# HOUSE OF REPRESENTATIVES—*Wednesday, July 22, 1992*

The House met at 10 a.m.

Rev. Charles E. Betts, Morning Star Baptist Church, Jamaica, NY, offered the following prayer:

Let us pray:

We come before Thee this morning in the name of the Father, Son, and the Holy Spirit to give You thanks and praise and glory for this day, for this is the day the Lord has made. We rejoice and we are glad in it.

Our God and our Father, we thank You for Thy goodness and Thy mercy, and we thank Thee, our God, for this opportunity to stand in this place asking for Your divine blessings, Your divine strength for those who share in this Chamber. Bless us our God today as we go through this day. We pray that Thy Holy Spirit would continue to guide us and lead us. Bless our Nation and our world.

In the name of the Father, Son, and the Holy Spirit, in Jesus' name. Amen.

## THE JOURNAL

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

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

## PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New York [Mr. FLAKE] come forward and lead the House in the Pledge of Allegiance.

Mr. FLAKE 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

The SPEAKER. The Chair announces that he will limit to 10 Members on each side requests for 1-minute statements.

## REV. CHARLES E. BETTS

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

Mr. FLAKE. Mr. Speaker, it is with a great joy that I stand before the House this morning to present to this body a group of ministers who come from my district in southeast Queens.

There are many persons who ask the question what is the church doing and trying to revitalize, to rebuild and bring social and economic empowerment to the people of this Nation. Many have concluded that the only solutions can come from Government, and so today, as I present these ministers, I would want Members to know that they are involved in rebuilding a community.

Currently this group, which came together in 1984, when I first ran as a delegate to the Democratic Convention, has stayed together, and have put together a 501(c)3 corporation. That corporation is now building 500 low-income housing units in the community in which I serve.

I am proud of them because they understand that there is no separation between the role of prophecy and the role of performance. They have spoken. Now they perform in a way that the community is better served. It provides stability, it provides housing, it provides an opportunity to give a level of community service that I think is worthy of relating to other communities throughout this Nation.

I am pleased that the Southeast Queens Community Baptist Ministers Alliance have come here today, and that Reverend Betts has shared with us the prayer this morning.

## SOLVING AMERICA'S PROBLEMS IS GOOD POLITICS

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

Mr. GUNDERSON. Mr. Speaker, it is said that good policy is often good politics. I was struck and I suspect many of my Democratic friends were struck by the reality last week at your convention that your leadership in the Congress was slighted, snubbed, and sometimes altogether ignored. I think it was probably apparent that the Democrats did not want to talk about Congress in this election year.

But I would suggest there were two refrains in your convention that might be good advice to all of us. Barbara Jordan said perhaps it is time the Democratic Party switches from being the tax and spend party to the party of investment and growth. I would encourage you to take a second look at the President's economic growth package which we could and should pass on a bipartisan basis.

Second, I would recall that many of your speakers said, without regard to who gets credit, we ought to pass a health care package to restore health care to all Americans in terms of availability, affordability, and access. I would suggest that also we are well aware that there is a bipartisan health care reform package that can pass this Congress and be signed into law before the election.

So economic growth and health care, the two issues most important to the American people, can be resolved on a bipartisan basis. That is good public policy, and I think that would be good politics for all of us.

## BUSH'S PETRIFIED FOREST

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

Mrs. SCHROEDER. Mr. Speaker, President Bush recently called the Congress deadwood.

There may be deadwood in Congress, but we have a petrified forest in the White House.

The White House petrified forest has been around longer than you might guess. The President, his Vice President, and his Cabinet secretaries have stacked up 230 years in Washington, DC—more years than the United States has been united.

Worse yet, Bush's petrified forest incorporates acres and acres of political appointees. There are now 2,436 political appointees in the Federal Government, 14 percent more than the highest number under Jimmy Carter.

Bush's petrified forest isn't just old, it's out of touch.

President Bush is petrified of the American people. He is so petrified that cable television is as close as he wants to get to a real live citizen.

President Bush is petrified of family issues. He has vetoed family and medical leave legislation, cut education assistance, and even slashed funding for public libraries.

President Bush is petrified of women. He has appointed a Supreme Court that is on the verge of sending women back to the dark ages.

President Bush is petrified of the American economy. Twelve years of neglect has left us with a record breaking recession and millions of unemployed Americans.

Mr. Speaker, it is time we took the ax to the Bush petrified forest.

## REPUBLICAN REGULATORY RELAY

(Mr. THOMAS of Wyoming asked and was given permission to address the



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

Mr. THOMAS of Wyoming. Mr. Speaker, today, I rise to carry the baton and run another leg of the Republican regulatory relay. As you know, Members on this side of the aisle have been speaking in support of the President's moratorium on Federal Government regulation and calling attention to unnecessary regulatory demands on the average person trying to make a living.

Coming from a State in which more than 50 percent of the land is owned by the Federal Government, I am very concerned about the burdens and restrictions placed on land use within Wyoming's borders. As you can imagine, a significant number of jobs in the State depend on the use of this land—additional and unnecessary regulatory costs often limit the creation of new jobs in our State.

I was recently contacted by a constituent who was required by the Bureau of Land Management to catalog a trash pit for archeological significance. Reading from the submitted document—13 pages in total, it says:

The site is basically a collection of rusted tin cans with secondary amounts of other artifacts. It is estimated that approximately 1,000 tin cans are present, of which a third are evaporated milk cans. Approximately another third are sanitary tin cans. In addition, tobacco cans—Prince Albert type—sardine cans, syrup cans, coffee cans, oil cans, spice cans, lard buckets, tomato juice cans, etc.

It seems absurd to impose this requirement in this specific case. Anyone could have seen what was in the trash pit. You and I know—this study was not done for free, like all other regulations, it cost a good deal of money. Who benefited in knowing there was a ketchup bottle in the pile?

Combined with other regulations specifically written for the oil and gas industry, these costs add up. It is not just a cost to the developer or the laborer, but also the consumer. Some estimate the composite cost of regulation to be in excess of $400 billion ultimately paid for by consumers. This is another reason we all should be concerned about unnecessary regulation.

I urge constituents to bring to my attention unnecessary and costly Government regulations. We need less Government rather than more.

## AN ECONOMY STUCK IN LOW GEAR

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

Mr. HOAGLAND. Madam Speaker, disappointing economic news continues to dribble out and continues to tell us that our economy is stuck in low gear.

Unemployment—at 7.8 percent—is at an all-time high over the last 8 years. Middle-class, working families are only getting 3 to 4 percent on their hard-earned savings. Wages, which declined 7.3 percent from 1979 to 1991, fell in June as consumer prices went up.

A year ago, the Federal Reserve Board, told us that we are well on the path of actually achieving the type of goals which we've set out to achieve, namely, a solid recovery, low unemployment and low inflation. Well, Mr. Speaker, where is that path? The Nation never found it.

I call on the President, instead of adding to his unfortunate list of 30 vetoes, to join Congress and enact a real economic revitalization program: Let's—

Convert from a defense to a peacetime economy;

Encourage private investment and job creation;

Support lifetime learning, by providing real educational training and retraining for students of all ages;

Call on the wealthy to pay their fair share of taxes; and

Eliminate that intractable Federal deficit that is like a silent cancer eating away at our economic strength.

I call on the President instead of racing to use the veto pen to send us some real proposals and use his leadership to get them through Congress to restore hope in America and get our economy out of low gear and into fast forward.

## WHERE HAVE I HEARD THAT BEFORE?

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

Mr. STEARNS. Madam Speaker, there is an old saying that imitation is the highest form of flattery. If so, Republicans should feel very flattered, because the 1992 Democratic Platform has incorporated many principles which Republicans have long advocated. Here are some examples from the 1988 Republican Platform and the 1992 Democratic Platform. Notice any similarities?

ECONOMIC OPPORTUNITY

The 1988 GOP: "We categorically reject the notion that Congress knows how to spend money better than the American people do. Tax hikes are like addictive drugs. * * * Every shot makes Congress want to spend more. * * * For every $1 Congress takes in in new taxes, it spends $1.25."

The 1992 Dems: "We reject * * * the big government theory that says we can hamstring business and tax and spend our way to prosperity."

WELFARE REFORM

The 1988 GOP: "We will reform welfare to encourage work as the ticket that guarantees full participation in American life."

The 1992 Dems: "Welfare should be a second chance, not a way of life."

The Democrats' family values, fiscal responsibility, strong defense platform reminds one of the television ad for a certain picante sauce.

Where was this imitation platform written?

□ 1010

## PRESIDENTIAL LEADERSHIP NEEDED FOR ECONOMIC RECOVERY

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

Ms. DELAURO. Madam Speaker, during the past 12 years, the rich in this country have grown richer, while the ranks of the working poor have grown larger. People are working more, but earning less.

Working, middle-class families struggle to pay for health care and cannot send their children to college. Millions of Americans are unemployed and risk losing their homes and their future security.

We are in need of Presidential leadership to help bring us out of the recession and into a period of recovery that will help put people back to work and keep families together.

Last week we were given the opportunity to look into the future. We were given the chance to see leadership. We watched a candidate who has the vision and the ability to lead us into the next century.

Bill Clinton knows the problems facing middle-class families. As Governor, he has worked to keep health care affordable. He has expanded educational opportunities and put people back to work. Between 1978 and 1992, employment in Arkansas increased by 18 percent. Bill Clinton did not just listen to the unemployed in Arkansas. He put them back to work.

I look forward to working with a President who not only knows about the problems facing this country, but knows how to solve them. I look forward to Bill Clinton's leadership.

## A CHANCE TO IMPLEMENT THE LINE-ITEM VETO

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

Mr. DREIER of California. Madam Speaker, I rise today to inform my colleagues that in just a few moments we will have the great opportunity to implement part of the Clinton-Gore budget package and something that President Bush has been arguing for years. I am referring to the very famous Solomon amendment to implement the line-item veto.

We are going to be bringing up the rule on the Interior appropriations bill,

and we will be moving to modify that rule by defeating the previous question to allow us to implement what it is that AL GORE and Bill Clinton, although I have got that in reverse order, and that was the one that scared me most, it is Bill Clinton and AL GORE, want very much to put into place.

So I hope that both my Democrat and Republican colleagues will do everything possible to ensure that the wishes of Mr. Clinton, Mr. GORE, Mr. Bush, and Mr. QUAYLE, are implemented.

## THE SLOW ECONOMIC RECOVERY

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

Mrs. COLLINS of Illinois. Madam Speaker, yesterday in the other body, the Federal Reserve Chairman, Mr. Alan Greenspan, testified on what he called our modest economic recovery. to quote Mr. Greenspan, "Economic activity is expanding. It has been expanding since the recession ended last year."

Well, I wish somebody would tell the people in my district who do not know anything about that, those who cannot adequately house their kids, those who cannot adequately even feed their kids, those who are unemployed.

It seems the Federal Reserve Chairman has joined the President in trying to create the aura of well-being in our economy, but it just does not exist. As a matter of fact, our President keeps telling us that if we wait and wait and wait, someday the economy really will get better. He seems to be inclined to wait, but from what I am hearing from Chicago and from the surrounding areas as well as the urban and rural areas across the Nation, the American people are tired of waiting. They are tired of waiting, because while they have been waiting on the so-called recovery, the unemployment rate has been soaring.

I know that the American people are tired of waiting because when pollsters ask them whether they are better off today than they were 4 years ago, they resound "no."

I wonder why the President cannot hear them.

It seems that our President hears only that old saying, "Patience is a virtue." Well, I say to the President, here in America you often forget that we have another saying that says, "Enough is enough."

## LET US DEBATE GOVERNOR CLINTON'S ECONOMIC PACKAGE

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

Mr. RIGGS. Madam Speaker, since last August, nearly a year ago, the President and House Republicans have been attempting to pass a package of short-term economic growth measures through the House of Representatives. These are seven stimuli or provisions that would spur short-term economic growth.

They include significant capital-gains tax reduction, an investment tax credit for first-time home buyers, an investment tax credit in the form of accelerated depreciation for investment in new plant and equipment.

However, Madam Speaker, as you well know, every time House Republicans broach this subject on the House floor, we get bogged down in the politics of class warfare. The only legislation that has made it through the House to date has been last year's, or a package earlier this year, that went through the House imposing a permanent tax increase on almost 2 million American families in order to pay for a one-time middle-class tax relief in the form of a dollar a day for about 1 year.

Madam Speaker, I would love to see the politics of class warfare set aside and honest and open debate on this House floor.

Let us bring Governor Clinton's package to the floor and debate it, because, Madam Speaker, we are now in the midst of an election year, and it is important for the American people to see that there is a difference between what they say and what they do.

## WHERE IS THE ECONOMY GROWING?

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

Mr. TRAFICANT. Madam Speaker, Alan Greenspan, Chairman of the Federal Reserve Board, said the economy is growing, things are getting better.

Madam Speaker, my question today: Is Alan Greenspan smoking dope or what? Ten million unemployed American workers believe he must be on something, because he is out of touch, out of tune, somewhere out in left field.

In fact, I submit the only economic growth in North America is, in fact, south of the border down in Mexico, and if you do not believe me, just ask Smith-Corona workers from Cortland, NY, whose jobs are on a fast track, the latest on a fast track, down to Mexico.

Madam Speaker, I think that Mr. Greenspan should ship his legion of advisers and his army of accountants to Mexico and then maybe things will get better in America.

## INTRODUCTION OF THE STATE HEALTH CARE REFORM INCENTIVE ACT OF 1992

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

Mr. LANCASTER. Madam Speaker, later today I will introduce the State Health Care Reform Incentive Act of 1992, a step toward a remedy for the crisis in health care that this country is now facing. The act would amend the Social Security Act to allow the States to seek waivers from the Secretary of Health and Human Services of certain Federal requirements for Medicaid and Medicare, thus giving the States needed flexibility in formulating their own comprehensive health care plans.

The States have wanted flexibility in administering Federal health care mandates. While the issue of national health care is currently being debated, this bill would allow States to move forward in developing their own comprehensive health care plans to benefit the citizens of their State.

Reaching consensus on a national health care plan may take several years to achieve. In the meantime States may implement comprehensive programs which might be models for national application.

Under this bill a State's program could incorporate the existing Medicaid Program, the joint Federal-State program of medical assistance to low-income persons, and the Federal Medicare Program for the aged and disabled. Federal requirements under those programs could be waived as necessary with the approval of the Secretary of Health and Human Services. A State program would have to make services covered by waiver available to current beneficiaries.

Funding, in the form of a block grant, would be set equal to Federal payments on behalf of State residents in the most recent fiscal year. Increases for later years would be under a formula established by the Secretary of Health and Human Services.

Madam Speaker, I believe the State Health Care Reform Incentive Act of 1992 is a step in the right direction. With millions of Americans uninsured and underinsured, we must take action to keep our health care system from collapsing. I ask my colleagues to join in support of this bill which will give the States the flexibility to take care of their own while ensuring a national minimum standard for all States.

## AFFORDABLE HEALTH CARE

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

Mr. WISE. Madam Speaker, yesterday I finished a 2-day caravan across the State of West Virginia starting on our westernmost border on the Guyandotte River and finishing in the eastern panhandle, visiting seven cities, picking up the petition signatures and coupons of 60,000 West Vir-

ginians who have signed our petition saying that they want Congress to enact legislation providing affordable access to health care for all.

I share these today and present them to the Speaker and to the Congress for your review. I hear these voices, Madam Speaker, that no matter how complex, no matter how difficult, these signatures, these citizens are saying to Congress to sit down around a table and develop a national health care policy, get the job done.

I met a 12-year-old boy with muscular dystrophy whose parents are working and whose insurance will be cut off in 2 months. I met working West Virginians who have no insurance. I met emergency medical service personnel who talk about people refusing to ride in the ambulance because they cannot afford the rate.

These 60,000 signatures say Congress should act and act now, and if they feel this way border to border in the State of West Virginia, trust me, they feel this way coast to coast across America.

Congress must act now.

□ 1020

## TIME TO SAY YES TO PEACE IN MIDDLE EAST

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

Mr. SMITH of Florida. Madam Speaker, our erstwhile Secretary of State is now coming back from the Middle East where he has once again gone to Israel to try to browbeat the Israelis into making concessions, while frankly the Arab States stand out on the edge of the process refusing to do anything that would aid in bringing peace to that region. Of course, our erstwhile Secretary of State, Madam Speaker, is now going to become another political Lee Atwater and go to run the President's reelection campaign, so his efforts in that region are going to be stopped.

But the real issue is, when are we going to tell the Arab States it is about time they got in this process? Prime Minister Rabin, duly elected on a platform of compromise in the peace process, issued a call to the Jordanians, the Palestinians, the Syrians, "Come to Jerusalem, talk to us informally. Let us sit down, negotiate, and see what we can come up with."

And all that happened was they all said, "no." They must have been listening to Nancy Reagan. The Syrians said, "no." The Palestinians said "no." The Lebanese said "no." The Jordanians said, "no," but at least one Arab State had the courage to say "yes." The Egyptians entertained Mr. Rabin for the last few days and they talked and they got some things done.

I am asking from this pulpit, from this well, on behalf of the people of the United States for the Arab States to come and talk about concessions, talk about making peace a reality in that region. Sit down with the Israelis. Stop saying "no." It is time to start saying yes to peace in the Middle East.

## PRESIDENT BUSH, THE MINIATURE ENVIRONMENTALIST FOR THE GIANT SEQUOIAS

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

Mr. VENTO. Mr. Speaker, last week President Bush stood in a grove of giant Sequoia trees in California and whined that Congress would not act on his initiatives to protect the environment. How ironic that this President, the self-proclaimed environmental President, in reality a miniature environmentalist, chose the giant Sequoias as the place to launch his attack. Rather than attack Congress, he should thank us, for it was the Congress that enacted a moratorium to prevent the Bush administration from cutting down these giant Sequoias and ensure a photo op for the President.

President Bush spent his years in the White House advocating the clear cutting of our Nation's forests. Congress has been fighting the Reagan-Bush environmental policies at home to save the last remaining stands of America's old growth forests and to protect the environment.

Before President Bush looks for more sound bites and photo ops, he better make sure that his own administration is not cutting up, tearing down, and polluting our own natural and cultural resources.

A more appropriate photo op for the President, the miniature environmentalist, would be to sit on the last stump of a giant Sequoia in the old growth forest with a stuffed owl on his shoulder. That would be more appropriate for our miniature environmentalist President Bush.

## WAIVING CERTAIN POINTS OF ORDER AGAINST AND DURING CONSIDERATION OF H.R. 5503, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1993

Mr. GORDON. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 517 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 517

*Resolved*, That all points of order against consideration of the bill (H.R. 5503) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1993, and for other purposes, are waived. During consideration of the bill, all points of order against provisions in the bill, as amended pursuant to this resolution, for failure to comply with clause 2 of rule XXI are waived except as follows: beginning with "*Provided further*" on page 10, line 9, through "filed:" on line 21; beginning with "*Provided*" on page 18, line 24, through the colon on page 19, line 1; beginning with "to provide" on page 21, line 6, through "option" on line 12; beginning with "*Provided*" on page 21, line 14, through "System" on line 19; beginning with "*Provided further*" on page 21, line 25, through "horses" on page 22, line 3; beginning on page 22, line 24, through "purposes" on page 23, line 4; beginning on page 49, line 20, through page 50, line 4; beginning on page 59, line 18, through line 23; and beginning on page 96, line 20, through page 97, line 3. Where points of order are waived against only part of a paragraph, a point of order against matter in the balance of the paragraph may be applied only within the balance of the paragraph and not against the entire paragraph. The amendment printed in part 1 of the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole and shall be considered as part of the original bill for the purpose of further amendment under the five-minute rule. The amendments printed in part 2 of the report shall be considered as adopted in the House and in the Committee of the Whole. All points of order against the amendments printed in part 3 of the report are waived. Each such amendment and any amendments thereto shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent.

SEC. 2. House Resolution 506 is hereby laid on the table.

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

Mr. GORDON. Madam Speaker, during consideration of this resolution, all time yielded is for the purpose of debate only. At this time I yield the customary 30 minutes, for the purpose of debate only, to the gentleman from California [Mr. DRIER], and pending that, I yield myself such time as I may consume.

Madam Speaker, House Resolution 517 waives all points of order against consideration of H.R. 5503, the Interior and related agencies appropriations bill for fiscal year 1993.

During consideration of the underlying bill, all points of order against the bill for failure to comply with clause 2 of rule XXI are waived with the exception of the provisions which are specified by page and line number in the rule. Clause 2 of rule XXI prohibits unauthorized appropriations or legislative provisions in general appropriations bills, and restricts the offering of limiting amendments to the bill.

Where points of order are waived against only part of a paragraph, a point of order against subject matter in the balance of the paragraph may be applied only within the balance of the paragraph, and not against the entirety of the paragraph.

The amendment contained in part 1 of the report of the Committee on

Rules shall be considered as adopted in the House and the Committee of the Whole and shall be considered as part of the original bill for the purpose of further amendment.

The amendments in part 23 of the report of the Committee on Rules shall be considered as adopted in the House and the Committee of the Whole. These amendments make certain accounts under the headings of the Bureau of Land Management and the National Park Service subject to future authorization.

The rule waives all points of order against the amendments printed in part 3 of the report to be offered by Representatives YATES of Illinois and Representative DE LA GARZA of Texas or their designees.

Debate on the Yates amendment, and all amendments thereto, is limited to 30 minutes. Debate on the de la Garza amendment, and all amendments thereto, is limited to 40 minutes.

Debate time on both amendments shall be equally divided between the proponent and opponent.

Finally, the rule lays House Resolution 506 on the table. House Resolution 506 is the first rule reported allowing consideration of this bill.

Madam Speaker, I would like to commend Chairman YATES and the Interior Subcommittee members for once again bringing a very difficult piece of legislation to the floor. Chairman YATES and his subcommittee held 33 days of hearings and received testimony from over 800 witnesses which is recorded on over 14,000 pages.

H.R. 5503, is the product of hard work, careful consideration and a mastery of the issues surrounding many diverse and intricate subjects.

The Interior appropriations bill funds programs and initiatives which range from alternative fuels research to national park and battlefield preservation to energy conservation to managing our Nation's forests and streams to funding programs for native Americans. This bill is truly diverse and has jurisdiction over many of today's most dynamic issues and Federal agencies.

I would like to once again congratulate Chairman YATES and ranking Republican RALPH REGULA for their efforts.

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

Madam Speaker, I thank the gentleman for yielding to me.

Madam Speaker, this rule makes a mockery of clause 2, rule XXI, which prohibits unauthorized appropriations or legislative provisions in an appropriations bill.

The irony is that while the Democrats in the Rules Committee voted to waive points of order against various provisions and amendments, they failed to do so for one of the most important items we could address here, the Solomon amendment to provide line-item rescission authority for all fiscal year 1993 appropriation bills.

