in this country. Those are the career criminals. They have got rap sheets as long as my arm down here at city hall. And those are the people that are in jail and out of jail, in jail and out of jail, just like a revolving door.

For those career criminals who have decided to make repeat felonies a career, we need to put them in jail and keep them in jail. We do not want them on the street. The public should not have them on the street and have to worry about them.

One of the things we ought to do in order to accomplish that is we are going to close about 100-some military bases, and many of them are outside of a community someplace. We can turn some of those into minimum security prisons and take some of the less dangerous prisoners out of prison systems, put them in minimum security institutions, and open up those cells for the violent criminals, and put them in and keep them in. At least with respect to that small number of criminals that commit most of the violent acts in this country, we can get them off the street and keep them off the street.

In the area of welfare, I said earlier I do not think there is any question but we have a responsibility. We have a responsibility to reach out and give a helping hand to those who need a hand.

I think of almost nothing that I agree with when I hear Pat Buchanan speak, with a single exception. Pat Buchanan, with whom I disagree on almost everything, says that the welfare system has become a cycle of dependency.

Frankly, I agree with that. It was never meant to be that. I think we need to reform the welfare system to break that cycle.

Our responsibility in welfare would be to hold out a hand and say we want to give you a hand to step up and step out. Now, two-thirds of the people on welfare are kids under 16. No one is suggesting that we say to a kid under 16 years of age to get out of here and get work.

But to those who are able bodied on welfare, it seems to me we ought to say we are going to make you a contract. Yes, you need a helping hand. Yes, we are going to offer a helping hand. But in conjunction with that helping hand, there is going to be a contract, and you

are going to keep your end of it or that helping hand is no longer a helping hand. The end of it is we will give you some welfare payments in exchange for some training, some education to step up and step out onto a payroll somewhere. If we can't find a payroll in the short run, we will find something to do to clean up our parks, to do a dozen different things that need doing, because I think that gives those who receive that money a much greater sense of self-worth.

Most of the people I have met on welfare would much prefer a decent job. I would like to find a way to establish a contract in our welfare system that says we are going to offer a hand to you because that is the American way, but that hand has an obligation to help you step up and out of that cycle of dependency to a productive life of opportunity and hope.

Mr. Speaker, there is a book that was written, kind of a trendy book, which I usually do not read, but this one I kind of enjoyed, written by Fulghum entitled "All I Really Need to Know I Learned in Kindergarten." It had a lot of interesting discussion and advice about a lot of things.

In it he described in the 1700's a man named Josef Mont Golfier, who one night in France was sitting in front of his fireplace sitting in a big easy chair in a small town outside of Paris, and he was watching his fireplace burn. And as he watched that evening the fireplace burn he saw sparks and he saw smoke go up their fireplace.

He thought to himself, "I wonder if I could capture those sparks and that smoke with something and have this something go up in the air?"

A couple of months later Mr. Mont Golfier, who was kind of a dreamer, had put together a crude sort of balloon made out of some unusual material, had put together some wet straw and burned it so that he developed smoke and some sparks, and there ensued the first balloon flight known in history by a man who saw sparks and smoke go up a chimney and felt if he could put a bag around it, he could fly.

The first flight, as I understand it, had a goat and a chicken and a duck. I understand that Ben Franklin was there and someone, Ben Franklin was stationed in France at that time in some diplomatic post, and someone turned to Ben Franklin and said, "Of what possible value could this be?" Seeing this crazy man burning straw trying to get a bag to fly.

Ben Franklin said, "Of what use is a newborn baby?" I guess pretty effectively he made his point.

Then he said, "This will open the skies to mankind." And in that small village in France when Josef Mont Golfier caused the first balloon to fly, and like others before him, the inventors and dreamers began standing on one another's shoulders to go from the

ground to the balloon, to the Moon, they moved this country forward in ways that he could never have dreamed of.

Now, instead of standing on each other's shoulders dreaming about what can be, this country, a country I think with the richest legacy in the history of the world of people who dream and invent and do things, this country seems mired, questioning itself, wondering about itself, criticizing each other, and spending most of its time worrying about the future.

This country's responsibility in my judgment now is to decide the future is going to be exactly what we make it. There is not anybody better qualified than we are in this country, now, all of us, to seize the opportunity and work together to make this a better future.