□ 1030

Madam Speaker, the position taken by my Democratic colleagues on the Committee on Rules tragically is in direct opposition to the position taken by their Presidential nominee, who earlier said, and I quote—

> I strongly support the line-item veto because I think it is one of the most powerful weapons we could use in our fight against out-of-control deficit spending.

One of the most powerful weapons we could use in our fight against out-of-control deficit spending—something we all want to address, based on the words I have heard from both sides.

Madam Speaker, my colleagues on both sides of the aisle will have a chance to support that position taken by both Presidential candidates by voting to defeat the previous question on this rule. By doing so, we would allow our very industrious colleague, the gentleman from New York [Mr. SOLOMON], the ranking member of the Committee on Rules, an opportunity to offer his amendment to provide the President with line-item rescission authority. That authority would be granted only for fiscal year 1993 appropriations bills.

This amendment would help the President take aim at programs that are appropriated without authorization and to veto part or all of the funds for programs deemed wasteful.

Examples in the Interior appropriations bill might include the additional $170 million for low-priority Bureau of Indian Affairs programs, continuation of the Outer Continental Shelf oil and gas leasing moratoria, the proposed increase in grazing fees, and the refusal to lease the Elk Hills oilfield to private industry.

Of course, under the Solomon amendment, Congress would have the opportunity to overturn these rescissions with majority votes in the House and Senate.

Madam Speaker, we have been studying and debating the merits of the line-item veto and enhanced rescission authority for more than a decade. The recent package of rescissions passed by Congress proved that this tool can be effective in weeding out unnecessary spending and improving budgetary discipline. It is supported by both Presidential candidates, supported by the leadership in both parties, and there is no reason to wait.

Madam Speaker, I urge my colleagues to vote to defeat the previous question in order to make the Solomon amendment in order for consideration.

Madam Speaker, I reserve the balance of my time.

Mr. GORDON. Madam Speaker, for purposes of debate only, I yield 4 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Madam Speaker, I thank the gentleman for yielding this time to me.

Naturally, I will support the rule and support the bill. Chairman YATES and ranking member REGULA have done a fine job on the bill. I do have a modest piece of language for the bill, and I am glad to see that it will be accepted.

I think that today Congress should be looking at a few things, hearing the news of plants closing and continuing to move overseas. Most Members agree that we cannot cut taxes, we cannot cut spending enough either, to handle this great debt.

Everybody is saying the only way we are going to come out of this is to have more jobs, more people paying taxes to alleviate this problem.

Madam Speaker, where are the incentives to do that? And what are we doing in America to make it happen?

If Americans do not buy American products, American companies will not make those products. In fact, if they will make those products, they will move offshore to do so.

We are in a tremendous cycle, and Congress is not doing enough to get the American people energized toward buying American-manufactured durable goods.

I think that every appropriation bill in the House should have at least incentive, or some encouragement, to the American people to at least remind them of their participatory effort in our economy. If Americans are not buying American-made goods, where you work you are not going to work there much longer.

Madam Speaker, I think Congress would be wise to pass a 7-percent incentive consumer tax credit up to $1,000 limit yearly for any manufacturer of durable goods. If they buy an American-made car, let them write off the interest and the car note and the sales tax.

Madam Speaker, if we do not incentivize folks, we are not going to have much of an economy left. I just take these few minutes to thank both the respective minority and majority parties here for being receptive to my modest language.

Mr. DREIER of California. Madam Speaker, I am happy to yield 6 minutes to the distinguished ranking Republican on the Committee on Rules, the hardworking Member from Glens Falls, the gentleman from New York [Mr. SOLOMON], who is struggling on behalf of the line-item veto.

Mr. SOLOMON. I thank the gentleman for his kind remarks and for yielding this time to me.

Madam Speaker, first of all let me say to Chairman YATES and the ranking member, Mr. REGULA, how much I appreciate the fine work they do. The fact that we are pushing this line-item veto amendment has nothing to do with their efforts. It should not be understood as a criticism of their efforts.

Let me say that I am pleased to join with my colleague, the gentleman from California [Mr. DREIER], in urging defeat of the previous question on this rule so that we can offer a line-item veto rescission authority amendment.

Madam Speaker, the amendment that the gentleman from California [Mr. DREIER] and I wish to offer was printed in yesterday's CONGRESSIONAL RECORD and is identical to the one that I attempted to offer last March, when the so-called firewalls bill was under consideration for a rule.

Madam Speaker and my colleagues, this line-item veto rescission authority amendment is also nearly identical to H.R. 78, introduced by Representative JIMMY DUNCAN of Tennessee back on January 3, 1991. The only difference is that while his bill would give the President this authority on a permanent basis, my amendment would give such authority only for appropriation bills in fiscal year 1993.

Let us try it on a 1-year trial basis, and if it works, we can then extend it. Madam Speaker, the Duncan bill has over 120 House cosponsors; and by our count over 170 House Members have either sponsored or cosponsored line-item veto constitutional amendments or legislative approaches.

Moreover, and as my colleagues are aware, the Democratic candidates for President and Vice President came out yesterday in support of the line-item veto. I welcome their belated support.

I also welcome the support of Speaker FOLEY for the line-item veto.

Madam Speaker, it was reported yesterday that the Speaker has promised to move such legislation next year. Next year? Mr. Speaker, why wait? If it is a good idea now, then we should enact it now and not wait for another fiscal year to work on it. I cannot believe the Speaker meant to imply that somehow the Congress is being fiscally responsible this year but that he expects Congress to be fiscally irresponsible next year.

Are we kidding? Congress has been fiscally irresponsible for the last 40 years. That is how we got into the mess we are in today.

Madam Speaker, when the gentlemen from California [Mr. DREIER] and I offered this amendment in the Committee on Rules yesterday, it was rejected on a party-line vote. It was explained to us that we should not clear such an amendment for House consideration until the committees of jurisdiction have had a chance to study and report on it. Committees of jurisdiction? Never mind that the Interior appropriations bill that is the subject of this rule is chock full of legislative provisions and unauthorized provisions that have not been reported by the proper committees of jurisdiction.

So what kind of a lame excuse is that?

The fact is that this approach has been languishing in the Committee on Rules, that Mr. DREIER and I serve on, and in the Committee on Government Operations for over 18 months now, with not a hint of action. And I can guarantee you there is not going to be any action on it at the Committee level.

Madam Speaker, the time has come for this House to take the action that our committees refuse to take. The American people are demanding that we take action to get our budget back under control. There can be no more lame excuses for inaction.

Madam Speaker, according to a General Accounting Office report released last January, if the President had had the line-item veto from fiscal years 1984 through 1989, just 5 years, we could have reduced the deficit by up to $70 billion.

Now, I know that $70 billion seems like chicken feed around here, but I am going to tell you something. The people that I have the privilege of representing think that $70 billion—that is a thousand million dollars 70 times—is a lot of money.

Madam Speaker, under the amendment that the gentleman from California [Mr. DREIER] and I will be offering, that we intend to offer if we succeed in defeating the previous question on this rule, the President would have 20 days after the enactment of any appropriation bill to send up a special rescission message for any item in that bill, any line item. Congress would then have 20 days in which to pass a resolution of disapproval by simple majority vote.

□ 1040

I say to my colleagues, "If you didn't like the President's line-item veto, just bring it back to the House, and by a simple majority vote disapprove it. If the disapproval resolution subsequently becomes law, the spending would go forward. If not, the money could not be spent."

Madam Speaker, we cannot wait another year to give the President this valuable and vital authority.

Madam Speaker, I challenge my Democratic colleagues to join with their candidate, Mr. Clinton, who now supports President Bush's longstanding request for a line item veto. I think, if Mr. GORE can support it, if Mr. Clinton can support it, certainly President Bush and Vice President QUAYLE have supported it for the last 4 years, that now is the time to do it. If it is good for the next year, it is good for this year.

Madam Speaker, I urge Members to come over to the floor and defeat the previous question, and we will, once and for all, put to rest this business of who is for a line item veto and who is not. I say to my colleagues, "Now is the time to put your money where your mouth is and come over here to vote for a line item veto." I thank the gentleman from California [Mr. DREIER] for having yielded this time to me.

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

As usual, my friend, the gentleman from New York [Mr. SOLOMON] starts off with a very good premise, a premise that we all agree with, but, along the way, he seems to lose his way. He says, "Give the President the line-item veto so that he has the authority to deal with the deficit." Well, Madam Speaker, I would ask that the President simply give us a balanced budget.

Madam Speaker, neither President Bush nor President Reagan has ever presented a balanced budget to this Congress. That is the place to start. That is where the process start. Every year they give us a budget that is not in balance, and every year the Congress reduces it and reduces it and provides a budget that is under the President's authority. Every year Congress says to the President, "Please, if there are some items to take out, give them to us," and I think this year he finally did, of which the Congress passed many of them.

So, Madam Speaker, I think that is where we need to begin, but let us get back to the point at hand and talk about the real world, not just try to position, not try to posture, but talk about what the real world is here.

Madam Speaker, I would like to point out that it would not be in order to amend the rule to make in order the line-item veto amendment being discussed. The amendment would not be germane to the underlying bill, H.R. 5503, and under the rules of the House it is not in order to amend a rule to allow the offering of an amendment that would otherwise not be germane.

The precedents of the House, including the ruling of the Chair of August 13, 1982, are very clear on this question. One cannot accomplish by indirect means that which may not be achieved by direct means. Madam Speaker, the line-item veto amendment would not be germane to the underlying bill because the bill simply funds various programs and activities of the Department of Interior and related agencies, and it does not provide the Executive authority to make selected cuts, nor does it include rule changes, as does the amendment.

In conclusion, Madam Speaker, the effort to defeat the previous question is a vain attempt. The line-item veto, whatever its merits, is not germane, and it will not be in order to amend the rule to make it in order.

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

Mr. GORDON. I yield to the gentleman from New York.

Mr. SOLOMON. Madam Speaker, I thank the gentleman from Tennessee [Mr. GORDON] for his criticism of the so-called line-item veto. But let me just point out that I have heard people like him, the gentleman from Ten-

nessee, who I have great respect for—as the gentleman knows, and he is a good friend—but I have heard people like him stand up on this floor and say, "President Reagan never offered a balanced budget," and, "President Bush never offered a balanced budget." As my colleague knows, to get down to a balanced budget, we have to work down to it gradually. Let me just cite someone who I think the gentleman has great respect for. What is his name? It is Bill Clinton. He is the Democratic nominee for President.

Madam Speaker, the Clinton plan, his platform, calls for a balanced budget in 5 years by working toward it incrementally. That is the same thing that President Reagan presented to this House year, after year, after year for 8 years. But on the Democrat side of the aisle they said, "It's dead on arrival, dead on arrival."

This Member voted for the budgets that President Bush sent here, that President Reagan sent, and I also voted for the balanced budget that the gentleman from California [Mr. DANNEMEYER] brought here. Let me just read something to my colleagues, something that kind of aggravates them. Just the other day I was back home, and one of my constituents brought in this scorecard from the National Taxpayers Union. On one side of the page it says "Taxpayers Friends," and it lists them; and there are only a few of us listed there. On the other side, in smaller type, are lists of dozens and dozens of the biggest spenders in the Congress, led off by Senator AL GORE, the biggest spender in the entire Senate.

Madam Speaker, I just might point this out because I get a little irritated. We had a party-line vote upstairs in the Committee on Rules yesterday with all Democrats voting against making this amendment in order and all Republicans voting for making it in order. Of the nine Democrats up there on the Rules Committee, eight of their names appear on this big-spenders list. So it is no wonder that we Republican do not get a chance to offer this kind of amendment.

I just say to the gentleman that we waive points of order upstairs in the Committee on Rules. We break the rules of the House legally every single legislative day. As a matter of fact, at least 50 percent of all of the rules that come to this floor waive points of order against amendments.

I say to my colleagues, "Come on. Let's tell it like it is. Let's defeat this previous question, and we'll have a line-item veto once and for all."

Mr. GORDON. Reclaiming my time, Madam Speaker, the gentleman knows that we do not waive, or in this bill no germaneness is waived, against the original bill.

Mr. VENTO. Mr. Speaker, will the gentleman yield?

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

Mr. VENTO. Madam Speaker, I thank the gentleman from Tennessee [Mr. GORDON] for yielding on this because I think the issue of proposing budgets is very important. The budget is a three-step process: the President proposes, the Congress then analyzes those proposals and passes them, the President signs them, and for the last 12 years, as far as I can recall, none of those measures have become law without President Reagan or Bush's signature, and the fact is we have got the proposal from President Bush, and President Bush's proposal for the next 5 years calls for $1.3 trillion more in debt.

My colleagues know the process does work here. Congress over the history of recessions action has, in fact, acted to rescind more money than has been requested to be rescinded by the President since the budget process began in the mid-1970's. In fact, this year some $310 million more was rescinded by Congress in spending over what President Bush recommended.

Now we did not cut the same things. The President asked us to cut low bush blueberry spending. He asked us to cut asparagus spending. He asked to cut prickly pear cactus spending. Now I know the President has the fetish with broccoli. I did not know it extended to other types of plants and vegetables, and, Madam Speaker, I would just point out to my colleagues that the system does work and the Congress has exceeded the President's, both Democrat and Republican Presidents, requested recessions with regard to, for instance, discretionary spending, the areas that count. In fact, tens of billions of dollars less have been spent than the President requested in terms of discretionary spending appropriation over the last 4 years.

So, the budget system works. We might not like the conclusion the bottom line, but the fact of the matter is the problem is not at this end of Pennsylvania Avenue. It is at the other in that we do not have leadership, and that is what we are talking about in this election year 1992.

And perhaps we should talk about it outside this Chamber when we are vying for votes, not necessarily when we are trying to get our business done.

Mr. DREIER of California. Madam Speaker, I yield myself such time as I may consume to say that I find it fascinating that every speaker so far against this issue is listed among the "Biggest Spenders" and this is not a list manufactured by the gentleman from New York [Mr. SOLOMON], it was put out by the National Taxpayers Union.

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

Mr. DREIER of California. I yield to the gentleman from Tennessee.

Mr. GORDON. Madam Speaker, does the gentleman agree with all of their recommended cuts?

Mr. DREIER of California. I am not standing here in support of every proposed cut.

Mr. GORDON. But the gentleman is standing there defending that. I am just asking, Do you agree with the National Taxpayers when they want to cut veterans benefits? When they want to cut Social Security? A variety of other cuts.

Mr. DREIER of California. Reclaiming my time, Madam Speaker, let me just say I am listed as "Taxpayers Friends", and obviously I do not vote with them every single time, but an overwhelming majority of the time I do support what it is that the National Taxpayers Union is saying. Everyone that has spoken here against the line item veto the gentleman from Minnesota [Mr. VENTO], the gentleman from Tennessee [Mr. GORTON] and others, obviously are opposed to what the National Taxpayers Union has tried to do an overwhelming majority of the times.

Madam Speaker, I yield 4 minutes to my very good friend the gentleman from Wyoming [Mr. THOMAS].

□ 1050

Mr. THOMAS of Wyoming. Madam Speaker, I rise to talk about a little different matter. I do not rise to talk about the coming election, which will be unique for today, nor do I rise to talk about the Rules Committee but, rather, as a Member who deals with this, seeking to do something with the budget.

I want to talk a little bit about the concept of making or changing statutory law in the appropriations bill. It seems to me that is the wrong thing to do. I come from my State legislative body where we have more of an opportunity to deal with the issues individually rather than packaging these things together and not having an opportunity to reach in and deal with those kinds of things specifically. I think that is a problem. I think it is a frustration for us. We either have to vote for a package or we do not vote at all, the classic one being the Lawrence Welk thing. No one would have voted for that individually, or very few. I understand some Members might have, but most of us would not. But we had a package, and I think that is wrong.

Some time ago, I took the occasion to talk about how we might change the rules. It is a little presumptuous, I suppose, to talk about changing the rules in this place. So I went to the Rules Committee, the staff of the committee particularly, and I said, "How might we do this?"

Really the answer was: "We don't need to change the rules. You simply have to live with the rules we have."

We do not do that very much. I am talking about the role of the authorizing committee. I happen to be on the gentleman's committee. That is what

it is for, it seems to me, to make the policy, but not in the appropriations process.

Furthermore, it is pretty frustrating for most of us who are not on the Rules Committee, and so on, with the inconsistency of the thing. It is all right to waive it in one case, it is all right to make statutory law in one case, but it is not in the other. That is a pretty tough thing to figure. So I just want to share that kind of thinking with the Members.

I am specifically talking about the cost of collecting mineral royalties. That affects many of us in the West very deeply. The law specifically says those administrative costs will not be charged to the States, and yet we find them charged here without an opportunity to raise that point of order.

So, Madam Speaker, I simply rise to express that frustration and basically to oppose this kind of operation. I rise, too, to favor very much the line item veto. That means that somebody can reach into the package and take out pieces of it. We can still override, and that is the way it works. Again, where I come from, in my State legislature, and where many of you have served, in your State legislatures, we used that system, and it works very well.

So I rise in opposition to the rule for that concept, that we are making statutory law here, and I think that is the wrong thing to do.

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

Mr. THOMAS of Wyoming. I am glad to yield to the gentleman from Ohio.

Mr. REGULA. Madam Speaker, how long did the gentleman wait in the legislature for the committee to act? I have been in the State legislature, too, and normally you get some action on authorizing or dealing with basic law. But the problem we confront here is that nothing happens, and in the meantime severe damage can be done, such as the granting of patents which we, the U.S. Government, can be required to buy back at great cost.

Mr. THOMAS of Wyoming. Madam Speaker, I understand what the gentleman is saying, but because the results of the system do not happen to fit your views, I do not think we should toss out the system. The gentleman is saying, I guess, that the authorizing committees are not adequately doing their job. That may be the case. We ought to fix that. We ought not to take away that authority and give it to somebody else and go around it when we choose to. If we want to get rid of the authorizing committees, let us do it; we will give it all to the appropriations. If we do not, we ought to be consistent and either do it or not do it.

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

Mr. THOMAS of Wyoming. Certainly, I yield to the gentleman from Ohio.

Mr. REGULA. Madam Speaker, just to make the record clear, I did not say we should get rid of the authorizing committees, but I do think that we should act promptly on these very important policy issues, that is, grazing and mining. Since 1872 nothing of great significance has changed in the Mining Act.

Mr. THOMAS of Wyoming. Madam Speaker, that is not the case. The mining yield has been changed 40 times.

Mr. GORDON. Madam Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I thank the gentleman for yielding time to me.

I think that since a National Taxpayers Union paper has come up, we ought to comment that this may not really deal with any actual votes on the House floor. Rather what this rating deals with is the sponsorship of various measures. So it really is dealing perspectively with what Members of Congress are for. I analyzed that because I found I was 57th on the list, and other Members that I thought were very rational people had high ratings that suggested we are big spenders. But I found that 90 percent of that taxpayer union rating was dependent upon my sponsorship of an American health care plan. So 90 percent of my rating was based on the fact that I had sponsored that particular legislation, a plan for comprehensive American health care for our Nation.

Mr. DREIER of California. Madam Speaker, will the gentleman yield for a clarification of that point?

Mr. VENTO. I will not yield at this time.

I think that people should understand that. Those of us who believe in the fact that we have a health care system that is imploding, that does not serve the people of this country, that is a most expensive health care system, one that is really adversely affecting our National economy, that many Americans believe should be changed, and the congressional sponsorship of that should not be considered negative.

I think that those Members of Congress who are using these surveys and ratings ought to understand what the basis of the analysis of such ratings is because I do not think that it represents sound judgment. This does not deal, at least the record I'm speaking of does not deal with actual votes; it dealt with the sponsorship of various measures.

Mr. DREIER of California. Madam Speaker, I yield myself such time as I may consume just to clarify the gentleman's statement, and I would be happy to yield to him for a response.

The National Taxpayers Union does in fact do an analysis of bills which Members have cosponsored, but the analysis which we have right here, the one to which the gentleman from New York [Mr. SOLOMON] referred and to which I have been pointing to, analyzes the votes that Members of this House cast. It is specifically on votes. It has nothing to do with bills that are cosponsored.

Madam Speaker, I yield 6 minutes to my friend, the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Madam Speaker, I thank the gentleman for yielding time to me.

We have had an interesting discussion here. We are going to have an interesting discussion between now and November, not only on this floor and not only across the country but probably in every congressional district, and one of the things we are going to hear from congressional candidates on both sides of the aisle is how much they favor the idea of a line-item veto to begin to get spending under control.

The problem is that every time we want to raise the issue of a line-item veto on the floor of the House, there is always an excuse as to why it cannot come up here and why we cannot vote for it at this time. Last night on an authorization bill, I offered a little amendment. It was a simple amendment that only applied to the money that was in the bill that was before us. And what was the excuse last night?

First of all, we heard from the chairman of the subcommittee who said, 'Well, we didn't have notice of this, so therefore you can't vote for this because there was no notice." Despite the fact that this was language that had been considered in the House on several occasions before, there was no notice and so, therefore, we could not vote for it here.

Then we had some people come over and discuss it with me. They said:

> Well, you can't do this on authorizing bills. What we ought to do is do it on appropriating bills where you are actually spending the money, because then we would really be focusing the line item veto where it should be focused.

Then a few other people came, and their excuse at that point was: "Well, we ought to have a majority able to override this, not two-thirds, so we can't do this."

Well, let me say this to the Members: On this one we have notice. The gentleman from New York [Mr. SOLOMON] offered this before the Rules Committee yesterday, and we gave Members plenty of notice. It was discussed on the floor that this was coming, and so Members had notice. They now know what is in it. The gentleman from New York has explained it to the Members.

This is an appropriating bill, not an authorizing bill, that we are seeking to amend with the line-item veto, and it applies to all appropriation bills. So there is no excuse now. This is on real spending, and this is a majority vote to override, not a two-thirds vote. So anybody who had a problem on that should know that any excuse from last night is gone.

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

Mr. WALKER. Sure, I yield to the gentleman from Tennessee.

Mr. GORDON. Madam Speaker, yesterday I asked my friend, the gentleman from New York, if it was a majority or two-thirds. He said it was two-thirds. Has that been changed?

Mr. WALKER. Madam Speaker, the gentleman explained that on the floor a few minutes ago. If you had listened to the gentleman, he said that a majority would override.

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

Mr. WALKER. I yield to the gentleman from New York.

Mr. SOLOMON. Madam Speaker, it would take a majority vote, a simple majority vote to disapprove the President's veto message. But if the President then chose to veto that resolution of disapproval, it would fall under the regular rules governing the overriding of Presidential vetoes.

Mr. GORDON. So that would be two-thirds?

Mr. WALKER. Yes. The gentleman a few minutes ago quoted these wonderful rules of the House to prevent the vote from coming to the floor, and now he wants to use the rules of the House the other way. This is fascinating, because that is the latest excuse we have. Yesterday we had all the excuses as to why we could not take it up yesterday, and now we hear all the excuses as to why we cannot take it up today.

□ 1100

Now, understand, what we heard already in the debate was that there are procedural arguments that you cannot bring this up.