This election in 1992 is the most interesting election in my lifetime. It is interesting for a lot of reasons. Partly because Ross Perot is apparently going to run as an Independent candidate. So we will have a Republican candidate, Mr. Bush, a Democratic candidate, Mr. Clinton, and an Independent candidate, Mr. Ross Perot.

I am not going to give a commentary on the three here today. Frankly, I do not know much about Ross Perot, and I do not worry much about Ross Perot. I think Ross Perot's entrance into the race is not unhealthy. It is a manifestation that the American people do not like what is happening. They want something different. Is Ross Perot something different? Lord, nobody knows what is different at this point or who is different or what Ross Perot is about.

But I know this: The fact we are asking all of these questions these days about public policy, the fact there is such turmoil in our political system that we have now spawned a third party candidate who has a legitimate chance to win the Presidency, demonstrates that the political will of this people is moving once again.

George Bush will be a better candidate because of it. He will be forced to be more aggressive, forced to make difficult choices, forced to develop a program that competes. So will Bill Clinton. I think this country will have a better Presidential race because of all this.

I don't think it threatens the country. I think this is an opportunity we ought to welcome. The only way things will change in this country is if the disciples of change, the apostles of change in this Chamber, in the other Chamber, in the White House, and among all of those who compete for public office, decide this is the year we are going to force that dialog.

Now, the press always says, you know, nobody talks about issues. That is nonsense. The press just does not report issues.

Bill Clinton could have press conferences from here to Timbuctoo talk-

ing about what he believes on world trade, what his trade policies will be. I guarantee you it is just not going to get attention. It is not of great interest.

What is of great interest is scandal. What is of interest is what the periodicals are writing, what the tabloids are writing. Scandal is what interests people.

That is sad, but that is part of the dialog today that drives the disgust the American people have with the system.

There is a curiosity about all of this scandal that drives the press to want to run it and all the people flock to it. Then everybody says why doesn't anybody talk about issues? Issues don't get covered.

The best thing that can happen to this country and the most important thing that can happen to this country this year is that this Presidential race, every Senate race, and every House race in this country, is decided on the basis of a competition of ideas, ideas expressed between opposing candidates who tell the American people here is what we stand for, here is what we fight for, here is what we believe must be done to put this country back on track.

□ 1600

If we give the American people that opportunity to make choices on international trade, on deficit reduction, on crime, on welfare, on education, on health care, then this country, I think, will make the right choices and will move this place ahead.

We do not have any choice anymore. Yes, I am concerned about Russia. Yes, I am concerned about a dozen other things around the world. But I am a lot more concerned about this country's economic future. I am a lot more concerned about whether my children are going to have an opportunity to get out of a good school and get a good job in an economy that is growing and a country that is expanding and providing hope to the American people.

And the decisions that we will make to determine whether that will be true in the future are decisions that will be made between now, in my judgment, and the end of the year in this political system.

Everybody says politics is awful; politicians are all alike. That is a lot of baloney. That is a copout.

John F. Kennedy used to say that every mother wants her child to be able to grow up to be President, as long as they do not have to be involved in politics.

The fact is, and the proud fact is in this country, politics is the arena in which we make choices. And when Lech Walesa walked up that aisle and took that microphone, he told us a story of a man who had the courage to risk his life just to have those kinds of choices in his country. His country is

free today. This country is free today. But the future of his country and ours will be determined by us, those of us who run it, and that is the American people, not the Congress, not the President.

When I say "us," I mean all of us in this country who have a responsibility to put this country back on track.

Mr. Speaker, once again, if I did not think that tomorrow is going to be better than yesterday and that the future is going to be better than the past, it would be awfully hard to have the energy to do these kinds of jobs. But I do not think there is much wrong with this country that some policy changes and a new spirit of determination among the American people to make the right choices, to make sacrifices and to have shared responsibilities cannot fix. I am convinced that this will be a year in which we make those choices, Mr. Speaker.

INTERNATIONAL KIDNAPING BAN

The SPEAKER pro tempore (Mr. ANDREWS of New Jersey). Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, today I am introducing legislation prompted by the recent Supreme Court decision in *United States versus Alvarez-Machain*, which held that international abductions for the purpose of criminal prosecution are not unconstitutional.

This decision is an outrage. It is a terrible affront to the progress our Nation has made in our international conduct and in particular, our relations with Mexico.