Now, this comes from the same committee that just a few days ago welched on a deal with the President of the United States and brought to the floor a rule that basically broke their deal with the President of the United States, and not only broke with the rules of the House, but broke with law. I mean, we overrode law in a rule the other day.

Now we come to the floor when we want to take up the line-item veto and what are we told? On, no, there are sacred things. I mean, there are sacred precedents in the House that we simply cannot do anything about.

Oh, my goodness. If we would break one of these sacred precedents, well, the whole world would come apart.

Come on, guys. The fact is that you can waive this rule, you can waive these precedents, you can do whatever it is you want to do.

What you do not want to do at this point is allow an amendment on the floor that speaks to the line-item veto, despite the fact that your Presidential candidate, Mr. Clinton, says in his economic program it would save $10 billion. And at the same Democratic Convention when we were all lined up to tell the American people what we really stood for, at your convention, oh, it was a wonderful idea there. But when it comes to the practical idea of actually doing something about it on the floor, oh, no, we have got sacred precedents that do not allow us to do those kinds of things here.

We are going to have a supplemental appropriation come to the floor later on this week. In there they want to legislate with regard to Davis-Bacon. There is going to be a legislative provision.

My guess is that the Committee on Rules is going to waive the sacred precedents of the House and allow the Committee on Appropriations to do a job of legislating in an appropriations bill, despite the precedents of the House, despite the rule, despite the law.

So we will reverse field. When it comes to taking care of big labor, we will find a way to do that come Thursday or Friday on the floor. But we cannot do it for the line-item veto. There is always an excuse.

Now, if you are tired of the excuses and you are tired of the double standards on these things, the way to correct it is to vote with the Solomon amendment. What you have to do there first is defeat the previous question. Once we defeat the previous question, the Solomon amendment will come to the floor and we can debate that. But let us at least give the gentleman from New York [Mr. SOLOMON] his opportunity to try to get the line-item veto to the floor. We will see then where people stand on that. We will find out who is who and what is what on the line-item veto.

Madam Speaker, it deserves its chance. Vote no on the previous question.

Mr. DREIER of California. Madam Speaker, I yield 3 minutes to my good friend, the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Madam Speaker, I rise in strong opposition to the rule for the Interior and related agencies appropriations bill because it protects from challenge on points of order many provisions which constitute legislation within an appropriations measure.

I remind my colleagues that I serve on both the full Appropriations Committee and the Interior and Insular Affairs Committee. I do not relish the idea of opposing Chairman YATES' request for this rule. I understand the pressures he is under to find revenue to fund his proposed outlays.

Nevertheless, I must raise an objection to the continuing practice of ignoring the clear rule of this body—thou shalt not change existing law within general appropriations bills.

Madam Speaker, we selectively ignore this rule, generally when it fits the purposes of the other side of the aisle. Why do we continue the fiction that authorizing committees must act on programs within their jurisdictions if the Rules Committee insulates provision after provision from challenge under clause 2, rule XXI.

H.R. 5503 amends existing law with respect to mining hardrock minerals on the public lands and also changes the manner in which receipts under the Mineral Leasing Act are shared with the States. The $100 annual holding fee, which is really a tax, on each mining claim of record, and the deduction of Mineral Leasing Act administrative cost prior to the division of royalty payments with the States nets the subcommittee chairman over $135 million, by my count. This is not chickenfeed, but it is contrary to existing authority.

Also in direct violation of House rules is section 312, which would rewrite the grazing formula to raise the grazing fee nearly threefold.

It is unfortunate that the proponents of increased grazing fees have, once again, chosen this annual appropriations bill as their battle ground. Both the Senate and House authorizing committees have held hearings on the matter. If the proponents' case is so strong, why don't they bring their argument to the proper forum?

Section 312 is nothing short of harassment. I am sure we will hear much more about this later today.

Let me say that there are some good elements to this bill. The Forest Service may negotiate sales of Pacific yew at not less than appraised value to parties manufacturing taxol, the most promising drug to date for fighting ovarian and breast cancers.

This language will clarify any ambiguity which may have existed regarding the Forest Service's ability to expedite sales to the drug manufacturers—an important consideration in the race against time.

However, because of the blatant violations of House rules and the severe impacts a number of these provisions would have on Western economies, I urge my colleagues to vote against the rule.

Mr. DREIER of California. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, we have been going through this argument on the line-item veto, and I would like to first once again reiterate the direct quote that was given by the Democratic Presidential nominee, Mr. Clinton. He said:

> I strongly support the line-item veto because I think it is one of the most powerful weapons we could use in our fight against out of control deficit spending.

Madam Speaker, there was talk in the Committee on Rules yesterday about why we had not actually addressed this issue, and our good friend from South Carolina, the deputy whip, the gentleman from South Carolina [Mr. DERRICK], said that he is a cosponsor of the line-item veto. The gentleman believes that we should con-

sider it, but we should not rush into implementation of this. We should allow the committees of jurisdiction to actually hold hearings and ruminate over this thing before it is actually implemented.

Well, Madam Speaker, I would like to submit to the RECORD the legislative summary of the Line-Item Veto Act. It shows that on March 4, 1991, 16 months ago, the line-item veto bill was referred to the Subcommittee on the Legislative Process. The chairman of that subcommittee is the distinguished gentleman from South Carolina [Mr. DERRICK]. The gentleman has had 16 months to consider the line-item veto, and yet, to my knowledge, there has not been a single hearing, no consideration of it whatsoever. And the gentleman is a cosponsor of the measure.

LEGISLATIVE SUMMARY OF THE LINE-ITEM VETO ACT

Brief title, Legislative Line-Item Veto Act of 1991.

Sponsor, Duncan.

Date introduced, January 3, 1991.

House committee, Government Operations and Rules.

Official title, A bill to grant the power to the President to reduce budget authority.

Related bills, House Designation H.R. 28 (Identical).

Co-sponsors, 123 current cosponsors.

Jan. 3, 91—Referred to House Committee on Government Operations.

Feb. 19, 91—Referred to Subcommittee on Legislation and National Security.

Jan. 3, 91—Referred to House Committee on Rules.

Mar. 4, 91—Referred to Subcommittee on the Legislative Process.

123 CURRENT COSPONSORS

Feb. 5, 91—Burton, Hastert, Penny, Sundquist, Holloway, Bennett, Petri, Weber, Bunning.

Feb. 6, 91—Lightfoot, Wilson, Smith (TX), Herger, Fields, Rhodes, Ramstad, Vander Jagt, Baker.

Feb. 19, 91—Rogers, Klug, Ros-Lehtinen, Goss, Zimmer, Parker, Ravenel, Coughlin, Bustamante, Thomas (WY), Luken, Lancaster, Roberts, Walsh, Coble, Gilchrest, Santorum.

Feb. 20, 91—Hunter, Tallon, Taylor (NC), Schiff.

Feb. 21, 91—DeLay, Livingston, Gallegly.

Feb. 26, 91—Vucanovich, Bacchus, Cox (CA).

Feb. 27, 91—Meyers, Bilbray, Bereuter, Dannemeyer, Doolittle, Moorhead.

Feb. 28, 91—Cunningham, Blaz, Stearns.

Mar. 5, 91—Franks (CT), Fawell, Inhofe, Camp.

Mar. 12, 91—Shays, Nussle, Packard, Lagomarsino, Emerson.

Mar. 21, 91—Boehner, Kolbe, Lewis (FL), Zeliff, Quillen, Lent, Spence.

Mar. 22, 91—Solomon.

Apr. 9, 91—Barrett, Smith (NJ), Johnson (CT), Hansen, Riggs, McCrery, Nichols, Chandler, Derrick, Hyde, Hall (TX), Poshard.

Apr. 10, 91—Hancock, Kyl, Bateman.

Apr. 11, 91—Paxton, Hefley.

Apr. 17, 91—Gekas, Upton, Miller (OH), Grandy.

Apr. 24, 91—Saxton, Miller (WA).

Apr. 30, 91—Sensenbrenner.

May 8, 91—Ballenger, Gallo, Fish, Stump, James.

May 9, 91—Barton.

May 14, 91—Ritter.

Sep. 12, 91—Condit.

Sep. 17, 91—McCandless.

Oct. 9, 92—Swett.

Oct. 24, 92—Lowery (CA).

Jan. 28, 92—Walker.

Feb. 4, 92—Smith (OR).

Feb. 26, 92—Bliley.

Feb. 27, 92—Weldon.

Mar. 2, 92—Hobson, Ewing, Dreier.

Mar. 3, 92—Allen.

Mar. 4, 92—Gillmor, Rohrabacher.

Mar 5. 92—Archer, Armey.

Mar. 10, 92—Johnson (TX).

Mar. 17, 92—McGrath, Wylie.

Apr. 28, 92—Campbell (CA).

May 19, 92—Marlenee.

So I would say over the last 16 months it would seem to me that a cosponsor of the bill might, just might, have wanted to hold a hearing or look into implementation of a line-item veto, which seems to be a priority of the Democratic Presidential nominee, and certainly is something that both Ronald Reagan and George Bush have argued in support of for many years.

Madam Speaker, I first ran for Congress for a very important reason. I was convinced that from analyzing the voting record of my opponent he would say one thing in California, support the line-item veto, support cuts in spending, support strong national defense, and other items, and then would come to Washington and vote the opposite.

I say that because tragically there still seems to be many Members of Congress here who do the exact same thing. They go to their districts and say, "I am a strong supporter of the line-item veto and will do everything that I can to see that it is implemented." They will show a list stating that they are a cosponsor of the measure. Then they come to Washington, and when a chance is before them to vote in favor of the line item veto, which they argue vigorously on behalf of at home, they vote against it.

Well, Madam Speaker, I suspect that in just a few minutes we are going to have another one of those occurrences. We have a chance to allow for consideration of the line-item veto. I would say to anyone who may possibly be observing the proceedings here on the floor of the House, closely look at the vote that every Member casts on ordering the previous question, because that is the one vehicle that we have to consider the line-item veto.

□ 1110

Madam Speaker, I urge a no vote on the previous question so that we will have an opportunity to put the Solomon line-item veto measure in place.

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

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

In conclusion, let me just set the record straight. I want to once again point out that it would not be in order to amend the rule to make in order the line item veto amendment being discussed. The amendment would not be germane to the underlying bill, H.R. 5503. And under the rules of the House, it is not in order to amend a rule to allow the offering of an amendment that would otherwise not be germane.

The precedents of the House are very clear on this question. One cannot accomplish by indirect means that which may not be achieved by direct means.

Mr. VENTO. Mr. Speaker, I want to clarify for the RECORD that the National Taxpayer's Union publishes different information for evaluating Members of Congress, one of which is based on cosponsorships of legislation. It comes from their own Congressional Budget Tracking System and purports to reveal the annualized costs of all bills cosponsored or sponsored by Members.

At best, the National Taxpayer's Union cosponsorship evaluation gives a sketchy idea of what programs cost. At worst, their evaluation of cosponsorships gives misleading information that ignores projected savings of legislative initiatives and in fact, appears to be aimed at thwarting congressional action on universal health care for Americans by projecting enormous costs without providing an estimate of both the economic savings and the human benefits. For example, over 93 percent of the alleged costs of legislation which I support are from the single-payer health care system that I and many of my constituents support. The NTU report ignores or chooses not to report the fact that this major initiative saves the taxpayer money in the long run and contains its own financing method.

Further, their simplified analysis does not take into account the consensus building of the legislative process; does not reflect actual spending; and does not consider what the cost of not taking action on the issues would be. In short, it is a less than adequate tool for evaluating Members of Congress.

While I would encourage voters to evaluate the legislative records of Members of Congress, I also encourage more than a selective use of facts isolated from the real problems facing people in the real world.

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

The SPEAKER pro tempore (Mrs. SCHROEDER). The question is on ordering the previous question.

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

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

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

The Sergeant at Arms will notify absent Members.

PARLIAMENTARY INQUIRY

Mr. YATES. Madam Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. YATES. Madam Speaker, is it in order to ask the Chair to call for a 5-minute vote for the final vote?

The SPEAKER pro tempore. There is no authority for the Chair to declare a 5-minute vote at this time on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 236, nays 171, not voting 27, as follows:

[Roll No. 290]

YEAS—236

Abercrombie
Ackerman
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
Bacchus
Barnard
Beilenson
Berman
Bevill
Bilbray
Blackwell
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Campbell (CO)
Cardin
Carper
Carr
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Espy
Evans
Fascell
Fazio
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Gejdenson
Geren
Gibbons
Glickman
Gonzalez
Gordon
Guarini
Hall (OH)
Hamilton
Harris
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lloyd
Long
Lowey (NY)
Luken
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Moran
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Peterson (MN)
Pickett
Pickle
Price
Rahall
Rangel
Reed
Richardson
Roe
Roemer
Rose
Rostenkowski
Rowland
Roybal
Sabo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tanner
Taylor (MS)
Thomas (GA)
Thornton
Torres
Torricelli
Traficant
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Weiss
Wheat
Whitten
Wise
Wolpe
Wyden
Yates
Yatron

NAYS—171

Allard
Allen
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bateman
Bennett
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Broomfield
Bunning
Burton
Callahan
Camp
Campbell (CA)
Chandler
Clinger
Coble
Coleman (MO)
Combest
Condit
Crane
Cunningham
Dannemeyer
Davis
DeLay
Dickinson
Doolittle
Dorgan (ND)
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Erdreich
Ewing
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gaydos
Gekas
Gilchrest
Gillmor
Gilman
Goodling
Goss
Gradison
Grandy
Green
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Horton
Houghton
Hunter
Inhofe
Ireland
Jacobs
James
Johnson (CT)
Johnson (TX)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Leach
Lehman (CA)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Machtley
Marlenee
Martin
McCandless
McCollum
McCrery
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Morella
Morrison
Myers
Nichols
Nussle
Oxley
Parker
Paxon
Petri
Porter
Poshard
Pursell
Quillen
Ramstad
Ravenel
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Santorum
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Tauzin
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Walsh
Weber
Weldon
Wilson
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—27

Alexander
AuCoin
Byron
Chapman
Coughlin
Cox (CA)
DeFazio
Emerson
Feighan
Ford (TN)
Gephardt
Gingrich
Hatcher
Hyde
Jones (GA)
Kolter
Lipinski
Lowery (CA)
Packard
Perkins
Peterson (FL)
Ray
Russo
Tallon
Towns
Traxler
Williams

□ 1139

The Clerk announced the following pair:

On the vote:

Mr. Towns for, with Mr. Emerson against.

Messrs. CONDIT, GILMAN, DAVIS, HORTON, BOEHLERT, and WILSON changed their vote from "yea" to "nay."

Mr. DOOLEY changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mrs. SCHROEDER). The question is on the resolution.

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

RECORDED VOTE

Mr. DREIER of California. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 255, noes 154, not voting 25, as follows:

[Roll No. 291]

AYES—255

Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bacchus
Barnard
Beilenson
Bennett
Berman
Bevill
Bilbray
Blackwell
Boehlert
Bonior
Borski
Boucher
Boxer
Browder
Brown
Bruce
Bryant
Bustamante
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gejdenson
Geren
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Green
Guarini
Hall (OH)
Hall (TX)
Hamilton
Harris
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Machtley
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Moran
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Peterson (MN)
Pickett
Pickle
Poshard
Price
Quillen
Rahall
Rangel
Reed
Regula
Richardson
Roe
Roemer
Rose
Rostenkowski
Rowland
Roybal
Sabo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Sikorski
Sisisky
Skaggs
Skelton
Slaughter
Smith (FL)
Smith (IA)
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tanner
Tauzin
Thomas (GA)
Thornton
Torres
Torricelli
Traficant
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron

NOES—154

| | | |
|---|---|---|
| Abercrombie | Hancock | Porter |
| Allard | Hansen | Pursell |
| Allen | Hastert | Ramstad |
| Archer | Hefley | Ravenel |
| Armey | Henry | Rhodes |
| Baker | Herger | Ridge |
| Ballenger | Hobson | Riggs |
| Barrett | Holloway | Rinaldo |
| Barton | Hopkins | Ritter |
| Bateman | Horton | Roberts |
| Bentley | Houghton | Rogers |
| Bereuter | Hunter | Rohrabacher |
| Bilirakis | Inhofe | Ros-Lehtinen |
| Bliley | Ireland | Roth |
| Boehner | Jacobs | Roukema |
| Broomfield | James | Santorum |
| Bunning | Johnson (CT) | Saxton |
| Burton | Johnson (TX) | Schaefer |
| Callahan | Kasich | Schiff |
| Camp | Klug | Schulze |
| Campbell (CA) | Kolbe | Sensenbrenner |
| Chandler | Kyl | Shaw |
| Clinger | Lagomarsino | Shays |
| Coble | Leach | Shuster |
| Coleman (MO) | Lent | Skeen |
| Combest | Lewis (CA) | Smith (NJ) |
| Crane | Lewis (FL) | Smith (OR) |
| Cunningham | Lightfoot | Smith (TX) |
| Dannemeyer | Livingston | Snowe |
| Davis | Marlenee | Solomon |
| DeLay | Martin | Spence |
| Dickinson | McCandless | Stearns |
| Doolittle | McCollum | Stump |
| Dornan (CA) | McCrery | Sundquist |
| Dreier | McEwen | Taylor (NC) |
| Duncan | McGrath | Thomas (CA) |
| Edwards (OK) | McMillan (NC) | Thomas (WY) |
| Ewing | Meyers | Upton |
| Fawell | Michel | Vander Jagt |
| Fields | Miller (OH) | Vucanovich |
| Franks (CT) | Miller (WA) | Walker |
| Gallegly | Molinari | Walsh |
| Gallo | Moorhead | Weber |
| Gekas | Morella | Weldon |
| Gilchrest | Morrison | Wolf |
| Gillmor | Myers | Wylie |
| Goodling | Nichols | Young (AK) |
| Goss | Nussle | Young (FL) |
| Gradison | Oxley | Zeliff |
| Grandy | Packard | Zimmer |
| Gunderson | Paxon | |
| Hammerschmidt | Petri | |

NOT VOTING—25

| | | |
|---|---|---|
| Brewster | Gephardt | Ray |
| Brooks | Gingrich | Russo |
| Byron | Hatcher | Slattery |
| Coughlin | Hyde | Tallon |
| Cox (CA) | Jones (GA) | Taylor (MS) |
| Durbin | Lowery (CA) | Towns |
| Emerson | Miller (CA) | Traxler |
| Feighan | Perkins | |
| Gaydos | Peterson (FL) | |

□ 1151

The Clerk announced the following pair:

On this vote:

Mr. Towns for, with Mr. Emerson against.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PRIVILEGES OF THE HOUSE—RESOLUTION DIRECTING COMMITTEE ON HOUSE ADMINISTRATION TO PROVIDE CERTAIN MATERIALS PERTAINING TO INVESTIGATION OF THE HOUSE POST OFFICE

Mr. ROSE. Madam Speaker, I rise to a question of the privileges of the House, and I send to the desk a privileged resolution (H. Res. 518) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 518

Whereas the Committee on House Administration has ordered reported the findings of the Committee Task Force to Investigate the Operation and Management of the House Post Office; and

Whereas matters have been raised which may inpugn the integrity of the House: Now, therefore, be it

*Resolved*, That the Committee on House Administration is directed to—

(1) transmit to the Committee on Standards of Official Conduct the committee report and all records obtained by the Task Force pursuant to House Resolution 340, One Hundred Second Congress;

(2) make available the committee report and all records obtained by the Task Force pursuant to House Resolution 340 to the United States Department of Justice for inspection in the Committee offices; and

(3) send a letter with specific recommendations to the Speaker of the House, the majority and minority leaders, and the Director of Non-Legislative and Financial Services.

The SPEAKER pro tempore (Mrs. SCHROEDER). The resolution constitutes a question of the privileges of the House.

The gentleman from North Carolina [Mr. ROSE] is recognized for 1 hour.

Mr. ROSE. I thank the Speaker.

Madam Speaker, I yield the customary 30 minutes to my colleague, the gentleman from Kansas, Mr. PAT ROBERTS, the minority chair of the task force.

Madam Speaker, your Committee on House Administration has come through a very excruciating and long process in response to House Resolution 340.

What the Committee on House Administration has, within the last 1½ hours, done is to adopt a report of the task force to investigate the operation and management of the House post office. We are submitting to the House by letter the majority report and the minority report in the form of Committee on House Administration documents.

A cover letter accompanies these two documents which states that while we had broad agreement on how the investigation was conducted, that there were considerable disagreements as to the emphasis or the meaning of the various things that were located and found.

I would like to state for all members present that what the majority report recommends is that the Committee on Standards of Official Conduct go back and review evidence and testimony that we uncovered or that was presented to us with respect to four employees of the post office.

We make no such recommendations as to any Members of the House of Representatives. As a matter of fact, the majority conclusion is that there was not credible evidence that any Member of the House of Representatives violated any rules of the House or any laws of the United States.

The minority will explain their views as expressed in this report. But what I seek to do with this resolution is to merely transmit our reports, our majority report with the minority views, to the Committee on Standards of Official Conduct and request them to look at the recommendations that we have made.

Then this resolution asks that we make available to the Department of Justice for inspection in our committee offices the report and the records that were obtained by the task force pursuant to House Resolution 340, and also that we send a letter to the Speaker of the House, the majority leader and the minority leader, and the director of nonlegislative and financial affairs, with the specific recommendations that are contained in both of our reports.

I think we all worked very hard to come up with this document, this effort. I am sorry that we did not have one document that has all the conclusions in it. But I think when the document is presented to you in printed form, hopefully by Friday of this week, you will see that the majority and minority have no real basic disagreements on the general subject of what was not done properly at the post office. We have some disagreements as to how we interpret some of the things that we found.

Our investigative summary contains, first, a long discussion about the Department of Justice's interference with our investigation, and I think this is significant, and I would urge you to take a close look at it. I think you should read with care our section about the Capitol Police cooperation with the Department of Justice. Things are not right in that area and need further attention by the House.

Then you should read our summary of our administrative recommendations and the finding that we reach in our report.

My colleague, the gentleman from Kansas, PAT ROBERTS, who chaired the task force for the minority, I am sure has other things that he would like to point out. But I want to thank the members of the task force for their work.

I hope that we can very quickly now transmit these documents to their intended recipients and go on with the regular work of the House.

Madam Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Kansas [Mr. ROBERTS].

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

Madam Speaker, as Chairman ROSE has indicated, the Committee on House Administration has voted to report to the House a majority and minority report with regard to the House post office investigation.

My colleagues, this has been a most unpleasant duty for members of the task force and also for the majority and minority staffs. But after considerable problems and challenges and strong differences of opinion, partisan and otherwise, and after many hours of discussion—and I would add, probably discussion is not the accurate term—we have simply agreed to disagree. It is important, however, I think, to concentrate on the list of recommendations that we have made to the House in reference to the operation and management of the House post office.

□ 1200

These recommendations, and the fact that we have agreed to them, hopefully will enable us to surmount our differences. If we are able to do this, such crucially needed efforts as the Gradison-Hamilton Congressional Reform Commission will certainly be served.

Having said that, as vice chairman of the task force, and having been present during most of the testimony, having gone through a virtual gauntlet of hurdles and obstacles, let me emphasize several considerations that I think should be brought to the attention of the House.

As the chairman has indicated, we were not able to write a single report. Instead a Democrat report and a Republican report have been drafted. The Republican report does include the names of members, staff and others on whom certain information has been obtained. This information is inclusive in regard to wrongdoing, and the entire report is being forwarded to the Committee on Standards of Official Conduct for review. We felt from the first that a report without names is not a credible report. The Committee on Standards of Official Conduct will receive the task force documents and determine what issues they believe should be reviewed further. That was not our responsibility and should not be our responsibility. The Department of Justice will also be given access to all documents and materials obtained in the investigation.

Let me emphasize, in terms of scope, that the Republican report is based solely, solely on the interviews of witnesses and documents that have been retrieved and reviewed. However, shortcomings in documents, and relevant materials and witnesses existed all throughout the investigation. We were not able to get pertinent testimony from some witnesses, and we were not able to receive or have in our hands certain documents. As well, certain other individuals involved with the Capitol Hill Police, and U.S. Postal Inspection Service investigators were not able to appear before the task force.

The management review in regard to the investigation determined that the management in the House post office was both incompetent and incapable to carry out the tasks assigned for a number of reasons. Primarily the post office and Postmaster attempted to operate under numerous constraints, hiring, firing, special services, et cetera, that prevented its effective operation. The House post office had no consistent system of accountability or oversight, no written operation policies or consistent guidelines for employees. The Postmaster, according to USPS figures, dramatically overestimated the mail volume in the House post office to justify increased budget requests. The overestimates went as high as 350 percent of the actual mail volume, 100 million pieces of mail a year. Michael Shinay, now the Acting Postmaster, found the House post office overstaffed and chaotic.

Actions have been taken, I would inform my colleagues, in consultation with the task force, and the majority and minority, to begin reforming the post office. Accurate mail counts are now being conducted. Steps are being implemented regarding staff reductions and the hours in terms of limiting employees which is expected to save $450,000.

The Postmaster had no ability to hire and fire. Instead he was directed by the majority patronage committee and the majority leadership in job assignments, and promotions and the actions in regard to discipline.

I might add that in terms of patronage everybody agrees now, it seems the Speaker, the minority leader, all of us, that the patronage system is a system that demands reform. How we approach that with the new House administrator simply remains to be seen.

Substantial payment for overtime was given totaling $200,000 over the past 5 years. Check cashing was a common practice in the House post office. That information, in terms of allegations, was turned over to the Department of Justice.

We have the situation where campaign post office boxes, special campaign boxes, were set up for Members of Congress, and the mail from these boxes was delivered to congressional offices despite the activity being questionable. There was a flower fund that was maintained with the profits from the vending machine in the post office, and questions were raised in regard to that.

There has been considerable talk about ghost employees. Several employees were consistently absent from the House post office during their normal working hours. Three individuals were consistently identified as being no-shows.

There was abuse of the Postmaster's frank and the fact that its cost dropped to one-fifth compared to when Mr. Rota was the Postmaster. Members of Congress consistently mailed materials under the Postmaster's frank to avoid the limits of the newly imposed mail accountability.

Employees felt strongly in their testimony that there were major racial tensions in the House Post Office. There was abuse of express mail. The P300 USPS express mail account was created to send House post office mail throughout the United States. However this account appears to have been used for Members mailing personal and other packages. In 1990 the cost went from $2,500 to a primary cost of $16,000 to $17,000, and in the general election it went from about $2,300 to $30,000-plus.

There are allegations for stamps for cash. There is a situation in regard to secret post office boxes. Multiple favors were done for Members, and staff, and lobbyists. These favors include the creation of special post office boxes in which copies of inner correspondence of the Hill were distributed.

We have drug use and drug sales allegations. That is now before the Department of Justice, and allegations were made that the Capitol Hill Police were prevented by the House leadership from conducting a complete and thorough criminal investigation in the House post office. Contradictory testimony was received, and the report was unable to clarify the record in this area.

Lastly I would tell my colleagues that I would encourage everybody while reading each report to concentrate on the list of recommendations that we have for the House post office. If we agreed with 80 percent of what was in either report and we disagreed only on 20 percent, at least some common ground was found.

Now, having said that, as vice chairman of the task force and having been present during most of the testimony, and I repeat having gone through a virtual gauntlet of hurdles, let me emphasize several strong personal convictions.

This report is in no way complete as to what has happened in the House post office. It is our best effort under very, very difficult circumstances. The investigation should continue.

Second, with a delay of a year and a concurrent Justice Department investigation and investigation by the majority, which we did not know about, and numerous problems as to access to information, witnesses taking the fifth, not to mention very strong partisan differences in terms of policy and direction, with all due respect to the intent of the task force members I think we went down the wrong road.

I think we went down the wrong road when we had a vote to determine whether we would have an independent investigation of the House post office and everybody under oath at public hearings. The House should not and cannot investigate itself. Such an investigation in an election year where alleged wrongdoing has the impact on a coming election invites strong partisan

differences and sensitivity and tears at the purpose of a bipartisan nature of such an investigation. As a consequence without full public disclosure and public meetings and witnesses testifying under oath, this investigation fell prey to alleged leaks and alleged coverups.

Finally, such an investigation represents an almost impossible task for Members to preserve, with comity and bipartisan agreement, the very effort we need to restore faith and integrity to this body.

I want to credit all task force members for making the best effort possible, more particularly the gentleman from California [Mr. THOMAS], who tried very hard to set up a structure that could be a model as we go ahead with the reforms that we need in this House, and the gentleman from Nebraska [Mr. BARRETT], who is a pillar of bipartisanship and who drafted the language that finally got us together to get the report out.

We went down the wrong road, Madam Speaker, when we had a straight party line vote that determined we would not authorize an independent investigation as opposed to a House exercise in partial futility.

Madam Speaker, I reserve the balance of my time.

Mr. ROSE. Madam Speaker, I yield such time as he may consume to the gentleman from Washington [Mr. SWIFT].

Mr. SWIFT. There is a process of analysis that goes on in the world that is analogous to criticizing a volkswagon because it does not fly very well. It was not designed to fly. It was designed to do something else. And I think today some people who have been waiting rather wet-lipped for this report are going to be a little disappointed because it does not do some things that in fact the task force was never designed to do.

It is very important, I think, as we address this whole issue of the post office, to understand what the relative responsibilities are of various groups. The task force on the post office was designed to and charged with assessing what went wrong administratively, and proposing recommendations to the House to see that those things do not happen again and that the postal service within the House of Representatives will be efficient, effective, and proper in every respect.

□ 1210

That was our charge, and that we have done in the report that will be available to everyone very soon. The Justice Department is charged with investigating and bringing charges where they believe criminal wrongdoing has occurred, The House Committee on Standards of Official Conduct is charged with investigating and disposing of charges that the rules of the House have in any way been violated. These are two distinct and different other responsibilities. For example, the Justice Department, as we all know, is looking into the House postal matter to determine what if any violations of law occurred.

But because we know there may well be some disappointment with our report—very frankly, the press, through a combination of information and leaks, has reported a variety of things with regard to what we have been doing and, without clear lines of demarcation, also has been reporting what the Justice Department has been doing. There is going to be some confusion in the minds of some people as to what responsibility lays where and what it is that this task force is supposed to have addressed and accomplished.

With that in mind, it is important for us to make very clear what we were designed to do; namely, to address the administrative aspects of the situation in the post office.

Now, a report on administrative aspects is always less interesting than a report on criminal activity, and all I can do is apologize to people who wish our report, either the Republican document or the Democratic document, was not more titillating or more exciting. But we addressed the administrative aspects of what went on, we made recommendations, that is what we were designed to do, and that is what this report does. But because of that confusion, there is bound to be somebody who says, "Well, we haven't got the whole story. Why don't you tell us everything?"

That is the purpose of this resolution. Whatever we have, everything the task force has, will be transmitted to the Committee on Standards of Official Conduct of the House, which has the responsibility for determining any violation of the House rules, and all of the task force information will be made available to the Justice Department.

Now, I do ask the Members, is it really creditable to assume that we have found out something that the Justice Department does not already know? I find that very hard to believe, but in the event that we do know something they do not know, it is available to them.

So in summary, we have done what we were designed to do: examine the administrative aspects and make recommendations. Lest there is anyone who thinks there is something we know that we are somehow withholding from the Committee on Standards of Official Conduct or the Justice Department, we bring before the Members this resolution which provides access to all of that information so that everyone in this body, everyone in the media, and all Americans can know that we have met fully and completely our responsibilities and have hidden nothing.

Mr. ROBERTS. Madam Speaker, I yield such time as he may consume to the gentleman from Nebraska [Mr. BARRETT], a stalwart of the task force.

Mr. BARRETT. Madam Speaker, as a member of the task force, I am a little disappointed in the way things played out. I had hoped sincerely that we could come up with one definitive report. This task force had the potential for breaking a lot of new ground in working together for some positive changes.

I had hoped that in some cases we could go beyond some partisanship that did rear its head. At times it plagued the committee, particularly in the waning weeks of our 5-month deliberation. I had hoped that this task force could be a model for future bipartisan task forces which are out there on the horizon right now, task forces to improve the institution.

We have the Hamilton-Gradison efforts before us. There are hopefully in-depth changes under way. We have a bipartisan subcommittee which will have jurisdiction over the new House administrator and the financial officer of this institution. These are bipartisan efforts of tremendous significance.

However, in spite of our disagreements and my personal disappointments, I hope that we can learn something from this experience. In this case some of the material was apparently just too sensitive for an existing committee to investigate objectively. In setting up the task force, some of the procedures and guidelines which were outlined at the outset and had the potential for success were not in my opinion always followed.

Although we have had two separate reports, we have basic agreement on many of the points in each, and I think that we have come to the best possible conclusion under the circumstances, and it is my hope that something positive will emerge. I hope our recommendations set the stage for change.

If our recommendations are implemented as designed, then our efforts perhaps will not have been in vain. I believe that we are doing the right thing, I believe that we are doing the proper thing in referring our material to the Committee on Standards of Official Conduct. As the cover letter on the report states so well, in my opinion;

> The task force viewed its role to be fact-finding, thus the reports do not determine ethical or criminal violations, but instead, make public the findings and recommendations of the task force.

There is a difference of opinion as to whether or not this effort was successful. I had hoped that we could roll up our sleeves and pound out one report, but under the circumstances the impediments to our progress and some of the irreconcilable differences made it impossible. However, the foundation has been laid for future bipartisan co-

operation. In this case it did not totally work as it should have perhaps, but we have found where some of those potholes are located, and for the good of the institution we have made some progress.

Madam Speaker, I hope that future efforts of this kind can be carried out in a positive and constructive manner. The first branch of Government deserves no less.

Mr. ROSE. Madam Speaker, I yield 5 minutes to the gentleman from Wisconsin [Mr. KLECZKA], a member of the task force.

Mr. KLECZKA. Madam Speaker, let me thank the chairman of the committee for yielding time to me, and also let me thank him for the distinction he bestowed upon me by appointing me to this committee. It was not an easy task, but it was one which I think the House was charged to do and one which I think we accomplished quite well.

By adopting today's privileged resolution, I think and hope that we will finally close this chapter of a most scandalous situation, that of the old House post office. This post office is not a new creature of this body. It has been in existence, I am told, for in excess of 160 years, and over that period of time things grew lax. We had a system which was governed by patronage, a system where the person we appointed to be in charge ended up with 435 bosses. How on God's green Earth can one respond to a system which has so many people in charge and try to run the operation on a day-to-day basis?

□ 1220

Finally, the problem came to a head when we discovered that there was some embezzlement going on, when there was drug use and drug sales going on. At that point in time the House, both Republicans and Democrats, immediately stopped the action. We stopped that type of activity from transpiring and we followed up with a task force to get to the bottom of this whole problem and issue a report and tell the Members, the world, the press, and our constituents what actually happened there and how we are going to correct it and make sure it does not happen again.

The gentleman from Kansas [Mr. ROBERTS] indicates that he believes we went down the wrong road.

Well, I truly do not think that is accurate. I think the setup we had was probably the best. What hampered our investigation was massive lapses of memory on the part of some post office employees, lapses which I think were brought on more consciously than actually lapses. But nevertheless, the staff worked very diligently along with the six members, and I would like to compliment at this point not only the attorneys for both sides, but also the other staff members of the committee members who worked so long and hard to try to ascertain the truth as to what was going on.

Did we do so? A Member after we adopted the report on House Administration earlier this morning asked me do I really believe we got down to the bottom of it?

I am saying with my participation there and what I saw firsthand, I think the major, major problems were brought forward. Maybe not in their actual entirety, but the major problems, be it the passport service or postmaster frank, the use of the orange bags, the flower fund, an account which 98 percent of us knew nothing about, and I did not, which was called the P-100 account. We looked into that. We found some problems there.

I think the major things I have to impress upon the body today is these things are coming to a screeching halt, if they are not already halted.

I think the important point to bring out today is that these practices are being halted. We are changing the entire system, and the recommendations from both the minority and the majority are almost in sync on that.

The No. 1 thing we have to do is appoint and move forward with a professional director, not a patronage House officer. We have done that and we are moving to hire that person.

Furthermore, we have done away with I think the root of the problem here, and that is the patronage system. Now we are going to have people do our mail and do the sorting and things that are attendant to getting the mail to our offices by professional people. It is not going to be my nephews and nieces and my cousins and my friends. They are going to be people who apply for the job and get it on their ability, and not who they know.

The gentleman from Kansas [Mr. ROBERTS] also indicated we are about 80 percent in sync between the two reports. After reading the minority report, I am pleased to indicate that many of the things I objected to have been left out of that report. I have to say with all honesty we are probably closer to 90 percent being in agreement on both reports.

So I urge my colleagues, let us adopt this privileged resolution. Let us put this unsavory chapter behind us. It is about time that this body moved on to do the people's business, the people's business like working on the economic problems of the country. Let us talk about creating some more jobs, let us look at the health care system, and let us put this type of issue behind us.

I urge Members vote "yes" on the privileged resolution.

Mr. ROBERTS. Madam Speaker, I yield 9 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. ROSE. Madam Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. WALKER].

The SPEAKER pro tempore (Mrs. SCHROEDER).The gentleman from Pennsylvania [Mr. WALKER] is recognized for 10 minutes.

Mr. WALKER. Madam Speaker, I thank the gentlemen for yielding.

Madam Speaker, we have heard so far from Members who have served on the task force. Some of us looking at some of this material have some questions about just exactly where the task force went and what they achieved.

First of all, I thought under the resolution we passed there were supposed to be public hearings take place on this. We were supposed to have witnesses appear in public sessions.

It seems to me when Anita Hill comes to Capitol Hill or when Ollie North comes to Capitol Hill and there is an attempt to embarrass Republicans, that then we have public meetings. But in this particular case, despite the fact the resolution called for public hearings, they did not take place.

Madam Speaker, can someone explain to me why we did not have public hearings?

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

Mr. WALKER. I yield to the gentleman from Kansas.

Mr. ROBERTS. Madam Speaker, if I could respond to the gentleman from Pennsylvania [Mr. WALKER], I am not sure the resolution called for public hearings. I think the debate, as I think back to a special order where we called for an independent investigation and the chairman and I had a discussion on the floor, that was an expectation.

Let me say to the gentleman from Pennsylvania [Mr. WALKER] that both the minority staff and counsel and the majority staff and counsel indicated at that time we were in a factfinding mode. I would say to the gentleman while I think in hindsight we certainly should have had public hearings and people under oath, that that simply did not happen.

Mr. WALKER. Madam Speaker, reclaiming my time, let me ask a further question. Are the transcripts of those proceedings going to be made public?

Mr. ROBERTS. If the gentleman will yield, I certainly have no objection to that.

Mr. WALKER. Is this something that can be done?

Mr. THOMAS of California. Madam Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from California.

Mr. THOMAS of California. Madam Speaker, I would hope the majority would agree that any of the materials that the task force generated would be made available, either in terms of witnesses' testimony or the task force transcripts. I see no reason after the fact, once the report has been filed, not to allow that material to be available to anyone who wants to look at it.

Mr. WALKER. Madam Speaker, reclaiming my time, I would ask the

chairman, the gentleman from North Carolina [Mr. ROSE], is this something we are going to be able to have? Are all the transcripts of the proceedings of the task force going to be made public?

Mr. ROBERTS. Madam Speaker, if the gentleman will yield further, I might respond to the gentleman from Pennsylvania [Mr. WALKER], prior to the chairman speaking, in that the appendix documents we have in conjunction with the report do provide a great deal of information in terms of records and receipts and correspondence and things of this nature, under the circumstances I do not see any problem with making the report public and would think public disclosure of that would certainly be the thing to do.

Mr. THOMAS of California. Madam Speaker, if the gentleman will yield further, the concern in establishing the task force was to make sure that there was no premature release of information. The confidentiality statements and the rest was to make sure that we could carry out an investigation not in the press. Once the report was filed, even the confidentiality statements lasted only until the report was filed.

So it would seem to me that all of the supportive materials would be made public and I would ask once again if the chairman would respond to that question.

Mr. WALKER. Madam Speaker, I would ask the gentleman from North Carolina [Mr. ROSE], is this something that is going to be done, whether or not we are going to have a public release of all the transcripts of the proceedings of the task force?

Mr. ROSE. Madam Speaker, if the gentleman will yield, we are under no instructions to do that. The task force itself met on several occasions. I have absolutely no problem with the meetings of the task force members, those transcripts, being released.

Mr. WALKER. Madam Speaker, it is important to know what the witnesses said behind closed doors.

Mr. ROSE. If the gentleman will yield further, the gentleman from Pennsylvania [Mr. WALKER] is not satisfied with those going to the Justice Department and the Committee on Standards?

Mr. WALKER. Madam Speaker, reclaiming my time, I think it is fine to send them to those places. I think also now that the process is over and now that the committee has reported, that there is no reason we cannot have the transcripts of the proceedings and what the witnesses said made available to the public.

Mr. ROSE. Madam Speaker, I thank the gentleman for his suggestion.

Mr. WALKER. OK, we do not have an assurance at this point that that is going to take place.

Second, there is a question here in a document that we have before us on check cashing that says it was a common practice in the House post office and it was done for Members, for post office staff, and other Hill employees.

Do we know who this was done for? Do we have names of people?

Mr. ROBERTS. Madam Speaker, if the gentleman will yield, I will tell the gentleman from Pennsylvania [Mr. WALKER] that allegations were made, but since we did not have access to the pertinent officers who could provide that information, and since we did not have access to the appropriate records now in the hands of the Justice Department, that no reference was made to that in regard to any individual.

Mr. WALKER. So we know it was done, but we do not know who at this point.

Mr. ROSE. Madam Speaker, if the gentleman will yield further, could I just clarify that point. Our information is that certain of the employees of the post office who have made copies of the checks that were cashed gave those copies of the checks to the U.S. postal inspectors. We state in our report that we could not obtain copies of those checks. I do not believe that the minority members of the task force ever saw them. We certainly never saw them.

But the gentleman is correct, that is information we tried to find and were unable to.

Mr. ROBERTS. Madam Speaker, I concur with the chairman's statement.

Mr. WALKER. Madam Speaker, that is information that may be available as part of the criminal information, but we do not have it at the present time.

Another piece of information here indicates there was an abuse of the postmaster's frank and Members of Congress consistently mailed materials under the Postmaster's frank to avoid limits of newly imposed mail availability.

□ 1230

Do we have the names of the Members who did that?

Mr. ROBERTS. Madam Speaker, if the gentleman will continue to yield, my recollection of that is that we got into the cost estimate. And when the acting Postmaster, Mr. Shinay, took over, the Postmaster's frank went from something in the neighborhood of $5,000 a month to $500 a month. And so obviously, we had a situation where there was a consistent use of the Postmaster's frank to avoid the limits of the newly created mail accountability as to individual names.

Mr. WALKER. Madam Speaker, because I have limited time, let me go on here.

Mr. ROBERTS. We have no names. There were unsubstantiated allegations. Again, we were not able to obtain any evidence from the people who took the fifth amendment.

Mr. WALKER. Madam Speaker, it is also suggested in this report there were secret post offices that evidently some special interest groups had access to and that when the mailings were done, that certain lobbying groups got access to those mailings. And it has even been alleged, I think, that, for instance, when Republican "Dear Colleague" mail went out, that Democratic leadership offices got the mail. But when Democratic "Colleague" mail went out, that the Republican leadership offices did not get it.

In other words, there were various groups getting various kinds of materials here.

Do we know which lobbying groups, which special interest groups got this special treatment from the post office?

Mr. ROSE. Madam Speaker, if the gentleman will continue to yield, we put in our report the whole list. Members like the gentleman from Georgia, NEWT GINGRICH, got selected copies of all the "Dear Colleague" letters, we do not find anything wrong with that, as did House leadership Members. But what we say in the majority report is that it was highly improper for the Postmaster to give outside lobbying groups or outside lobbyists.

Mr. WALKER. We do have a list of everybody who was getting this.

Mr. ROSE. Madam Speaker, the majority report includes the whole list of everybody.

Mr. THOMAS of California. Madam Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from California.

Mr. THOMAS of California. Madam Speaker, in the Republican report, which first compiled the entire list, Members will find on page 59 a statement that "The following persons received Dear Colleague letters to Republicans but no Dear Democratic Colleagues."

Under that heading is the minority whip, the gentleman from Georgia, the Honorable NEWT GINGRICH.

Mr. WALKER. So the gentleman got Republican mailings, but he did not get Democrats.

Mr. THOMAS of California. The gentleman will find other headings like "both Republican and Democrat."

Mr. WALKER. Did the Democratic leadership get Republican mailings?

Mr. THOMAS of California. The gentleman will find that there are a list of people that got everything, and it is all in our report completely and factually laid out. So I would appreciate Members not taking the veiled remarks but looking at the document to fully appreciate how the operation of the post office worked.

Our document was the way it was structured. Our document has all of the details, if Members will refer to it.

Mr. ROBERTS. Madam Speaker, if the gentleman will continue to yield, it is on page 57, I would tell the gentleman, of the Republican report. And it goes through page 60.

Mr. WALKER. Madam Speaker, do we have the names of the people who

the Postmaster gave personal favors to? This is really my last question.

As I understand it, the Postmaster kept for his personal use many items considered surplus for distribution to Members. It was candy. It was gifts. It was food. It was all kinds of stuff.

Do we have the list of who the Members were and the staff and all the folks who the Postmaster was handing out these little goodies to?

Mr. ROBERTS. Madam Speaker, here again, there are no records kept in regard to the House officers that would have a record of that, but many numerous allegations.

Mr. WALKER. Finally, Madam Speaker, I understand there was contradictory testimony that was received about the various investigations that went on. Are these contradictions something that we are going to have access to?