The Alvarez case involved a Mexican national who was wanted by the United States for allegedly murdering a drug enforcement agent. The United States forcibly kidnaped Dr. Alvarez, and Mexico protested the abduction as a violation of the extradition treaty between Mexico and the United States. The Court held that because the treaty does not contain a specific provision prohibiting forcible abduction, the treaty was not violated.

The bill I am introducing—the International Kidnaping and Extradition Treaty Act—restores the word of the United States in our treaties by barring the prosecution of a person who is forcibly abducted from a foreign place by an agent of the U.S. Government where an extradition treaty is in effect.

The United States has an extradition treaty with Mexico which requires the United States to repatriate a defendant. It is a grave insult to our ally to deny the Mexican Government the opportunity to prosecute Dr. Alvarez. Essentially, the Supreme Court decision holds that the extradition treaty we have with Mexico has no force. Yet, as Justice Stevens pointedly states in the dissent:

If the United States, for example, thought it more expedient to torture or simply to execute a person rather than to attempt extradition, these options would be equally available because they, too, were not explicitly prohibited by the Treaty.

Until the forcible kidnaping of Dr. Alvarez, the United States enjoyed a very good and friendly relationship with Mexico. Because of the administration's unyielding desire to prosecute Dr. Alvarez in the United States, the norms of international law with respect to extradition treaties were violated.

The legislation I am introducing today restores our respect for other nations' sovereignty, respect that is so critical to preserving and improving the United States' relations with our allies. It confirms that which ought not to be in doubt—that extradition treaties are written precisely in order to establish procedures for the seizure and prosecution of persons whose crimes cross international borders.

Mr. Speaker, this country has always stood for the principle of law in our dealings with all nations. In particular, where we have defined our relationship by treaty, we have an obligation to stand by our word. The majority of the Supreme Court has established the possibility that regardless of a treaty, we can do whatever we please. That really sends the wrong message to the world at exactly the wrong time—when the family of nations is joining together to advance the rule of law, not the rule of force.

This legislation is desperately needed. I invite my colleagues' review and cosponsorship of this important legislation and urge its timely adoption by the full House. For the convenience of my colleagues the text of the bill is printed below.

H.R. 5565

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 "International Kidnaping and Extradition Treaty Enforcement Act of 1992".

SEC. 2. PROHIBITION ON PROSECUTION OF UNLAWFULLY ABDUCTED PERSONS.

"(a) IN GENERAL.—A person who is forcibly abducted from a foreign place which has in effect an extradition treaty with the United States—

(1) by the agents of a governmental authority in the United States for the purposes of a criminal prosecution; and

(2) in violation of the norms of international law;

shall not be subject to prosecution by any governmental authority in the United States.

"(b) FOREIGN GOVERNMENTAL CONSENT.—An abduction is not, for the purposes of this section, a violation of the norms of international law if the government of the foreign place consents to that abduction, but such consent may not be implied by the absence of a prohibition on such abductions in a treaty regarding extradition.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. ALLARD) to revise and extend their remarks and include extraneous material:)

Mr. THOMAS of Wyoming, for 5 minutes, today.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. SKAGGS, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. MAZZOLI, for 5 minutes, today.

Mr. JONTZ, for 5 minutes each day, on July 8 and 9.

Mr. DORGAN of North Dakota, for 60 minutes, today.

Mr. BROWN, for 60 minutes, on July 9.

(The following Member, at the request of Mr. DORGAN of North Dakota) to revise and extend his remarks and include extraneous material:)

Mr. PANETTA, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. STARK, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost \$1,492.

(The following Members (at the request of Mr. ALLARD) and to include extraneous matter:)

Mr. DUNCAN.

Mr. VANDER JAGT.

Mr. WELDON.

Mr. RIDGE.

Ms. SNOWE.

Mr. LEWIS of California.

Mr. GINGRICH.

Mr. BROOMFIELD.

Mr. LEWIS of Florida.

Mrs. BENTLEY in two instances.

Mr. HORTON.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. CLEMENT.

Mr. FALEOMAVAEGA in 10 instances.

Mrs. BOXER.

Mr. MINETA.

Mr. TRAXLER.

Ms. LONG in two instances.