Mr. ROBERTS. Madam Speaker, we have statements by individuals who are dealing with the subject matter that the gentleman has indicated. I think he is referring to the Capitol Hill Police and the Clerk's counsel in regards to various statements made. That is part of the area of the report we just read. But the facts are laid out.

Mr. WALKER. Madam Speaker, I thank the gentleman.

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

Mr. ROSE. Madam Speaker, I yield 4 minutes and 30 seconds to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Madam Speaker, I have been very, very dismayed at the damnable lies from so-called leaks that were told about me during the timeframe of these proceedings of the task force. I want to call attention to the fact that on page 34 of the Democratic report one of the Republican staffers even acknowledged that he had leaked things to the press.

I am not necessarily saying that in that particular instance it was about me, but this individual was under oath not to leak to the press.

Now, I want to ask the chairman a series of questions.

Mr. Chairman, did your task force find any employees that used my name as a reference that were no-shows or so-called ghost employees?

Mr. ROSE. Madam Speaker, will the gentlewoman yield?

Ms. OAKAR. I yield to the gentleman from North Carolina.

Mr. ROSE. Madam Speaker, I would say to the gentlewoman, no.

As a matter of fact, the committee report states on page 38 of the majority report:

> The Task Force conclusively determined that no employees who were either the patronage of or otherwise associated with Representative Mary Rose Oakar were ghost employees as erroneously reported in the press.

Ms. OAKAR. And, Mr. Chairman, the task force in both reports, under the heading "Ghost Employees," mentioned a Mr. Head and a Mr. Marley. Were these two individuals in any way connected with me in reference to patronage?

Mr. ROSE. Madam Speaker, if the gentlewoman will continue to yield, no.

Ms. OAKAR. Mr. Chairman, did your task force find any employees that were under my patronage—and I will name the three people in my 16 years that I have recommended for jobs at the post office: David Dunn, Jerry Sywyj, and Gerry Schmelzer.

Mr. Chairman, did your task force find any of these employees who had received improper or illegal overtime?

Mr. ROSE. Madam Speaker, no, the gentlewoman's name was never mentioned. And none of her patronage employees were connected to overtime abuse.

Ms. OAKAR. Madam Speaker, I thank the chairman.

Mr. CLAY. Madam Speaker, will the gentlewoman yield?

Ms. OAKAR. I yield to the gentleman from Missouri.

Mr. CLAY. Madam Speaker, I would like to address this question either to the gentlewoman or to the chairman of the committee. In the minority report they talk about patronage of 160 persons, and only 2 of them were Republicans.

If that is true, was there any other kind of patronage in that committee that Republicans did enjoy and share?

Ms. OAKAR. Madam Speaker, I would say to my colleague, I don't know if their figures are accurate. There were temporary slots that are apparently not mentioned here. And in the category where they mentioned two of my individuals that I had recommended, they do not mention on that page that they recommended and got an equal slot in the leadership of the post office reorganization.

But I would say to the distinguished gentleman that the gentleman from Kansas [Mr. ROBERTS] and the gentleman from California [Mr. THOMAS] had their children, whom they had recommended and who had jobs. That is not in their report. That is not in their report. Members will not find it anywhere in their report.

I am not even saying that is wrong, but the implications in their report is that Democrats have patronage only. I might add that neither gentlemen to my knowledge recused themselves from voting on these slots.

Mr. CLAY. Madam Speaker, if the gentlewoman will continue to yield, I have read the report. It seems to exonerate the Republican Members of this House totally and completely, which reminds me of a statement once made by Mr. Hitler's chairman of propaganda.

He said, "If you tell a lie, you tell it big enough, you tell it often enough, it will become the truth."

Apparently somebody in this House is trying to make this document the truth when it is not.

Ms. OAKAR. Madam Speaker, reclaiming my time, I would like to, for the RECORD, since apparently there is some kind of a summary of the Republican report of the House post office investigation that is being passed out to members of the press.

□ 1240

In addition, part of what they are handing out to the press is not part of their report, to the best of my reading. I would like to submit for the RECORD the canceled check that we submitted to the committee when another lie was told about me, and I would like to submit them again for the RECORD relative to a post office box which my campaign committee purchased at the Brentwood Post Office.

The following is the letter mentioned in this press handout.

> HOUSE OF REPRESENTATIVES
> *Washington, DC, May 6, 1992.*
>
> Hon. CHARLIE ROSE,
> *Chairman, Committee on House Administration, H326 The Capitol.*
>
> DEAR CHAIRMAN ROSE: Based on press reports relating to certain allegations, I wanted to submit this copy of a canceled check for the record.
>
> Sincerely,
>
> MARY ROSE OAKAR,
> *Member of Congress.*

Madam Speaker, since the canceled check cannot be reproduced, set forth is information on check:

> Pay to the order of: U.S. Postmaster.
> Date: 12/19/88.
> Amount: $28.00.
> Signed: Kathleen O'Donnell.

Mr. ROBERTS. Madam Speaker, I yield 7 minutes to the gentleman from California [Mr. THOMAS], the ranking minority member of the committee.

Mr. THOMAS of California. Madam Speaker, I thank the gentleman for yielding time to me.

Madam Speaker, it seems to me that of all the things that this House could examine in a shared or bipartisan way, it would be the post office operation. Even though it has functioned from its beginning under a partisan operation of patronage, it would seem to me that the functions of the post office were something that would not lend themselves to the need for the majority to exercise the prerogatives of the majority. With some degree of hope I thought we could enter into an investigation based upon the resolution to provide some understanding and some findings and some recommendations as we move to a more bipartisan structure of controlling those nonlegislative areas of this institution.

Indeed, we are now advertising for an administrator of nonlegislative and financial functions of the House.

To that end the chairman of the full committee and I entered into an agreement about the structure of the task

force, which was truly bipartisan in nature, both in terms of ability to investigate and decisionmaking.

In addition to that, based upon what occurred in the Committee on Standards of Official Conduct dealing with the House Bank investigation and the unauthorized leaks that occurred, the chairman and I agree that perhaps we ought to utilize an agreement of confidentiality that has been found useful in the Select Committee on Intelligence and in other committees that deal with sensitive information.

We agreed and provided to every member of the staff to sign an agreement which said:

I agree that I will not disclose any information, including the substance of the work and the procedures of the task force, I learned during my tenure as a staff person, consultant or detailee on the task force for the investigation of the House Post Office without prior authorization from the chairman and ranking Republican member of the Committee on House Administration, or until such time as the task force has released its final report.

Madam Speaker, the gentleman from Washington indicated that a lot of people are going to be disappointed because "this Volkswagen won't fly," that it was not designed to fly. Members have gotten up quick to make sure they are not part of the inquiry of the particulars of the post office, when a simple examination of the facts indicates they were up to their elbows in the running of the post office and in dealing with the perks that are available to the post office.

I would rather go back to the Volkswagen, the bipartisan task force that we attempted to create. It is true that that Volkswagen was not designed to fly, but it certainly was designed to run and go down the highway. It is supposed to start if the battery is charged. It is supposed to run if it has gasoline and oil in it. There are certain prerequisites that are required for the Volkswagen to run. One of them, I think, would be to honor the simple statement of confidentiality that was initiated when the task force started.

That was not to be the case. Although only staff signed the agreement of confidentiality, there was some degree of understanding that the Members would be honorable and only deal inside the task force with materials that the task force was trying to present.

It was very difficult for this task force to carry out its function because we did so under the understanding that the Department of Justice had an ongoing criminal investigation. It is difficult enough functioning under the constitutional separation of powers when we do not have something as difficult as a criminal investigation going on. We did not have sufficient ability to determine one way or another for a number of reasons certain things that probably the task force would have liked to have known. In some instances it was not possible to have witnesses testify before the task force. In others, for example, the postmaster and others, they chose to invoke their right under the fifth amendment not to testify.

It is especially difficult when the Department of Justice has our own employees, certain Capitol Police, operating as agents of the Department of Justice, denying us information from our own employees about what we could or could not find out. So it was an extremely difficult task in front of us, made virtually impossible by the fact that the agreement of confidentiality simply was not honored, and the inability of Members to function in a bipartisan way over a subject matter which clearly should not be partisan.

The gentleman from Kansas [Mr. ROBERTS] indicated that he does not think the House can investigate itself. It appears from the operation of this particular task force that the House is also incapable of carrying out ordinary oversight activities, if the conduct of staff and the conduct of Members continues as it did under the task force.

This institution has said it is going to change its ways, although in the Democrat report they say "if patronage is ended." We certainly hope patronage is ended. Beyond ending patronage, beyond the egregious and total control by the majority party, beyond the need for the majority to control totally something that did not have or should not have had partisan ramifications, the need to stand up and attempt to get some kind of expiation on the floor indicates that there is some sensitivity on the majority side about what went on in the post office activities.

It seems to me if we are supposed to be entering a new era of bipartisan control of nonlegislative matters; the heart and soul of making that work is being honest with each other, not leaking information; when staff members sign a statement of confidentiality they in fact stick to it, and when Members are required to resolve difficult problems, we do it inside the structure in which we have agreed to do it.

My disappointment in this task force is in fact that none of those conditions were honored. The specifics are available to be debated on by individuals. We have in fact two reports to mull over. We have a number of questions that are available to members of the task force to be asked. I would hope that this House very seriously focuses on whether or not the statement of the gentleman from Kansas [Mr. ROBERTS] is correct.

I think we owe it to the American people to show that we can in fact oversee ourselves and not do it with lies and leaks and intimidation. If that in fact is not going to be the case, then I do not believe this House of Representatives should be returned to office.

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

Mr. ROSE. Madam Speaker, I yield 2 minutes to our colleague, the gentleman from Wisconsin [Mr. MOODY].

Mr. MOODY. Madam Speaker, I thank the gentleman for yielding time to me.

I would like to begin by congratulating the hard work that both the majority and minority have obviously put into this, and say that I agree with the recommendations as I understand them from both the Republican and the majority sides.

Madam Speaker, I would like to engage in a short colloquy with the chairman, the gentleman from North Carolina [Mr. ROSE]. I would like to discuss in particular the question of the post office boxes that were rented by Members off the Capitol premises. I myself did that for the very purpose that we would not receive any campaign mail in my congressional office.

Mr. Chairman, will all the information, underlining the word "all," regarding such post office boxes be sent to the Committee on Standards of Official Conduct, including those post office boxes for Members which were properly and legally dealt with?

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

Mr. MOODY. I yield to the gentleman from North Carolina.

Mr. ROSE. Madam Speaker, the gentleman asks a very good question. The answer is yes, all the material will be sent.

Mr. MOODY. I appreciate that. First, I welcome the fact that mine will be included, because I had a box and I will include in the RECORD, Madam Speaker, information sustaining that I acted properly and legally.

Second, Mr. Chairman, from your knowledge of the relevant materials that you have before the committee, was I one of those who followed the proper legal and ethical procedures regarding the post office boxes?

□ 1250

Mr. ROSE. Absolutely. To my knowledge the gentleman followed the proper and legal procedures with respect to his post office box.

As I have noted earlier, the committee has made no recommendations. The majority report makes no recommendations with respect to the Committee on Standards of Official Conduct that there was anything done wrong by Members with respect to post office boxes.

Mr. MOODY. I thank the chairman.

One final question. From your knowledge of the relevant materials, was I one of those who in fact followed the necessary legal, ethical, and proper procedures?

Mr. ROSE. Absolutely.

Mr. MOODY. I thank the gentleman. Information referred to follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
*Washington, DC, July 22, 1992.*

Ms. Julie Aicher,
*News Director, the Associated Press, Milwaukee, WI.*

DEAR MS. AICHER: The bipartisan Congressional Task Force to Investigate the Operation and Management of the House Post Office has reviewed the matter of some 25 or more Members who rented post office boxes off the Capitol premises, including the one of Congressman Moody.

From a careful review of the documents pertaining to Congressman Jim Moody's rental of such a box the Committee found absolutely no indication of impropriety by the Congressman or his office. He, in fact, contacted our Committee to provide full disclosure of his procedure in properly renting this box.

The documents make it clear that Mr. Moody followed the appropriate steps to make sure the post office box was used in a legal and ethical way.

If you should need further information, please feel free to contact me.

Sincerely,

CHARLIE ROSE,
*Chairman.*

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JIM MOODY'S POST OFFICE BOX: CHRONOLOGY

Overview: Jim Moody's only role in the current investigation of improper activities of House Post Office employees has been that of an inadvertant bystander who brought to the attention of the proper authorities unauthorized, inappropriate and possibly illegal activities by employees of the House Post Office.

THE FACTS

1. On August 27, 1991, Jim Moody's campaign committee decided to rent a post office box in Washington for use by the campaign.

2. A Moody staff assistant, assuming as did virtually all federal employees that the Post Office in the Longworth Office Building was a U.S. Post Office, filled out a U.S. Postal form (document attached), paid for the box with campaign funds (receipt from campaign to reimburse employee attached), and completed a form specifying certain individuals to retrieve mail from the box.

No House Post Office employees are listed on that form, nor were any authorized to have access to that box.

3. On September 5th the Moody staff member was contacted by a House Post Office employee, who gave him the box number at the Brentwood Post Office, receipts for the box rental payment, a single key and a copy of the completed application form that had been completed on the 27th (copies attached)

At that time no one on the Jim Moody staff had any reason to believe that the House Post Office employee was not a U.S. Postal employee.

Neither Jim Moody nor any member of his staff were offered or requested delivery of mail from this Post Office box to the Congressional Office

4. On two occasions in September 1991, an employee of the House Post Office gained access to the U.S. Postal Box rented by the Moody campaign committee without authorization, knowledge of Congressman Moody or permission and delivered several pieces of campaign mail to the Congressman's Washington office.

At that time, the House Post Office employee was instructed to immediately stop such deliveries, that he was not authorized to pick up private campaign mail and that a Moody campaign aide would pick up the mail.

5. Between September 1991 and March 1992 no further incidents occurred. During that time, as a result of press reports about wrongdoing by House Post Office employees, Jim Moody and his staff became aware for the first time that they had been dealing with U.S. House employees, not U.S. Postal employees

6. In late March 1992 three pieces of mail addressed to the Campaign Post Office box were delivered to the Congressman's office. At that time:

The House Postal employee was told once again to stop delivering campaign mail.

Jim Moody Chief of Staff Marcus Kunain contacted the Brentwood Postmaster to complain about the unauthorized access, believing that the only key to the box was possessed by the Moody campaign staff and that any access to the box was being done by House Post Office employees from inside the Brentwood Post Office.

7. At that time the Brentwood Postmaster informed Marcus Kunian that the original application form, dated 8/27/91, a copy of which had been given to a Moody staff person on September 5th (copy noted above), had never been given to the U.S. Post Office in Brentwood.

8. Upon checking the files, the Brentwood Postmaster informed Marcus Kunian that the House Post Office employee had turned in a different application with his own name added to the list, and that individual had obtained a second key.

No one from Congressman Moody's staff authorized a second application or authorized any alteration or additions to the first application: the original application dated August 27th, which was never turned in, was signed by a Jim Moody authorized staff member. The campaign had no knowledge of a second key being issued.

Congressman Moody then notified the Brentwood Post Office of the problem, had the locks changed on the postal office box and notified both the House Administration Committee and the newly appointed House Postmaster of what had transpired (letters attached).

9. On April 1, the Chairman of the House administration committee, U.S. Representative Charles Rose, issued a statement that "neither Congressman Moody or his office are in any way under investigation for these unauthorized deliveries. The apparent violation of the rules seems to have occurred at the sole instance of certain persons in the House Post Office, and not in any way by Congressman Moody's staff". (documents attached)

10. Today's comments by Congressman Charles Rose are attached:

MARCH 31, 1992.

Postmaster,
*U.S. Post Office, 900 Brentwood Road, Washington, DC.*

DEAR POSTMASTER: I rent Post Office Box 91924 at the Brentwood Station for the use of my campaign committee, Friends of Jim Moody.

On at least two occasions last September and a third time yesterday, persons not authorized by me and without my knowledge have had access to my post office box. Mail in the box was removed and delivered to my Congressional office. This was done explicitly against my wishes and intent.

On the application filled out last year, I designated three individuals in addition to myself who were authorized to have access to the postal box. Apparently a different application was actually submitted to the U.S. Post Office which included an employee of the House Post Office who was issued a key.

I now understand that this was done in the mistaken belief of certain persons in the management of the House Post Office that the unasked for "service" was appropriate. It is not, and was not.

Under separate cover, I will be submitting an updated list of authorized individuals who may legally have access to my U.S. Post Office Box.

I appreciate that U.S. Post Office personnel were in no way involved in any inappropriate activities related to this matter. The problem appears to be solely that of the management of the House Post Office, which is hopefully being remedied.

Sincerely,

JIM MOODY.

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HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
*Washington, DC, April 1, 1992.*

Ms. Julie Aicher,
*News Director, the Associated Press, Milwaukee, WI.*

DEAR MS. AICHER: This morning I was made aware of an article running in one or more Wisconsin newspapers regarding the unauthorized delivery of mail to certain congressional offices from post boxes rented outside of the U.S. Capitol. This letter is to correct a misleading impression conveyed in these news articles.

Neither Congressman Moody nor his office are under investigation for these unauthorized deliveries of mail. It was the House Post office, not Mr. Moody's congressional office which appears to have broken the rules regarding deliveries of campaign mail to congressional offices.

I've been charged by the entire Congress to conduct an intensive and extensive investigation of any and all improprieties that may have occurred in respect to the House Post Office. We are conducting this investigation with appropriate law enforcement personnel, not only of the House but also with cooperation with the U.S. Attorney.

I can assure you absolutely that neither Congressman Moody nor his office are in any way under investigation. The apparent violation of the rules seems to have occurred at the sole instance of certain persons in the House Post Office, and not in any way by Congressman Moody's staff.

Sincerely,

CHARLIE ROSE,
*Chairman.*

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APRIL 2, 1992.

Ms. P.A. Brown,
*U.S. Post Office, Brentwood Station, Washington, DC.*

DEAR MS. BROWN: I hereby authorize Ms. Jan Miller to resubmit our application for the rental of U.S. Post Office Box 91924.

Name: Friends of Jim Moody or Jim Moody.

Address: 425 D Street, Apt. 101, Washington, DC 20003; tel. 202/546-0384 or 135 West Wells Street, Room 400, Milwaukee, WI 53203; tel. 414/273-1992.

Use of this U.S. Post Office Box is in addition to, not instead of, regular service to the above indicated Washington, DC address.

The only persons authorized to have access to this U.S. Postal Box are:

1. Jim Moody, Member of Congress.
2. Brandon Mazur.
3. (Ms.) Jan Miller.

4. Marcus Kunian.
5. Mark Thomann.

I would appreciate it if you would replace the lock on Box 91924 and deliver one key to Ms. Miller in exchange for the old key.

Thank you for your assistance in this matter.

Sincerely,

JIM MOODY.

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U.S. POSTAL SERVICE,
*April 13, 1992.*

Hon. JIM MOODY,
*House of Representatives, Friends of Jim Moody, Washington, DC.*

DEAR MR. MOODY: This will acknowledge receipt of your recent letter. It has been referred to the Inspection Service, United States Postal Service Headquarters, 475 L'Enfant Plaza, SW, Washington, DC 20260-2100. You will be hearing from that office soon.

Sincerely,

HELEN M. BAINSFORD,
*Postmaster, Washington, DC.*

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HOUSE OF REPRESENTATIVES,
*Washington, DC, May 29, 1992.*

Mr. MICHAEL SHINAY,
*Postmaster, U.S. House of Representatives, Washington, DC.*

DEAR MR. SHINAY: In light of recent news articles relating to the House Post Office, I want to again draw your attention to the copy of the enclosed letter I sent you in March.

If I can be of any assistance to you in the matters covered in my March 31 letter, please do not hesitate to contact me, or my administrative assistant, Marcus Kunian.

Sincerely,

JIM MOODY,
*Member of Congress.*

Mr. ROBERTS. Madam Speaker, I yield myself my remaining 1 minute.

Madam Speaker, let me say at this point I think it is obvious to my colleagues that there is a great deal of sensitivity in regards to this investigation and the work that was performed by the task force. That is most regrettable. I understand that. We tried to do the best job under very, very difficult circumstances.

Let me again say what my colleague from Nebraska has tried to emphasize, that we have 80 percent agreement on a report; we have 20 percent disagreement. We have agreed to disagree and to try to go forward.

With that, I would urge my colleagues to go over very carefully the recommendations that both reports have made in regards to what we have determined.

I will also insert in the RECORD the names of the legal counsel and the staff that have worked very hard on both the majority and minority side and thank them for their untiring and very valiant efforts under difficult circumstances.

This too will come to pass.

The list of names referred to is as follows:

HOUSE POST OFFICE INVESTIGATION TASK FORCE

LEGAL COUNSEL

William Oldaker, John L. Napier, Charles T. Howell, Heidi M. Pender, Eric F. Kleinfeld, Daniel J. Swillinger, Mark M. Hathaway, and Roman P. Buhler.

STAFF

Julia R. Hamilton, Richard J. Powers, Steve Radke, Herbert S. Stone, Janet E. Thiessen, Mary Sue Englund, Amy E. Hefford, Nancy S. Karnopp, George C. Ross, James M. Ross, and Jeffrey J. Trandahl.

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

Mr. ROSE. Madam Speaker, I yield myself my remaining time.

Madam Speaker, I want to thank the gentleman from Kansas [Mr. ROBERTS], the cochair of the task force. We sit together side by side on the Agriculture Subcommittee on Department Operations, and we have shoveled a lot of fertilizer together this year, and the gentleman has been a great friend and helpmate in trying to work his way through this process. I want to thank all of the members of the task force for their yeoman service and for the staffs that have worked with us so cooperatively.

We make recommendations in these reports that go to the leadership of the House of Representatives. I believe that these recommendations will be followed by the House of Representatives.

I can promise Members that patronage is ended. We have passed a resolution establishing the Director of Nonlegislative Services for the House of Representatives, and have instructed that administrator to come up with a fair and equitable system for employment of people in all of the areas under his jurisdiction, and that that should be based on competence and ability alone.

Madam Speaker, we have moved into a new era in the House of Representatives. The post office and its problems are behind us. We are beginning to set up under an administrator, a bipartisan administrator, most of the things that are required for the operation of this House.

I hope this resolution, the reference of this report to the Justice Department for its perusal of our files and to the Committee on Standards of Official Conduct will bring it to an end.

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

The previous question was ordered.

The SPEAKER pro tempore (Mrs. SCHROEDER). The question is on the resolution.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 414, nays 0, not voting 20, as follows:

[Roll No. 292]

YEAS—414

| | | |
|---|---|---|
| Abercrombie | Dixon | Jefferson |
| Ackerman | Donnelly | Jenkins |
| Alexander | Dooley | Johnson (CT) |
| Allard | Doolittle | Johnson (SD) |
| Allen | Dorgan (ND) | Johnson (TX) |
| Anderson | Dornan (CA) | Johnston |
| Andrews (ME) | Downey | Jones (GA) |
| Andrews (NJ) | Dreier | Jones (NC) |
| Andrews (TX) | Duncan | Jontz |
| Annunzio | Durbin | Kanjorski |
| Anthony | Dymally | Kaptur |
| Applegate | Early | Kasich |
| Archer | Eckart | Kennedy |
| Armey | Edwards (CA) | Kennelly |
| Aspin | Edwards (OK) | Kildee |
| Atkins | Edwards (TX) | Kleczka |
| AuCoin | Emerson | Klug |
| Bacchus | Engel | Kolbe |
| Baker | English | Kopetski |
| Ballenger | Erdreich | Kostmayer |
| Barnard | Espy | Kyl |
| Barrett | Evans | LaFalce |
| Barton | Ewing | Lagomarsino |
| Bateman | Fascell | Lancaster |
| Beilenson | Fawell | Lantos |
| Bennett | Fazio | LaRocco |
| Bentley | Fields | Laughlin |
| Bereuter | Fish | Leach |
| Berman | Flake | Lehman (CA) |
| Bevill | Foglietta | Lehman (FL) |
| Bilbray | Ford (MI) | Lent |
| Bilirakis | Ford (TN) | Levin (MI) |
| Blackwell | Frank (MA) | Levine (CA) |
| Bliley | Franks (CT) | Lewis (CA) |
| Boehlert | Frost | Lewis (FL) |
| Boehner | Gallegly | Lewis (GA) |
| Bonior | Gallo | Lightfoot |
| Borski | Gaydos | Lipinski |
| Boucher | Gejdenson | Livingston |
| Boxer | Gekas | Lloyd |
| Brewster | Geren | Long |
| Brooks | Gibbons | Lowey (NY) |
| Broomfield | Gilchrest | Luken |
| Browder | Gillmor | Machtley |
| Brown | Gilman | Manton |
| Bruce | Glickman | Markey |
| Bryant | Gonzalez | Marlenee |
| Bunning | Goodling | Martin |
| Burton | Gordon | Matsui |
| Bustamante | Goss | Mavroules |
| Byron | Gradison | Mazzoli |
| Callahan | Grandy | McCandless |
| Camp | Green | McCloskey |
| Campbell (CA) | Guarini | McCollum |
| Campbell (CO) | Gunderson | McCrery |
| Cardin | Hall (OH) | McCurdy |
| Carper | Hall (TX) | McDade |
| Carr | Hamilton | McDermott |
| Chandler | Hammerschmidt | McEwen |
| Chapman | Hancock | McGrath |
| Clay | Hansen | McHugh |
| Clement | Harris | McMillan (NC) |
| Clinger | Hastert | McMillen (MD) |
| Coble | Hayes (IL) | McNulty |
| Coleman (MO) | Hayes (LA) | Meyers |
| Coleman (TX) | Hefley | Mfume |
| Collins (IL) | Hefner | Michel |
| Collins (MI) | Henry | Miller (CA) |
| Combest | Herger | Miller (OH) |
| Condit | Hertel | Miller (WA) |
| Conyers | Hoagland | Mineta |
| Costello | Hobson | Mink |
| Cox (IL) | Hochbrueckner | Moakley |
| Coyne | Holloway | Molinari |
| Cramer | Hopkins | Mollohan |
| Crane | Horn | Montgomery |
| Cunningham | Horton | Moody |
| Dannemeyer | Houghton | Moorhead |
| Darden | Hoyer | Moran |
| de la Garza | Hubbard | Morella |
| DeFazio | Huckaby | Morrison |
| DeLauro | Hughes | Mrazek |
| DeLay | Hunter | Murphy |
| Dellums | Hutto | Myers |
| Derrick | Inhofe | Nagle |
| Dickinson | Ireland | Natcher |
| Dicks | Jacobs | Neal (MA) |
| Dingell | James | Neal (NC) |

| | | |
|---|---|---|
| Nichols | Rohrabacher | Stenholm |
| Nowak | Ros-Lehtinen | Stokes |
| Nussle | Rose | Studds |
| Oakar | Rostenkowski | Stump |
| Oberstar | Roth | Sundquist |
| Obey | Roukema | Swett |
| Olin | Rowland | Swift |
| Olver | Roybal | Synar |
| Ortiz | Russo | Tanner |
| Orton | Sabo | Tauzin |
| Owens (NY) | Sanders | Taylor (MS) |
| Owens (UT) | Sangmeister | Taylor (NC) |
| Oxley | Santorum | Thomas (CA) |
| Packard | Sarpalius | Thomas (WY) |
| Pallone | Savage | Thornton |
| Panetta | Sawyer | Torres |
| Parker | Saxton | Torricelli |
| Pastor | Schaefer | Towns |
| Patterson | Scheuer | Traficant |
| Paxon | Schiff | Traxler |
| Payne (NJ) | Schroeder | Unsoeld |
| Payne (VA) | Schulze | Upton |
| Pease | Schumer | Valentine |
| Pelosi | Sensenbrenner | Vander Jagt |
| Penny | Serrano | Vento |
| Peterson (MN) | Sharp | Visclosky |
| Petri | Shaw | Volkmer |
| Pickett | Shays | Vucanovich |
| Pickle | Shuster | Walker |
| Porter | Sikorski | Walsh |
| Poshard | Sisisky | Washington |
| Price | Skaggs | Waters |
| Pursell | Skeen | Waxman |
| Quillen | Skelton | Weiss |
| Rahall | Slattery | Weldon |
| Ramstad | Slaughter | Wheat |
| Rangel | Smith (FL) | Whitten |
| Ravenel | Smith (IA) | Williams |
| Reed | Smith (NJ) | Wilson |
| Regula | Smith (OR) | Wise |
| Rhodes | Smith (TX) | Wolf |
| Richardson | Snowe | Wolpe |
| Ridge | Solarz | Wyden |
| Riggs | Solomon | Wylie |
| Rinaldo | Spence | Yates |
| Ritter | Spratt | Yatron |
| Roberts | Staggers | Young (AK) |
| Roe | Stallings | Young (FL) |
| Roemer | Stark | Zeliff |
| Rogers | Stearns | Zimmer |

NAYS—0

NOT VOTING—20

| | | |
|---|---|---|
| Cooper | Gingrich | Perkins |
| Coughlin | Hatcher | Peterson (FL) |
| Cox (CA) | Hyde | Ray |
| Davis | Kolter | Tallon |
| Dwyer | Lowery (CA) | Thomas (GA) |
| Feighan | Martinez | Weber |
| Gephardt | Murtha | |

□ 1313

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## MESSAGE FROM THE SENATE

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

H.R. 479. An act to amend the National Trails System Act to designate the California National Historic Trail and Pony Express National Historic Trail as components of the National Trails System; and

H.R. 5343. An act to make technical amendments to the Fair Packaging and Labeling Act with respect to treatment of the SI metric system, and for other purposes.

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

S. 2625. An act to designate the United States courthouse being constructed at 400 Cooper Street in Camden, New Jersey, as the "Mitchell H. Cohen United States Courthouse".

The message also announced that the Senate agrees to the amendments of the House to the bill (S. 1766) "An act relating to the jurisdiction of the U.S. Capitol Police," with an amendment.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 2938) "An act to authorize the Architect of the Capitol to acquire certain property."

## PRIVILEGES OF THE HOUSE—DIRECTING COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT TO INVESTIGATE ALLEGED VIOLATIONS OF COMMITTEE ON HOUSE ADMINISTRATION TASK FORCE IN ITS INVESTIGATION OF HOUSE POST OFFICE

Mr. THOMAS of California. Madam Speaker, I rise to a question of the privileges of the House, and I send to the desk a privileged resolution (H. Res. 519) and ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 519

Whereas, pursuant to H. Res. 340, the Committee on House Administration was directed to investigate the operation and management of the Office of the Postmaster and;

Whereas, the Committee on House Administration Task Force to Investigate the Operation and Management of the Office of the Postmaster required all Task Force staff to agree in writing, by signing an Agreement of Confidentiality, not to disclose any information relating to the investigation prior to such time as the Task Force has released its final report and;

Whereas, confidential information from the Task Force draft report appeared in the July 10, 1992 and July 11, 1992 issues of The Washington Times and the July 13, 1992 issue of Roll Call and;

Whereas, a Member of the Task Force, in an attempt to influence the contents of the final Task Force report, placed a phone call to a Member not on the Task Force regarding confidential information in the Task Force draft report; and

Whereas, House Rule XLIII (the Code of Official Conduct), Section 1, requires that a "Member, officer, or employee of the House of Representatives shall conduct himself at all times in a manner which shall reflect creditably on the House of Representatives;"

*Resolved*, That the House of Representatives directs the Committee on Standards of Official Conduct to investigate violations of the Agreement of Confidentiality of the Committee on House Administration Task Force to Investigate the Operation and Management of the Office of the Postmaster, and to determine whether the conduct of any Task Force Member who attempted to influence the content of the final Task Force report by calling any Member not on the Task Force regarding confidential information in the Task Force draft report violated House Rule XLIII, the Code of Official Conduct.

The SPEAKER pro tempore (Mrs. SCHROEDER). The resolution constitutes a question of the privileges of the House.

Mr. ROSE. Madam Speaker, I move to lay the resolution on the table.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. ROSE] to lay on the table House Resolution 519.

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

RECORDED VOTE

Mr. THOMAS of California. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 233, noes 176, not voting 25, as follows:

[Roll No. 293]

AYES—233

| | | |
|---|---|---|
| Abercrombie | Fascell | McCloskey |
| Ackerman | Fazio | McCurdy |
| Alexander | Flake | McDermott |
| Anderson | Foglietta | McHugh |
| Andrews (NJ) | Ford (MI) | McMillen (MD) |
| Andrews (TX) | Ford (TN) | McNulty |
| Annunzio | Frank (MA) | Mfume |
| Anthony | Frost | Miller (CA) |
| Applegate | Gaydos | Mineta |
| Aspin | Gejdenson | Mink |
| Atkins | Geren | Moakley |
| AuCoin | Gibbons | Mollohan |
| Beilenson | Glickman | Montgomery |
| Bennett | Gonzalez | Moody |
| Berman | Gordon | Moran |
| Bevill | Guarini | Mrazek |
| Bilbray | Hall (OH) | Murphy |
| Blackwell | Hall (TX) | Nagle |
| Bonior | Harris | Natcher |
| Borski | Hayes (IL) | Neal (MA) |
| Boucher | Hayes (LA) | Neal (NC) |
| Brewster | Hefner | Nowak |
| Brooks | Hertel | Oakar |
| Browder | Hoagland | Oberstar |
| Brown | Hochbrueckner | Obey |
| Bryant | Horn | Olin |
| Bustamante | Hoyer | Olver |
| Byron | Hubbard | Ortiz |
| Campbell (CO) | Huckaby | Orton |
| Cardin | Hughes | Owens (NY) |
| Carper | Hutto | Owens (UT) |
| Carr | Jefferson | Pallone |
| Chapman | Jenkins | Panetta |
| Clay | Johnson (SD) | Parker |
| Clement | Johnston | Pastor |
| Coleman (TX) | Jones (GA) | Patterson |
| Collins (IL) | Jones (NC) | Payne (NJ) |
| Condit | Jontz | Payne (VA) |
| Cooper | Kanjorski | Pease |
| Cox (IL) | Kaptur | Pelosi |
| Coyne | Kennedy | Penny |
| Cramer | Kennelly | Peterson (MN) |
| Darden | Kildee | Pickett |
| de la Garza | Kleczka | Pickle |
| DeFazio | Kopetski | Price |
| DeLauro | Kostmayer | Rangel |
| Dellums | LaFalce | Reed |
| Derrick | Lancaster | Richardson |
| Dicks | Lantos | Roe |
| Dingell | LaRocco | Rose |
| Dixon | Laughlin | Rostenkowski |
| Donnelly | Lehman (CA) | Rowland |
| Dooley | Lehman (FL) | Roybal |
| Dorgan (ND) | Levin (MI) | Russo |
| Downey | Levine (CA) | Sabo |
| Durbin | Lewis (GA) | Sanders |
| Dymally | Lloyd | Sarpalius |
| Early | Long | Savage |
| Eckart | Lowey (NY) | Sawyer |
| Edwards (CA) | Luken | Schroeder |
| Edwards (TX) | Manton | Schumer |
| Engel | Markey | Serrano |
| English | Martinez | Sikorski |
| Espy | Matsui | Sisisky |
| Evans | Mavroules | Skaggs |

Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Solarz
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wolpe
Wyden
Yates

NOES—176

Allard
Allen
Andrews (ME)
Archer
Armey
Bacchus
Baker
Ballenger
Barrett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Boxer
Broomfield
Bruce
Bunning
Burton
Callahan
Camp
Campbell (CA)
Chandler
Clinger
Coble
Coleman (MO)
Combest
Costello
Crane
Cunningham
Dannemeyer
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
Erdreich
Ewing
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Goodling
Goss
Gradison
Grandy
Green
Gunderson
Hamilton
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Horton
Houghton
Hunter
Inhofe
Jacobs
James
Johnson (CT)
Johnson (TX)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Leach
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lowery (CA)
Machtley
Marlenee
Martin
Mazzoli
McCandless
McCollum
McCrery
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Morella
Morrison
Myers
Nichols
Nussle
Oxley
Packard
Paxon
Petri
Porter
Poshard
Pursell
Quillen
Rahall
Ramstad
Ravenel
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Sangmeister
Santorum
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Staggers
Stallings
Stearns
Stump
Sundquist
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Walsh
Weldon
Wise
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—25

Barnard
Collins (MI)
Conyers
Coughlin
Cox (CA)
Davis
Dwyer
Feighan
Gephardt
Gingrich
Hatcher
Hyde
Ireland
Kolter
Murtha
Perkins
Peterson (FL)
Ray
Scheuer
Spratt
Tallon
Thomas (GA)
Weber
Wolf
Yatron

□ 1338

Mr. McCLOSKEY and Mr. JONTZ changed their vote from "no" to "aye."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PRIVILEGES OF THE HOUSE—DIRECTING COMMITTEE ON HOUSE ADMINISTRATION TO MAKE PUBLIC TRANSCRIPTS OF TASK FORCE INVESTIGATION OF HOUSE POST OFFICE

Mr. WALKER. Madam Speaker, I rise to a question of the privileges of the House, and I offer a privileged resolution (H. Res. 520) involving a question of the privileges of the House, and ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 520

Whereas the Committee on House Administration has ordered reported the findings of the Committee Task Force to Investigate the Operation and Management of the House Post Office; and

Whereas matters have been raised which impugn the integrity of the proceedings of the House of Representatives: Now therefore be it

*Resolved*, That the Committee on House Administration is directed to make public all transcripts of proceedings of the Task Force leading to its final report.

The SPEAKER pro tempore. The resolution constitutes a question of the privileges of the House.

MOTION OFFERED BY MR. ROSE

Mr. ROSE. Madam Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROSE moves to lay on the table House Resolution 520.

□ 1340

The SPEAKER pro tempore (Mrs. SCHROEDER). The question is on the motion offered by the gentleman from North Carolina [Mr. ROSE] to lay on the table House Resolution 520.

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

RECORDED VOTE

Mr. ROSE. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 207, noes 200, not voting 27, as follows:

[Roll No. 294]

AYES—207

Abercrombie
Ackerman
Anderson
Andrews (TX)
Annunzio
Applegate
Aspin
Atkins
AuCoin
Beilenson
Bennett
Berman
Bevill
Bilbray
Blackwell
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bryant
Bustamante
Campbell (CO)
Cardin
Carr
Chapman
Clay
Clement
Coleman (TX)
Collins (IL)
Condit
Conyers
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Downey
Durbin
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
Espy
Fascell
Fazio
Flake
Foglietta
Ford (TN)
Frank (MA)
Frost
Gaydos
Gejdenson
Geren
Gonzalez
Gordon
Guarini
Hall (OH)
Harris
Hayes (IL)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Hoyer
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Manton
Markey
Martinez
Matsui
McCloskey
McCurdy
McDermott
McHugh
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moran
Mrazek
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Panetta
Parker
Pastor
Payne (NJ)
Payne (VA)
Pease
Pelosi
Peterson (MN)
Pickett
Pickle
Price
Rangel
Richardson
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Solarz
Spratt
Stallings
Stark
Stokes
Studds
Swift
Synar
Tanner
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Weiss
Whitten
Wise
Wolpe
Wyden
Yates
Yatron

NOES—200

Allard
Allen
Andrews (ME)
Andrews (NJ)
Archer
Armey
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Broomfield
Bruce
Bunning
Burton
Byron
Callahan
Camp
Campbell (CA)
Carper
Chandler
Clinger
Coble
Coleman (MO)
Combest
Cooper
Costello
Crane
Cunningham
Dannemeyer
DeLay
Dickinson
Doolittle
Dorgan (ND)
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
English
Erdreich
Evans
Ewing
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Goodling
Goss
Gradison
Grandy
Green
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Hastert
Hayes (LA)
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Horton
Houghton
Hubbard
Huckaby
Hughes
Hunter
Hutto
Inhofe
Jacobs
James
Johnson (CT)
Johnson (TX)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Leach
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Machtley
Marlenee
Martin
Mavroules
Mazzoli
McCandless
McCollum
McCrery
McDade
McEwen
McGrath
McMillan (NC)
McMillen (MD)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Moody
Moorhead
Morella
Morrison
Myers
Nichols
Nussle
Oxley
Packard
Pallone
Patterson

| | | |
|---|---|---|
| Paxon | Roth | Stump |
| Penny | Roukema | Sundquist |
| Petri | Santorum | Swett |
| Porter | Saxton | Taylor (MS) |
| Poshard | Schaefer | Taylor (NC) |
| Pursell | Schiff | Thomas (CA) |
| Quillen | Schulze | Thomas (WY) |
| Rahall | Sensenbrenner | Upton |
| Ramstad | Sharp | Valentine |
| Ravenel | Shaw | Vander Jagt |
| Reed | Shays | Vucanovich |
| Regula | Shuster | Walker |
| Rhodes | Skeen | Walsh |
| Ridge | Smith (NJ) | Weldon |
| Riggs | Smith (OR) | Williams |
| Rinaldo | Smith (TX) | Wilson |
| Ritter | Snowe | Wylie |
| Roberts | Solomon | Young (AK) |
| Roemer | Spence | Young (FL) |
| Rogers | Staggers | Zeliff |
| Rohrabacher | Stearns | Zimmer |
| Ros-Lehtinen | Stenholm | |

NOT VOTING—27

| | | |
|---|---|---|
| Alexander | Gephardt | Peterson (FL) |
| Anthony | Gingrich | Ray |
| Collins (MI) | Hatcher | Roe |
| Coughlin | Hyde | Tallon |
| Cox (CA) | Ireland | Tauzin |
| Davis | Kolter | Thomas (GA) |
| Dwyer | Murphy | Weber |
| Feighan | Murtha | Wheat |
| Ford (MI) | Perkins | Wolf |

□ 1358

Mrs. BYRON and Messrs. MAZZOLI, BARNARD, McMILLEN of Maryland, and MOODY changed their vote from "aye" to "no."

Messrs. BEVILL, TORRES, DE LA GARZA, HERTEL, and JEFFERSON changed their vote from "no" to "aye."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1400

GENERAL LEAVE

Mr. YATES. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 5503, the bill we are about to consider, and that I may be permitted to include tables, charts, and other materials.

The SPEAKER pro tempore (Mrs. SCHROEDER). Is there objection to the request of the gentleman from Illinois?

There was no objection.

## DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1993

Mr. YATES. Madam Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5503) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1993, and for other purposes; and pending that motion, Madam Speaker, I ask unanimous consent that general debate be limited to not to exceed one hour, the time to be equally divided and controlled by the gentleman from Ohio [Mr. REGULA] and myself.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

□ 1401

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5503, with Mr. GLICKMAN in the chair.

The Clerk read the title of the bill.

By unanimous consent, the bill was considered as having been read the first time.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Illinois [Mr. YATES] will be recognized for 30 minutes, and the gentleman from Ohio [Mr. REGULA] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Chairman, I yield myself such time as I may use.

Mr. Chairman, we bring to the Members today H.R. 5503, making appropriations for fiscal year 1993 for the Department of the Interior and related agencies. This bill is within the 602(b) allocation for both budget authority and outlays. We are approximately $198 million below our allocation in budget authority but we are at—right at—the budget ceiling. The bill includes $13 billion in budget authority and $12.7 billion in outlays.

That is the total of the bill. We anticipate revenues, as a result of the activities of the Department of the Interior and the Forest Service, during the course of fiscal year 1993 in the amount of $8.1 billion. After adjusting for firefighting costs and for fixed costs, such as inflation, pay raises, and rent increases, we are 5 percent below our fiscal year 1992 level.

Mr. Chairman, although we are within our 602(b) allocation and below our inflation-adjusted 1992 level, the recommendations before us today exceed the President's budget by about $484 million, almost half a billion dollars. The reason is that the President proposed significant reductions in a number of important, ongoing programs in this bill which our committees considered to be inappropriate, and we have placed the money in the bill in order to continue the programs.

For example, it seems strange that at a time when the State of California is undergoing a series of earthquakes, that there were cuts in vital research in the Geological Survey related to earthquake research and volcanoes and our water resources. We added $47 million above the President's budget in order to continue this important research.

We rejected proposed cuts by the President in the Bureau of Mines on ways to improve mine health, safety, and technology. We added $32 million above the budget request for the Bureau's research program. We rejected the President's proposal to decrease reclamation of abandoned mine sites. We restored $32 million to maintain the current funding level for these.

Fossil energy research by the Department of Energy was targeted for large decreases in the administration's budget proposal, including cuts in research to develop more efficient and more environmentally benign ways to burn coal, our greatest natural resource, which provides 55 percent of our electricity generation. We added $100 million above the budget request for fossil energy research programs.

I should also note that these programs, although above the President's request, are either at the 1992 levels or below. We have not increased them above current levels.

The President also, and this we consider to be important, proposed reductions related to programs for the Indian people. These reductions were both to Indian health care and ongoing operations and developments for Indian tribes, and for programs funded through the Bureau of Indian Affairs. Of the increase over the President's budget by our committee, $246 million is related to provision of medical services for the Indian people. The Indian people throughout the country as a whole have a lower health status than any other group in our country. It seems the lesser part of wisdom that efforts to improve that status should be reduced.

Although the Indian Health Service is improving its collections from private insurers and from Medicaid and Medicare, in the most recent year we have data, which is 1991, collections were $100 million, far short of the collections assumed in the President's budget; $184 million short, to be exact.

We have a burden to carry in our bill that I think is most unfair. Were it not for the action of CBO and OMB in designating fire suppression and fire fighting as discretionary costs, we would have a significant amount of funds available to take care of other programs in the bill. For some strange reason, in spite of the fact that a study was made which showed that over a 10-year period the annual cost of fire fighting and fire suppression was approximately $600 million, which would lead one to believe that that amount should be considered as mandatory, OMB and CBO still consider it to be discretionary, and we placed $613 million in our bill.