Mr. BLACKWELL in two instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2566. An act to establish partnerships involving Department of Energy laboratories and educational institutions, industry, and other Federal agencies, for purposes of development and application of technologies critical to national security and scientific and technological competitiveness; to the Committees on Science, Space, and Technology and Energy and Commerce.

ENROLLED BILL SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 5260. An act to extend the emergency unemployment compensation program, to revise the trigger provisions contained in the

extended unemployment compensation program, and for other purposes.

ADJOURNMENT

Mr. PANETTA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to, accordingly (at 4 o'clock and 5 minutes p.m.) the House adjourned until tomorrow, Wednesday, July 8, 1992, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports of various House committees concerning the U.S. dollars utilized by them for official foreign travel during the second quarter of 1992, pursuant to Public Law 95-384, and a report by a miscellaneous House group concerning expenditures during the second quarter for official foreign travel, are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1992

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Gary Parker	4/9	4/18	Budapest, Hungary		1,035.00		1,216.00				2,251.00
Stacey Kincaid	4/10	4/18	Budapest, Hungary		828.00		1,223.40				2,051.40
Committee total					1,863.00		2,439.40				4,302.40

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

³ 5 official days.

⁴ 4 official days.

HENRY GONZALEZ, Chairman, June 30, 1992.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOUSE ADMINISTRATION, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1992

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Charlie Rose	4/3	4/5	Luxembourg		620.00		(³)				620.00
Committee total					620.00						620.00

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

³ Military transportation.

CHARLIE ROSE, Chairman, June 26, 1992.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, SELECT COMMITTEE ON HUNGER, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1992

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Mary C. Byers	4/7	4/17	Ethiopia	4,931	2,400.00						2,400.00
Commercial travel (IAD, FRA, ADD, NBO, CDG, IAD)							3,307.40				3,307.40
Mary C. Byers	6/11	6/23	Ethiopia	6,169	3,003.00						3,003.00
Commercial air travel (IAD, FRA, ADD, FRA, IAD)							4,771.50				4,771.50
Liesl Leach	6/12	6/23	Ethiopia	5,695	2,772.00						2,772.00
Commercial air travel (IAD, LHR, ADD, FRA, IAD)							4,767.80				4,767.80
Committee total					8,175.00		12,846.70				21,021.70

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

TONY P. HALL, Chairman, July 1, 1992.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE NORTH ATLANTIC ASSEMBLY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 14 AND MAY 18, 1992

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Jack Brooks	5/14	5/18	Canada		972		(³)				972
Hon. Charles Rose	5/14	5/18	Canada		972		(³)				972
Hon. Frank Horton	5/14	5/18	Canada		972		(³)				972
Hon. Gerald Solomon	5/14	5/18	Canada		972		(³)				972

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE NORTH ATLANTIC ASSEMBLY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 14 AND MAY 18, 1992—Continued

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Lawrence Smith	5/14	5/18	Canada		972		(3)				972
Hon. Thomas Bliley	5/14	5/18	Canada		972		(3)				972
Hon. J. Alex McMillan	5/14	5/18	Canada		972		(3)				972
Hon. Sherwood Boehlert	5/14	5/18	Canada		972		(3)				972
Hon. Ronald Coleman	5/14	5/18	Canada		972		(3)				972
Hon. Thomas Lewis	5/14	5/18	Canada		972		(3)				972
Hon. Ralph Regula	5/14	5/18	Canada		729		423				1,152
Robert E. Shea	5/14	5/18	Canada		972		(3)				972
Ronald Lasch	5/14	5/18	Canada		972		(3)				972
Sharon Matts	5/14	5/18	Canada		972		(3)				972
Dean Curran	5/14	5/18	Canada		972		(3)				972
Committee total					14,337		423				14,760

¹ Per diem constitutes lodging and meals.
² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
³ Military transportation.
⁴ Commercial and military transportation.