There were more than 800 witnesses who appeared before us. Of those wit-

nesses 107 were Members of Congress. Another 265 Members wrote to the committee asking for special attention for specific projects and programs. These are worthy programs, for the most part. They ought to be funded, and yet, because of the paucity of the resources with which we have to deal, we were unable to approve as many as we would have liked to do and as many as we should have.

It is important if we are to protect the natural resources of this country that our national park system, our public lands, our forest system, our wildlife refuge system, will be eased from the great stress under which they serve today and be provided with more funds with which to carry on their activities.

Many of you are interested in low income weatherization grants and will be happy to know that we have maintained the 1992 level of $194 million for these grants as well as maintaining the other State energy grants. The President's budget proposed to decrease weatherization assistance by $114 million. In addition, energy conservation research and development continues to be a high priority and we have been able to increase this important research by $50 million, a 20-percent increase over 1992.

In order to stay within our allocation, we were unable to fund any of the 30 new construction starts for visitors centers which were requested by Members of Congress. Similarly, we made a policy decision to delay start of acquisition of lands to initiate new wildlife refuges.

We also generally were unable to fund program expansions. Several agencies in the bill are recommended for funding below current levels. They include the Fish and Wildlife Service, the National Park Service, the Minerals Management Service, the Bureau of Mines, Territorial Affairs, and the Departmental Offices in the Department of the Interior; State and Private forestry, National Forest System and construction in the Forest Service; and Fossil Energy Research and Development in the Department of Energy. Although the Fish and Wildlife Service and the National Park Service in total are below 1992 levels, we have provided small operating increases, but not nearly at the level desirable to achieve full protection of these precious natural resources.

Appropriations from the Land and Water Conservation Fund for Federal acquisitions total $233 million, $60 million less than last year. State grants from the Fund are set at $28 million, an increase of $5 million over the 1992 amount. Requests for land acquisition from all sources totaled well over $1 billion.

The requests for individual construction items in the National Park Service exceeded $525 million. We were able to accommodate less than half of these.

Moratoria on Outer Continental Shelf leasing and related activities are continued in exactly the same areas and in the same form as contained in the 1992 appropriation. This includes California, Washington, and Oregon on the west coast, the Atlantic Coast, the eastern Gulf of Mexico and Bristol Bay in Alaska.

The activities in this bill are expected to generate receipts to the Treasury of approximately $8.2 billion in fiscal year 1993, which goes a long way toward offsetting the recommended new budget authority.

I believe we have done a good job under difficult circumstances to bring you a bill you can support.

In closing, I want to thank all the members of the subcommittee—JACK MURTHA, NORM DICKS, LES AUCOIN, TOM BEVILL, CHET ATKINS, JOE MCDADE, BILL LOWERY, JOE SKEEN, and especially RALPH REGULA, the ranking Republican member. All the subcommittee members have made significant contributions. For two of our members, this will be the last bill for which we will have the benefit of their contributions. I thank Mr. AUCOIN and Mr. LOWERY for their service and wish them well in their future pursuits.

I want to correct two errors in the report. First, on page 83, the amount included in the table under recreation construction for the national forests in Texas should be $1,899,000. The total increase indicated for facilities construction, +$2,601,000, does include this amount. Second, on page 21, the committee recommendation for land acquisition at the Stillwater National Wildlife Refuge in Nevada should read $3,000,000.

At this point, I ask that a table detailing the various amounts in the bill, as recommended by the Committee, be included in the Record.

## FY 1993 Interior and Related Agencies Appropriations Bill (H.R. 5503)

| | FY 1992 Enacted | FY 1993 Estimate | Bill | Bill compared with Enacted | Bill compared with Estimate |
|---|---|---|---|---|---|
| TITLE I - DEPARTMENT OF THE INTERIOR | | | | | |
| Bureau of Land Management | | | | | |
| Management of lands and resources | 532,149,000 | 546,247,000 | 531,967,000 | -182,000 | -14,280,000 |
| Fire protection | 120,473,000 | 119,560,000 | 119,560,000 | -913,000 | ..... |
| Emergency Department of the Interior firefighting fund | 99,598,000 | 113,640,000 | 113,640,000 | +14,042,000 | ..... |
| Emergency contingency | ..... | (51,200,000) | (51,200,000) | (+51,200,000) | ..... |
| Construction and access | 14,138,000 | 14,228,000 | 13,225,000 | -913,000 | -1,003,000 |
| Payments in lieu of taxes | 103,677,000 | 105,000,000 | 105,000,000 | +1,323,000 | ..... |
| Land acquisition | 25,003,000 | 42,090,000 | 25,940,000 | +937,000 | -16,150,000 |
| Oregon and California grant lands | 89,137,000 | 83,622,000 | 83,122,000 | -6,015,000 | -500,000 |
| Range improvements (indefinite) | 10,687,000 | 10,747,000 | 10,747,000 | +60,000 | ..... |
| Service charges, deposits, & forfeitures (indefinite) | 7,899,000 | 8,000,000 | 8,000,000 | +101,000 | ..... |
| Miscellaneous trust funds (indefinite) | 7,285,000 | 7,380,000 | 7,380,000 | +95,000 | ..... |
| Total, Bureau of Land Management | 1,010,046,000 | 1,050,514,000 | 1,018,581,000 | +8,535,000 | -31,933,000 |
| United States Fish and Wildlife Service | | | | | |
| Resource management | 512,870,000 | 544,075,000 | 530,211,000 | +17,341,000 | -13,864,000 |
| Construction and anadromous fish | 113,447,000 | 49,410,000 | 47,513,000 | -65,934,000 | -1,897,000 |
| Land acquisition | 97,891,000 | 79,509,000 | 67,397,000 | -30,494,000 | -12,112,000 |
| National wildlife refuge fund | 11,849,000 | 14,079,000 | 11,849,000 | ..... | -2,230,000 |
| Rewards and operations | 1,186,000 | 1,201,000 | 1,201,000 | +15,000 | ..... |
| North American wetlands conservation fund | ..... | 15,000,000 | 7,500,000 | +7,500,000 | -7,500,000 |
| Natural resource damage assessment and restoration fund | 4,315,000 | 5,000,000 | 5,000,000 | +685,000 | ..... |
| Cooperative endangered species conservation fund | 6,621,000 | 5,700,000 | 6,621,000 | ..... | +921,000 |
| Total, United States Fish and Wildlife Service | 748,179,000 | 713,974,000 | 677,292,000 | -70,887,000 | -36,682,000 |
| National Park Service | | | | | |
| Operation of the national park system | 953,498,000 | 1,031,813,000 | 992,059,000 | +38,561,000 | -39,754,000 |
| National recreation and preservation | 22,799,000 | 30,991,000 | 22,715,000 | -84,000 | -8,276,000 |
| Historic preservation fund | 35,478,000 | 40,931,000 | 36,931,000 | +1,453,000 | -4,000,000 |
| Construction | 272,326,000 | 137,686,000 | 237,806,000 | -34,520,000 | +100,120,000 |
| Urban park and recreation fund | 4,937,000 | ..... | ..... | -4,937,000 | ..... |
| Land and water conservation fund (rescission of contract authority) | -30,000,000 | -30,000,000 | -30,000,000 | ..... | ..... |
| Land acquisition and state assistance | 105,227,000 | 144,404,000 | 106,500,000 | +1,273,000 | -37,904,000 |
| John F. Kennedy Center for the Performing Arts | 22,656,000 | 13,556,000 | 13,556,000 | -9,100,000 | ..... |
| Illinois and Michigan Canal National Heritage Corridor Commission | 247,000 | ..... | 250,000 | +3,000 | +250,000 |
| Total, National Park Service (net) | 1,387,168,000 | 1,369,381,000 | 1,379,817,000 | -7,351,000 | +10,436,000 |
| United States Geological Survey | | | | | |
| Surveys, investigations, and research | 582,619,000 | 540,267,000 | 587,668,000 | +5,049,000 | +47,401,000 |
| Minerals Management Service | | | | | |
| Leasing and royalty management | 204,461,000 | 197,812,000 | 197,514,000 | -6,947,000 | -298,000 |
| Oil spill research | ..... | 5,377,000 | 5,377,000 | +5,377,000 | ..... |
| Total, Minerals Management Service | 204,461,000 | 203,189,000 | 202,891,000 | -1,570,000 | -298,000 |
| Bureau of Mines | | | | | |
| Mines and minerals | 174,464,000 | 141,364,000 | 173,056,000 | -1,408,000 | +31,692,000 |
| Office of Surface Mining Reclamation and Enforcement | | | | | |
| Regulation and technology | 109,700,000 | 112,282,000 | 112,674,000 | +2,974,000 | +392,000 |
| Receipts from performance bond forfeitures (indefinite) | 1,481,000 | 1,200,000 | 1,200,000 | -281,000 | ..... |
| Total | 111,181,000 | 113,482,000 | 113,874,000 | +2,693,000 | +392,000 |
| Abandoned mine reclamation fund (definite, trust fund) | 187,803,000 | 156,151,000 | 188,041,000 | +238,000 | +31,890,000 |
| Total, Office of Surface Mining Reclamation and Enforcement | 298,984,000 | 269,633,000 | 301,915,000 | +2,931,000 | +32,282,000 |
| Bureau of Indian Affairs | | | | | |
| Operation of Indian programs | 1,274,322,000 | 1,256,483,000 | 1,354,151,000 | +79,829,000 | +97,668,000 |
| Construction | 149,658,000 | 81,591,000 | 152,446,000 | +2,788,000 | +70,855,000 |
| Miscellaneous payments to Indians | 87,617,000 | 31,709,000 | 39,109,000 | -48,508,000 | +7,400,000 |
| Navajo rehabilitation trust fund | 3,950,000 | ..... | 4,000,000 | +50,000 | +4,000,000 |
| Indian direct loan program account | 4,008,000 | ..... | 2,500,000 | -1,508,000 | +2,500,000 |
| (Limitation on direct loans) | (15,735,000) | ..... | (11,300,000) | (-4,435,000) | (+11,300,000) |
| Indian guaranteed loan program account | 9,412,000 | 9,770,000 | 9,770,000 | +358,000 | ..... |
| (Limitation on guaranteed loans) | (56,432,000) | (68,800,000) | (68,800,000) | (+12,368,000) | ..... |
| Technical assistance of Indian enterprises | 987,000 | 2,987,000 | 1,987,000 | +1,000,000 | -1,000,000 |
| Total, Bureau of Indian Affairs | 1,529,954,000 | 1,382,540,000 | 1,563,963,000 | +34,009,000 | +181,423,000 |
| Territorial and International Affairs | | | | | |
| Administration of territories | 63,618,000 | 60,765,000 | 52,171,000 | -11,447,000 | -8,594,000 |
| Interest rate differential | 29,047,000 | 1,260,000 | 28,980,000 | -67,000 | +27,720,000 |
| Total | 92,665,000 | 62,025,000 | 81,151,000 | -11,514,000 | +19,126,000 |
| Trust Territory of the Pacific Islands | 24,143,000 | 16,451,000 | 26,796,000 | +2,653,000 | +10,345,000 |

## FY 1993 Interior and Related Agencies Appropriations Bill (H.R. 5503)—Continued

| | FY 1992 Enacted | FY 1993 Estimate | Bill | Bill compared with Enacted | Bill compared with Estimate |
|---|---|---|---|---|---|
| Compact of Free Association | 14,821,000 | 7,357,000 | 10,457,000 | -4,364,000 | +3,100,000 |
| Mandatory payments | 10,000,000 | 10,000,000 | 10,000,000 | | |
| Total | 24,821,000 | 17,357,000 | 20,457,000 | -4,364,000 | +3,100,000 |
| Total, Territorial and International Affairs | 141,629,000 | 95,833,000 | 128,404,000 | -13,225,000 | +32,571,000 |
| Departmental Offices | | | | | |
| Office of the Secretary | 63,633,000 | 72,279,000 | 63,857,000 | +224,000 | -8,422,000 |
| Oil spill emergency fund | 3,851,000 | | | -3,851,000 | |
| Office of the Solicitor | 31,128,000 | 33,055,000 | 31,941,000 | +813,000 | -1,114,000 |
| Office of Inspector General | 23,741,000 | 26,420,000 | 23,741,000 | | -2,679,000 |
| Construction Management | 2,215,000 | 2,330,000 | 2,191,000 | -24,000 | -139,000 |
| National Indian Gaming Commission | 2,190,000 | 2,480,000 | 2,190,000 | | -290,000 |
| Total, Departmental Offices | 126,758,000 | 136,564,000 | 123,920,000 | -2,838,000 | -12,644,000 |
| Total, title I, Department of the Interior: | | | | | |
| New budget (obligational) authority (net) | 6,204,262,000 | 5,903,259,000 | 6,157,507,000 | -46,755,000 | +254,248,000 |
| Appropriations | (6,234,262,000) | (5,933,259,000) | (6,187,507,000) | (-46,755,000) | (+254,248,000) |
| Rescission | (-30,000,000) | (-30,000,000) | (-30,000,000) | | |
| (Limitation on direct loans) | (15,735,000) | | (11,300,000) | (-4,435,000) | (+11,300,000) |
| (Limitation on guaranteed loans) | (56,432,000) | (68,800,000) | (68,800,000) | (+12,368,000) | |
| TITLE II - RELATED AGENCIES | | | | | |
| DEPARTMENT OF AGRICULTURE | | | | | |
| Forest Service | | | | | |
| Forest research | 180,509,000 | 170,099,000 | 186,657,000 | +6,148,000 | +16,558,000 |
| State and private forestry | 181,787,000 | 198,976,000 | 136,929,000 | -44,858,000 | -62,047,000 |
| Emergency pest suppression fund | | | (42,315,000) | (+42,315,000) | (+42,315,000) |
| National forest system | 1,342,529,000 | 1,367,727,000 | 1,320,937,000 | -21,592,000 | -46,790,000 |
| Forest Service fire protection | 187,411,000 | 197,785,000 | 192,785,000 | +5,374,000 | -5,000,000 |
| Emergency Forest Service firefighting fund | 110,589,000 | 187,000,000 | 187,000,000 | +76,411,000 | |
| Emergency contingency | | (188,000,000) | (188,000,000) | (+188,000,000) | |
| Construction | 271,711,000 | 310,525,000 | 241,449,000 | -30,262,000 | -69,076,000 |
| Timber receipts transfer to general fund (indefinite) | (-72,748,000) | (-75,366,000) | (-75,366,000) | (-2,618,000) | |
| Timber purchaser credits | (113,000,000) | (110,669,000) | (110,669,000) | (-2,331,000) | |
| Land acquisition | 88,306,000 | 100,000,000 | 62,072,000 | -26,234,000 | -37,928,000 |
| Acquisition of lands for national forests, special acts | 1,118,000 | 1,190,000 | 1,190,000 | +72,000 | |
| Acquisition of lands to complete land exchanges (indefinite) | 1,214,000 | 200,000 | 200,000 | -1,014,000 | |
| Range betterment fund (indefinite) | 5,369,000 | 5,309,000 | 5,309,000 | -60,000 | |
| Gifts, donations and bequests for forest and rangeland research | 96,000 | 105,000 | 105,000 | +9,000 | |
| Total, Forest Service | 2,370,639,000 | 2,538,916,000 | 2,334,633,000 | -36,006,000 | -204,283,000 |
| DEPARTMENT OF ENERGY | | | | | |
| Clean coal technology | -50,000,000 | -25,000,000 | | +50,000,000 | +25,000,000 |
| Fossil energy research and development | 452,332,000 | 311,325,000 | 412,597,000 | -39,735,000 | +101,272,000 |
| Rescission | -8,000,000 | | | +8,000,000 | |
| Total (net) | 444,332,000 | 311,325,000 | 412,597,000 | -31,735,000 | +101,272,000 |
| Alternative fuels production (indefinite) | -8,364,000 | -7,500,000 | -7,500,000 | +864,000 | |
| Naval petroleum and oil shale reserves | 232,335,000 | 238,094,000 | 238,094,000 | +5,759,000 | |
| Energy conservation | 536,322,000 | 521,430,000 | 591,859,000 | +55,537,000 | +70,429,000 |
| Economic regulation | 14,585,000 | 13,865,000 | 14,565,000 | -20,000 | +700,000 |
| Emergency preparedness | 8,195,000 | 9,097,000 | 9,247,000 | +1,052,000 | +150,000 |
| Strategic Petroleum Reserve | 62,377,000 | 50,975,000 | 50,975,000 | -11,402,000 | |
| SPR petroleum account | 14,910,000 | | | -14,910,000 | |
| Energy Information Administration | 76,260,000 | 81,730,000 | 83,427,000 | +7,167,000 | +1,697,000 |
| Biomass Energy Development (Transfer) | | -44,000,000 | -44,000,000 | -44,000,000 | |
| Total, Department of Energy, new budget (obligational) authority | 1,330,952,000 | 1,150,016,000 | 1,349,264,000 | +18,312,000 | +199,248,000 |
| DEPARTMENT OF HEALTH AND HUMAN SERVICES | | | | | |
| Indian Health Service | | | | | |
| Indian health services | 1,431,603,000 | 1,384,446,000 | 1,559,615,000 | +128,012,000 | +175,169,000 |
| Indian health facilities | 274,351,000 | 267,006,000 | 338,596,000 | +64,245,000 | +71,590,000 |
| Total, Indian Health Service | 1,705,954,000 | 1,651,452,000 | 1,898,211,000 | +192,257,000 | +246,759,000 |
| DEPARTMENT OF EDUCATION | | | | | |
| Office of Elementary and Secondary Education | | | | | |
| Indian education | 76,570,000 | 81,205,000 | 81,274,000 | +4,704,000 | +69,000 |
| OTHER RELATED AGENCIES | | | | | |
| Office of Navajo and Hopi Indian Relocation | | | | | |
| Salaries and expenses | 25,842,000 | 30,935,000 | 28,935,000 | +3,093,000 | -2,000,000 |
| Institute of American Indian and Alaska Native Culture and Arts Development | | | | | |
| Payment to the Institute | 6,612,000 | 7,012,000 | 9,812,000 | +3,200,000 | +2,800,000 |

## FY 1993 Interior and Related Agencies Appropriations Bill (H.R. 5503)—Continued

| | FY 1992 Enacted | FY 1993 Estimate | Bill | Bill compared with Enacted | Bill compared with Estimate |
|---|---|---|---|---|---|
| **Smithsonian Institution** | | | | | |
| Salaries and expenses | 281,183,000 | 311,000,000 | 298,656,000 | +17,473,000 | -12,344,000 |
| Construction and improvements, National Zoological Park | 7,899,000 | 7,900,000 | 7,900,000 | +1,000 | ..... |
| Repair and restoration of buildings | 23,599,000 | 24,400,000 | 24,400,000 | +801,000 | ..... |
| Construction | 19,156,000 | 21,400,000 | 17,330,000 | -1,826,000 | -4,070,000 |
| Total, Smithsonian Institution | 331,837,000 | 364,700,000 | 348,286,000 | +16,449,000 | -16,414,000 |
| **National Gallery of Art** | | | | | |
| Salaries and expenses | 48,572,000 | 52,630,000 | 51,663,000 | +3,091,000 | -967,000 |
| Repair, restoration and renovation of buildings | 3,555,000 | 3,900,000 | 3,600,000 | +45,000 | -300,000 |
| Total, National Gallery of Art | 52,127,000 | 56,530,000 | 55,263,000 | +3,136,000 | -1,267,000 |
| **Woodrow Wilson International Center for Scholars** | | | | | |
| Salaries and expenses | 5,744,000 | 6,252,000 | 6,252,000 | +508,000 | ..... |
| **National Foundation on the Arts and the Humanities** | | | | | |
| **National Endowment for the Arts** | | | | | |
| Grants and administration | 145,839,000 | 145,455,000 | 147,634,000 | +1,795,000 | +2,179,000 |
| Matching grants | 30,116,000 | 30,500,000 | 31,300,000 | +1,184,000 | +800,000 |
| Total, National Endowment for the Arts | 175,955,000 | 175,955,000 | 178,934,000 | +2,979,000 | +2,979,000 |
| **National Endowment for the Humanities** | | | | | |
| Grants and administration | 150,727,000 | 157,050,000 | 152,108,000 | +1,381,000 | -4,942,000 |
| Matching grants | 25,228,000 | 30,009,000 | 26,826,000 | +1,598,000 | -3,183,000 |
| Total, National Endowment for the Humanities | 175,955,000 | 187,059,000 | 178,934,000 | +2,979,000 | -8,125,000 |
| **Institute of Museum Services** | | | | | |
| Grants and administration | 26,999,000 | 29,000,000 | 29,000,000 | +2,001,000 | ..... |
| Total, National Foundation on the Arts and the Humanities | 378,909,000 | 392,014,000 | 386,868,000 | +7,959,000 | -5,146,000 |
| **Commission of Fine Arts** | | | | | |
| Salaries and expenses | 722,000 | 785,000 | 791,000 | +69,000 | +6,000 |
| **National Capital Arts and Cultural Affairs** | | | | | |
| Grants | 7,000,000 | ..... | 7,000,000 | ..... | +7,000,000 |
| **Advisory Council on Historic Preservation** | | | | | |
| Salaries and expenses | 2,623,000 | 2,798,000 | 2,757,000 | +134,000 | -41,000 |
| **National Capital Planning Commission** | | | | | |
| Salaries and expenses | 4,775,000 | 6,100,000 | 5,400,000 | +625,000 | -700,000 |
| **Franklin Delano Roosevelt Memorial Commission** | | | | | |
| Salaries and expenses | 33,000 | 35,000 | 535,000 | +502,000 | +500,000 |
| **Pennsylvania Avenue Development Corporation** | | | | | |
| Salaries and expenses | 2,807,000 | 2,686,000 | 2,686,000 | -121,000 | ..... |
| Public development | 5,126,000 | 4,847,000 | 4,947,000 | -179,000 | +100,000 |
| Land acquisition and development fund | ..... | 6,500,000 | 6,500,000 | +6,500,000 | ..... |
| Total, Pennsylvania Avenue Development Corporation | 7,933,000 | 14,033,000 | 14,133,000 | +6,200,000 | +100,000 |
| **United States Holocaust Memorial Council** | | | | | |
| Holocaust Memorial Council | 10,866,000 | 18,504,000 | 21,450,000 | +10,584,000 | +2,946,000 |
| Total, title II, Related Agencies: | | | | | |
| New budget (obligational) authority (net) | 6,319,138,000 | 6,321,287,000 | 6,550,864,000 | +231,726,000 | +229,577,000 |
| Rescission | (-8,000,000) | ..... | ..... | (+8,000,000) | ..... |
| (Timber receipts transfer to general fund, indefinite) | (-72,748,000) | (-75,366,000) | (-75,366,000) | (-2,618,000) | ..... |
| (Timber purchaser credits) | (113,000,000) | (110,669,000) | (110,669,000) | (-2,331,000) | ..... |
| Grand total: | | | | | |
| New budget (obligational) authority (net) | 12,523,400,000 | 12,224,546,000 | 12,708,371,000 | +184,971,000 | +483,825,000 |
| Appropriations | (12,561,400,000) | (12,254,546,000) | (12,738,371,000) | (+176,971,000) | (+483,825,000) |
| Rescissions | (-38,000,000) | (-30,000,000) | (-30,000,000) | (+8,000,000) | ..... |
| (Timber receipts transfer to general fund, indefinite) | (-72,748,000) | (-75,366,000) | (-75,366,000) | (-2,618,000) | ..... |
| (Timber purchaser credits) | (113,000,000) | (110,669,000) | (110,669,000) | (-2,331,000) | ..... |
| **TITLE I - DEPARTMENT OF THE INTERIOR** | | | | | |
| Bureau of Land Management | 1,010,046,000 | 1,050,514,000 | 1,018,581,000 | +8,535,000 | -31,933,000 |
| United States Fish and Wildlife Service | 748,179,000 | 713,974,000 | 677,292,000 | -70,887,000 | -36,682,000 |
| National Park Service | 1,387,168,000 | 1,369,381,000 | 1,379,817,000 | -7,351,000 | +10,436,000 |
| United States Geological Survey | 582,619,000 | 540,267,000 | 587,668,000 | +5,049,000 | +47,401,000 |
| Minerals Management Service | 204,461,000 | 203,189,000 | 202,891,000 | -1,570,000 | -298,000 |
| Bureau of Mines | 174,464,000 | 141,364,000 | 173,056,000 | -1,408,000 | +31,692,000 |
| Office of Surface Mining Reclamation and Enforcement | 298,984,000 | 269,633,000 | 301,915,000 | +2,931,000 | +32,282,000 |
| Bureau of Indian Affairs | 1,529,954,000 | 1,382,540,000 | 1,563,963,000 | +34,009,000 | +181,423,000 |
| Territorial and International Affairs | 141,629,000 | 95,833,000 | 128,404,000 | -13,225,000 | +32,571,000 |