DANTE B. FASCELL, June 3, 1992

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

- 3871. A letter from the Secretary of Defense, transmitting a letter to resolve the current impasse over the expenditure of fiscal year 1992 funds for the V-22 tiltrotor aircraft; to the Committee on Armed Services.
- 3872. A letter from the President, Resolution Trust Corporation, transmitting the audited financial statements of the Resolution Trust Corporation as at December 31, 1991, and for the year then ended; to the Committee on Banking, Finance and Urban Affairs.
- 3873. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112(b); to the Committee on Foreign Affairs.
- 3874. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1997 resulting from passage of S. 756, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-582); to the Committee on Government Operations.
- 3875. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.
- 3876. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.
- 3877. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.
- 3878. A letter from the Secretary of Health and Human Services, transmitting the 25th in a series of reports on refugee resettlement in the United States covering the period October 1, 1990 through September 30, 1991, pursuant to 8 U.S.C. 1523(a); to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

- Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 1435. A bill to direct the Secretary of the Army to transfer jurisdiction over the Rocky Mountain Arsenal, CO, to the Secretary of the Interior; with an amendment (Rept. 102-463, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.
- Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 3836. A bill to provide for the management of Federal lands containing the pacific yew to ensure a sufficient supply of taxol, a cancer-treating drug made from the pacific yew; with an amendment (Rept. 102-552, Pt. 2). Ordered to be printed.
- Mr. DE LA GARZA: Committee on Agriculture. H.R. 3836. A bill to provide for the management of Federal lands containing the pacific yew to ensure a sufficient supply of taxol, a cancer-treating drug made from the pacific yew; with an amendment (Rept. 102-552, Pt. 3). Referred to the Committee of the Whole House on the State of the Union.
- Mr. ASPIN: Committee on Armed Services. H.R. 4400. A bill to provide the Administrator of the Small Business Administration continued authority to administer the Small Business Innovation Research Program, and for other purposes; with amendments (Rept. 102-554, Pt. 3). Referred to the Committee of the Whole House on the State of the Union.
- Mr. CLAY: Committee on Post Office and Civil Service. H.R. 2828. A bill to amend the Ethics in Government Act of 1978 to remove the limitation on the authorization of appropriations for the Office of Government Ethics; with an amendment (Rept. 102-586, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

- By Mr. KILDEE (for himself and Mr. FORD of Michigan):
 H.R. 5560. A bill to extend for 1 year the National Commission on Time and Learning

and for other purposes; to the Committee on Education and Labor.

By Mr. DANNEMEYER:
 H.R. 5561. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish provisions regarding the composition and labeling of dietary supplements; to the Committee on Energy and Commerce.

By Mr. FALEOMAVAEGA:
 H.R. 5562. A bill to restore and extend Federal recognition to the Catawba Nation; to the Committee on Interior and Insular Affairs.

By Mr. HORTON:
 H.R. 5563. A bill to amend title XIX of the Social Security Act to provide for management improvements in the Medicaid Program; to the Committee on Energy and Commerce.

By Mr. JONES of North Carolina (for himself, Mr. DAVIS, and Mr. FIELDS):
 H.R. 5564. A bill to amend the Shipping Act of 1984 to prohibit controlled carriers from entering into service contracts that require a shipper or shippers' association to resolve legal disputes in the country of the controlled carrier; to the Committee on Merchant Marine and Fisheries.

By Mr. PANETTA:
 H.R. 5565. A bill to give effect to the norms of international law forbidding the abduction of persons from foreign places in order to try them for criminal offenses; to the Committee on the Judiciary.

By Mr. SPRATT:
 H.R. 5566. A bill to provide additional time to negotiate settlement of a land dispute in South Carolina; to the Committee on Interior and Insular Affairs.

By Mr. SKAGGS (for himself, Mr. CARPER, Mr. KOLBE, Mr. PETERSON of Florida, Mr. GILCHREST, and Mr. RHODES):

H. Con. Res. 347. Concurrent resolution concerning the process of democratization of Vietnam; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

- 496. By the SPEAKER: Memorial of the Senate of the State of Louisiana, relative to the imported red fire ant; to the Committee on Agriculture.
- 497. Also, a memorial of the House of Representatives of the State of Louisiana, rel-

ative to adequate fire protection in high-rise building owned or used by the U.S. Government; to the Committee on Public Works and Transportation.

498. Also, memorial of the Senate of the State of Louisiana, relative to the Caernarvon fresh water diversion structure; to the Committee on Public Works and Transportation.

499. Also, memorial of the Senate of the State of Louisiana, relative to the Mississippi River gulf outlet; to the Committee on Public Works and Transportation.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

- H.R. 75: Mr. GINGRICH.
- H.R. 371: Mr. KOPETSKI and Mr. BREWSTER.
- H.R. 372: Mr. BROWN.
- H.R. 1049: Mr. TAUZIN.
- H.R. 1393: Mrs. BYRON.
- H.R. 2410: Mr. ERDREICH.
- H.R. 2797: Mr. MCCURDY and Mr. GUNDERSON.
- H.R. 3281: Mr. SHUSTER.
- H.R. 3943: Mrs. LLOYD.
- H.R. 4396: Mr. McMILLAN of North Carolina, Mr. HANCOCK, and Mr. MICHEL.
- H.R. 4399: Mr. WEISS.
- H.R. 4401: Mr. WOLPE and Mr. OBERSTAR.
- H.R. 4427: Mr. EVANS and Mr. ROSE.
- H.R. 4924: Mrs. BOXER.
- H.R. 5014: Mr. KOPETSKI.
- H.R. 5051: Mr. WHEAT.

H.R. 5106: Mr. HALL of Texas and Mr. HOCHBRUECKNER.

H.R. 5115: Mr. SHAYS.
H.R. 5155: Mr. THORNTON and Mr. FOGLETTA.

H.R. 5156: Mr. WELDON and Mrs. KENNELLY.
H.R. 5209: Ms. NORTON.

H.R. 5321: Ms. SNOWE, Mr. SMITH of Texas, Mr. SABO, and Mr. GLICKMAN.

H.R. 5456: Mr. GILLMOR.
H.R. 5507: Mr. ESPY, Mr. TOWNS, and Mr. WAXMAN.

H.J. Res. 152: Mr. FEIGHAN, Mr. FAWELL, and Mr. BONIOR.

H.J. Res. 398: Mr. DELAY, Mr. MONTGOMERY, Mr. HORTON, Mr. DWYER of New Jersey, Mr. WAXMAN, Mr. McMILLEN of Maryland, Mr. CARDIN, Mr. PAYNE of New Jersey, Mr. DICKINSON, Mr. BILIRAKIS, Mr. BREWSTER, Mr. BILBRAY, Mr. DONNELLY, Mr. COYNE, Mr. FALEOMAVAEGA, Mr. DORNAN of California, Mr. DORGAN of North Dakota, Mr. DURBIN, Mrs. MEYERS of Kansas, Mr. McNULTY, Mr. ESPY, Mr. EDWARDS of Texas, Mr. RANGEL, Mr. MURPHY, Mr. OWENS of Utah, Mr. PAXON, Mr. ROHRBACHER, Mr. SAWYER, Mr. YATRON, Mr. SOLOMON, Mr. SPRATT, Mr. JOHNSON of South Dakota, Mr. GUNDERSON, Mr. LEWIS of California, Mr. LEACH, Mr. BENNETT, Mr. LEHMAN of Florida, Mr. LANCASTER, and Mr. HUBBARD.

H.J. Res. 399: Mr. SHAW, Mr. BILIRAKIS, and Mr. STENHOLM.

H.J. Res. 411: Mr. KLUG.
H.J. Res. 463: Mr. HAYES of Illinois, Mr. LEVIN of Michigan, and Mr. SMITH of New Jersey.

H.J. Res. 474: Mr. FAWELL, Mr. GRANDY, Mr. KLUG, Mr. TANNER, and Mr. WHEAT.

H.J. Res. 486: Mr. MILLER of California, Mr. BEVILL, Mr. WYDEN, Mr. SCHUMER, and Mr. DARDEN.

H. Res. 484: Mr. HANCOCK, Mr. COX of California, Mr. WILSON, and Mr. ZELIFF.

H. Res. 502: Mr. PORTER, Mr. Goss, Mr. RIGGS, Mr. WALSH, Mr. SANTORUM, and Mr. ZELIFF.

PETITIONS, ETC.

Under clause 1 of rule XXII:

166. The SPEAKER presented a petition of the U.S. Conference of Mayors, Washington, DC, relative to the "Urban Aid Bill"; which was referred to the Committee on Ways and Means.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 5518

By Mr. MICHEL:

—At the end, insert the following new section:

SEC. . DEFICIT REDUCTION.

Any savings achieved under discretionary spending limits established under section 601(a)(2)(C) of the Congressional Budget Act of 1974 for fiscal year 1993 as a result of appropriations under this Act or any other appropriation Act shall be applied to reducing the Federal deficit for that fiscal year.