**FY 1993 Interior and Related Agencies Appropriations Bill (H.R. 5503)—Continued**

| | FY 1992 Enacted | FY 1993 Estimate | Bill | Bill compared with Enacted | Bill compared with Estimate |
|---|---|---|---|---|---|
| Secretarial Offices | 126,758,000 | 136,564,000 | 123,920,000 | -2,838,000 | -12,644,000 |
| Total, Title I - Department of the Interior | 6,204,262,000 | 5,903,259,000 | 6,157,507,000 | -46,755,000 | +254,248,000 |
| TITLE II - RELATED AGENCIES | | | | | |
| Forest Service | 2,370,639,000 | 2,538,916,000 | 2,334,633,000 | -36,006,000 | -204,283,000 |
| Department of Energy | 1,330,952,000 | 1,150,016,000 | 1,349,264,000 | +18,312,000 | +199,248,000 |
| Indian Health | 1,705,954,000 | 1,651,452,000 | 1,898,211,000 | +192,257,000 | +246,759,000 |
| Indian Education | 76,570,000 | 81,205,000 | 81,274,000 | +4,704,000 | +69,000 |
| Office of Navajo and Hopi Indian Relocation | 25,842,000 | 30,935,000 | 28,935,000 | +3,093,000 | -2,000,000 |
| Institute of American Indian and Alaska Native Culture and Arts Development | 6,612,000 | 7,012,000 | 9,812,000 | +3,200,000 | +2,800,000 |
| Smithsonian | 331,837,000 | 364,700,000 | 348,286,000 | +16,449,000 | -16,414,000 |
| National Gallery of Art | 52,127,000 | 56,530,000 | 55,263,000 | +3,136,000 | -1,267,000 |
| Woodrow Wilson International Center for Scholars | 5,744,000 | 6,252,000 | 6,252,000 | +508,000 | ..... |
| National Endowment for the Arts | 175,955,000 | 175,955,000 | 178,934,000 | +2,979,000 | +2,979,000 |
| National Endowment for the Humanities | 175,955,000 | 187,059,000 | 178,934,000 | +2,979,000 | -8,125,000 |
| Institute of Museum Services | 26,999,000 | 29,000,000 | 29,000,000 | +2,001,000 | ..... |
| Commission of Fine Arts | 722,000 | 785,000 | 791,000 | +69,000 | +6,000 |
| National Capital Arts and Cultural Affairs | 7,000,000 | ..... | 7,000,000 | ..... | +7,000,000 |
| Advisory Council on Historic Preservation | 2,623,000 | 2,798,000 | 2,757,000 | +134,000 | -41,000 |
| National Capital Planning Commission | 4,775,000 | 6,100,000 | 5,400,000 | +625,000 | -700,000 |
| Franklin Delano Roosevelt Memorial Commission | 33,000 | 35,000 | 535,000 | +502,000 | +500,000 |
| Pennsylvania Avenue Development Corporation | 7,933,000 | 14,033,000 | 14,133,000 | +6,200,000 | +100,000 |
| Holocaust Memorial Council | 10,866,000 | 18,504,000 | 21,450,000 | +10,584,000 | +2,946,000 |
| Total, Title II - Related Agencies | 6,319,138,000 | 6,321,287,000 | 6,550,864,000 | +231,726,000 | +229,577,000 |
| Grand total | 12,523,400,000 | 12,224,546,000 | 12,708,371,000 | +184,971,000 | +483,825,000 |

□ 1410

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

Mr. YATES. I yield to the gentleman from Texas for the purposes of a colloquy.

Mr. WILSON. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, as I understand, of the provision of $1,700,000 for the Haley's Ferry Campground project on Toledo Bend Reservoir in the national forests in Texas, $1 million is for road construction and $700,000 is for recreation facilities planning and other related work.

Mr. YATES. Insofar as I understand that project, the gentleman is correct.

Mr. WILSON. I thank the chairman. I might also say that I have looked carefully at this project over the last weekend, and although the numbers that are in the bill are the Forest Service's estimates, it is hard for me to believe that they can spend that much on planning on the road, and I would hope that the Forest Service would be allowed, if there is any money left over, to spend it on attendant recreational activities.

Mr. YATES. Let us hope so.

Mr. WHITTEN. I thank the gentleman for yielding.

Mr. Chairman, I want to congratulate the chairman of the subcommittee, the gentleman from Illinois [Mr. YATES] and the other members of the subcommittee, especially the gentleman from Ohio, the ranking minority member, Mr. REGULA, for the great job they have done. Putting this bill together was not easy because of budget limitations. It was impossible to include many needed things which were sound and worthwhile.

This bill provides investments in America—our public lands, wildlife refuges, fish hatcheries, national parks, and national forests. It provides funds for energy conservation and fossil energy development programs. It provides funds for Indian schools and hospitals. These programs are vital to the development and support of our country.

Mr. Chairman, what we spend here is going to enable us to help handle our national financial problems if they are going to be handled. Our country itself is our wealth; thus, it is imperative that we protect, preserve, and develop all of our country.

Examples of other national programs, for which we have provided funds in this bill, that are of special interest to my area and State include funds to continue construction of the Natchez Trace Parkway, the Natchez Historical Park, a Vicksburg park study, the Pvt. John Allen National Fish Hatchery, Marine Minerals Institute, forest research at Stoneville, Starkville, Gulfport, and Oxford, and magnetohydrodynamics research.

Mr. Chairman, again, the gentleman from Illinois [Mr. YATES] and the gentleman from Ohio [Mr. REGULA] and the other members of the subcommittee have done a great job.

I urge this bill be adopted.

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

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

Mr. Chairman, I want to say at the outset that it has been a joy to work with the chairman of the subcommittee. We work on a totally nonpartisan basis, and that applies not only to the Members on both sides of the aisle, but also in addition our staff works together very well.

The enduring love affair of Americans is that of the citizenry with its lands. One-third of the United States is owned by the Federal Government, and it, of course, includes enormous resources and assets. This bill is designed to preserve those resources for future generations and to use them in a way that is beneficial to all of the people.

This is not a partisan bill. We have differences, but they are regional in nature as we will find out in the course of the debate and the amendments.

Americans like the public lands for different reasons. In the West it is because of the blue sky and the vast acreages that enhance the quality of life. For Easterners, of course, it includes the urban parks as well as the opportunity to visit the great parks that are a part of our natural system.

This is a people's bill. I think that is evidenced by the fact that in the last year our public lands had 634 million visitor days. That means if every American visited the public lands, that it would be at least 2 days per person. Obviously some more and some less. However, I think it illustrates the fact that people do love the public lands, and they like to use them.

One of the challenges that we have as a subcommittee is to build for the future, to do the maintenance on the facilities, to expand where possible and enhance the visitor experience through visitor centers, to achieve better safety conditions, and to provide generally better facilities for public lands users.

I thought it was interesting also statistically to note that 41 percent of all recreation in this country takes place on the Federal lands. That is what we are talking about here today. In 39 States recreation is one of the top three industries, and again much of that takes place on public lands.

So we are talking about an asset that adds to the quality of life, adds joy to the lives of people who use these facilities, but also has enormous economic benefits to this Nation. That is why it is important that we do the best possible job in allocating resources. It has not been easy. As the chairman pointed out so very well, we are basically going to spend less than we did in fiscal 1992. When we factor in the firefighting, and the fact that we have to accommodate for cost-of-living increases, for staff plus higher costs for supplies, we are 1.4 percent below the 1992 level for outlays.

At this point I would like to pay tribute to the vast number of public servants who work on the public lands and to those who perform the vital scientific research needed to properly manage these lands and resources. As I have been out and visited these facilities, there is a great esprit de corps among all of those who serve all of us in working for the Department of Interior, the Department of Agriculture, and for the facilities that we are discussing today. They really deserve our grateful thanks for making the outdoor experiences something that we enjoy. It is a labor of love for most of these people who are very caring in the protection and development of these resources.

We also, in this bill, deal with something that is important, and that is the development of energy resources. A lot of rather esoteric development is funded in this bill, but it is the type of thing that will give us energy security in the years to come and that will again allow our economy to grow, because we are a nation that is dependent on energy resources to provide jobs, to provide an ever-increased level of standard of living. To ensure that that happens in years to come, we have funded many different technologies in the development of energy resources.

The chairman mentioned one technology that is very important, and that is clean coal technology, because that is one of the greatest energy resources in terms of Btu's for our Nation.

I thought it was rather interesting when I was at a breakfast a couple of weeks ago sponsored by the World Wildlife Fund that they reported on what they had found out in Eastern Europe and in the former Soviet Union. One of the points they made very emphatically is that the one area that was terribly neglected, in addition to the people dimension, was the environment; that basically the environment was exploited in an effort to have a strong military and to have some of the programs that were considered to be vital by the leadership of Eastern Europe. They pointed out that the Western countries, and particularly the United States, would need to provide the technology to do the clean up of the environment in Eastern Europe, and certainly that is true. Many of the technologies that we are funding in this bill will undoubtedly play a part in the decades ahead as the Eastern Europeans try to compensate for more than 45 years of abuse of their lands, their air, and their water quality.

But they also made the point that it is important to us, because fallout from a Chernobyl, or the impact on water of pollution is not confined to the area in question. It is a worldwide problem, and therefore we have an interest in providing technology to these countries so that they in turn will be participants in providing for a quality global environment, and certainly the Rio conference emphasized that.

It is rather interesting that on this bill, the OMB letter, which usually takes an appropriation subcommittee to task for spending too much, has a number of points in its letter saying we are not spending enough. Granted, we have some different priorities. But on balance, they are saying we should spend more for a number of things, and that was a rather unusual kind of letter to get from the OMB. But I think again it illustrates the fact that there is a terrific need in the management of our public lands.

One need that I would particularly point out that I regret we do not have the funding to do is the backlog of maintenance in our parks and our forests; $400 million has been identified by the Forest Service as needed just to provide adequate safety facilities, to provide adequate camping experiences, and to provide adequate building maintenance, and $350 million for similar needs in the National Park Service.

I hope prospectively in the years to come we can address these backlogs, because if we fail to do so, the visitors will have a diminished quality experience on the public lands. Certainly that usage is going to grow, because our public lands are popular. They are dispersed across the country with the urban parks and the forest, and therefore I think the demand, with an increasing population, will be ever greater. Therefore it is vitally necessary and important that we deal with the backlog of unmet requirements for maintenance and safety.

And of course we have a changing society. I visited a forest near Los Angeles where they have a whole new set of problems with law enforcement due in part to the drug culture. Quality law enforcement is expensive.

□ 1420

Again, we do not have the resources to really deal with those problems as well as we should. Visitor centers: We had a number of requests, as the chairman very clearly pointed out, from our colleagues; 256 Members had made requests, including visitor centers. These are wonderful for people to use, to interpret what they see in the park, forests, and refuges. However, we could not fund them, and we had to turn down 30 new starts simply because the resources are not there.

So to my colleagues, I urge you to support this bill. We have worked hard to make it cost effective and really address the priorities, not as well as we would like, but within the constraints of the funds available. I think we have done an effective job of giving the people of this Nation a resource that is well managed, that will serve their needs as well as possible. This enduring love affair with our public lands, certainly is part of the American culture and the usage of that land can continue in a way that we all will find attractive, that we all will be proud of as Members responsible for the management of these lands.

Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. McDADE], the ranking subcommittee member who really sets the stage for many of the good things we have been able to do.

Mr. McDADE. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I will be brief, but I want my colleagues to know that I rise in very strong support of this piece of legislation.

I want to commend my friend, the gentleman from Illinois [Mr. YATES], the distinguished chairman of the committee, who has been chairman for many years of this subcommittee. He and my good friend, the gentleman from Ohio [Mr. REGULA], have brought to the House a bill that they can be proud of and that they can support. It has the mark of all the members of the subcommittee, each of whom have in their own way helped to shape the legislation that is in front of us today in a very positive way.

None of that could happen without the able assistance of so many staff people who spend so many hours crunching the numbers and doing the hard work that enables us to get to where we are. They all have our thanks for enabling us to do so.

Mr. Chairman, this bill is a lean, tough type bill that is under the 602 allocations. There have been a lot of hard choices made, not 100 percent unanimous, but hard choices to bring it in under the 602. It is a bill that looks at the resources of the Nation and their development and, Mr. Chairman, it is one of the few bills that comes before us that pays for itself. Receipts generated by this bill in this fiscal year will equal about $8 billion more than the BA and layout authority that is

outgoing, principally because of the revenue derived from our national forests, the legacy of Gifford Pinchot from my congressional district, a legacy of the oil and gas and other revenue-enhancing measures that are in the bill.

I hope that my colleagues will adopt it overwhelmingly. I know there are a lot of amendments, and I hope they will be handled expeditiously, I say to my friends.

Mr. Chairman, I rise today in strong support of H.R. 5503, the Interior and related agencies appropriations bill for fiscal year 1993, I want to congratulate and commend Chairman SID YATES and the subcommittee's ranking Republican, RALPH REGULA, and all the members of the subcommittee, for putting together an excellent bill under the most difficult of circumstances.

The bill before us today is lean, tight, and fiscally responsible. It falls under the 602(b) allocation in both budget authority and outlays. While it is over the 1992 level, that is in large part because emergency firefighting expenses are included that were not funded in last year's House bill.

Despite the fiscal restraints, the bill is responsive to the needs of this Nation through its funding of the Department of the Interior, the Forest Service, Indian health and education, and conservation and research programs at the Department of Energy. This is an essential bill that provides for the wise use and preservation of our natural resources.

In considering this appropriation, it should be remembered that the Interior bill, unlike most other appropriations bills, in large part pays for itself through revenues generated by activities in this bill. Receipts to the Treasury from timber leases and mineral and oil development are estimated to be $8.16 billion during fiscal year 1993.

This bill is the product of extensive public hearing and an exhaustive review of the administration's budget request. As in past years, there were a number of areas where priorities were reordered to better meet the Nation's needs.

It is noteworthy that we have a bill that reduces certain accounts such as the Fish and Wildlife Service, the National Park Service, Bureau of Mines, and fossil energy below the fiscal year 1992 level. Held at level funding or slightly above are the Bureau of Land Management, Geological Survey, Minerals Management Service, and Office of Surface Mining.

The bill falls under the President's request for the BLM, Fish and Wildlife Service, MMS, Forest Service, Smithsonian, Arts and Humanities, and land acquisition. Increases came in very few areas, and only for high priorities, such as energy conservation, or situations with a desperate need, such as Indian health and education.

The bill includes a number of measures which, I believe, accurately reflect the position of the full House. These include a 33⅓-percent increase in grazing fees, continuation of a moratorium on offshore leasing, and the imposition of an annual $100 holding fee for mining patent claims on Federal lands.

The administration does have a number of reservations. OMB strongly objects to the way the pest suppression account is handled. Funding needs for pest suppression activities fluctuate greatly from year to year. Because of this, the bill provides funds for basic operations but also includes a separate emergency account for suppression activities. These funds could only be used of the President declared an emergency. A similar emergency account for firefighting was proposed last year. OMB objected, and it was dropped in conference.

The administration is also strongly opposed to the increase in grazing fees and the limitation on mineral patents.

The last major objection to the bill is the failure to adequately fund certain high priority administration programs such as targeted parks, land and water conservation fund, State grants and the American the beautiful passport.

These proposals are strongly supported by many members of the subcommittee, including this member. Unfortunately, this was a difficult year, dollars were tight, new initiatives were not funded, and the America the beautiful passport is lacking an authorization.

Notwithstanding the administration's objections, the Interior Subcommittee, led by SID YATES and RALPH REGULA, did another outstanding job. I believe the administration will ultimately support the bill. I urge its passage.

Mr. REGULA. Mr. Chairman, I yield 1 minute to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Chairman, first this Member would like to take the opportunity to thank the distinguished chairman and the ranking minority member of the House Appropriations Subcommittee on Interior and all the members of this subcommittee. The distinguished gentleman from Illinois [Mr. YATES] and the distinguished gentleman from Ohio [Mr. REGULA] have been longtime supporters of Interior-related projects that are very important to Nebraska.

Mr. Chairman, this Member formally here would recognize that the members of the House Appropriations Committee and the House Appropriations Subcommittee on Interior have had to make difficult decisions regarding the funding of Interior Department programs and their related agencies. Therefore, this member is especially pleased and gratified for the subcommittee's continued support for agroforestry research at the multi-State Center for Semi-Arid Agroforestry in Lincoln, NE.

Mr. Chairman, this bill, among other things, appropriates an additional $100,000 for forest protection research at the Center for Semi-Arid Agroforestry. Based in Lincoln, NE, this center is the mainstay of agroforestry research and technology transfer for the Forest Service for the semiarid Great Plains region. By developing sound conservation forestry practices for semiarid lands such as the Great Plains, the center has the vast potential to enhance crop and livestock production, protect surface and ground water quality, create wildlife habitat, and promote other sound environmental policies.

Most importantly, Mr. Chairman, the Center's research is dedicated to resolving these environmental problems before they are created. By planting trees and shrubs strategically, agricultural producers can lessen the impact on our streams, rivers, lakes, and ground water from runoff pollution. Ultimately, these sound forestry conservation practices can save millions of dollars in environmental cleanup costs. Therefore, this Member believes the extra funding provided to the Center for Semi-Arid Agroforestry in Lincoln, NE, is money well spend.

Additionally, Mr. Chairman, this Member is also pleased that the committee alloted funding for the Ponca Tribe of Nebraska which is, once again, a federally recognized tribe, and for the Ponca tribal economic development plan.

Mr. REGULA. Mr. Chairman, I yield 1 minute to the gentleman from New Mexico [Mr. SKEEN], a distinguished member of the subcommittee who has contributed greatly to putting this constructive bill together.

Mr. SKEEN. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I want to start by commending. This is my first full session on this committee, and I commend the chairman, the gentleman from Illinois [Mr. YATES], and the members of his staff, and the gentleman from Ohio [Mr. REGULA], and members of his staff, for people who work extremely hard and put together a very well made bill, very well authored bill.

It is undoubtedly probably the most comprehensive pieces of work anyplace in this legislative body, because there are so many different assets and facets to this particular piece of legislation. Other than the fact that once again we have grazing fees to argue about, why I have no complaint at all about the bill. It is well done, well considered, and congratulations to both of the leaders, the chairman and the ranking member, and particularly the members who have worked very hard to put this piece of legislation together.

Mr. REGULA. Mr. Chairman, I yield 1 minute to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, I rise today in support of the committee's inclusion of $5 million for purchase of conservation easements in Sterling Forest. Of course, I am disappointed that the appropriated amount is less than the $25 million originally requested. However, this funding, provided through the Forest Legacy Program on a matching-fund basis with the States of New Jersey and New York, is a beginning in the movement to preserve Sterling Forest.

At 17,500 acres, Sterling Forest is the largest tract of undeveloped forest land

in the New York metropolitan area, and its preservation is critical to the region. Sterling Forest provides more than open space, recreational opportunities, rich forest resources, and a habitat for many threatened and endangered species, however.

While only 2,000 acres of Sterling Forest lies within my northern New Jersey district, Sterling Forest covers a significant portion of the northern New Jersey watershed. In fact, over 2 million northern New Jersey residents depend upon the integrity of Sterling Forest for clean drinking water. Major development in Sterling Forest will have a severe impact on the northern portion of the Passaic River drainage basin, as well as the Monksville and Wanaque Reservoirs, both of which are major drinking supplies for northern New Jersey.

Moreover, in accordance with the Forest Legacy Program, the Federal Government would not assume responsibility for the operation and management of Sterling Forest. Rather, the Palisades Interstate Park Commission [PIPC], an existing authority operated by New York and New Jersey, would manage Sterling Forest in a bistate fashion. PIPC management of Sterling Forest would not only maintain Federal fiscal responsibility, but would provide regional management which is overwhelmingly favored by local citizens.

Mr. Chairman, I am pleased that this Congress was able to move forward with the preservation of Sterling Forest. The prospect of substantive cooperation between the Federal Government and the States of New Jersey and New York is very encouraging and should serve as a model in these fiscally difficult times. From clean drinking water, to open space preservation, to bountiful recreational opportunities, Sterling Forest must be protected from overdevelopment for the citizens of northern New Jersey and the entire New York metropolitan region.

Mr. REGULA. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Chairman, I would like to thank the chairman of the subcommittee, Mr. YATES, the ranking member, Mr. REGULA, chairman of the full Interior Appropriations Committee, Mr. WHITTEN, and the ranking member, Mr. MCDADE, and the members of the Interior Appropriations Committee for their recognition of the significant contributions of south central Pennsylvania. Specifically, I appreciate the support for Gettysburg and the Gettysburg National Military Park where one of the most significant battles of the Civil War occurred and for York which served as our country's first capital. South central Pennsylvania played a vital role in our Nation's development and I appreciate the committee's consideration in assisting the residents of south central Pennsylvania in preserving and promoting our American heritage.

Mr. REGULA. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. SMITH].

Mr. SMITH of Texas. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, later on in the consideration of the Interior appropriations bill, my colleagues, the gentleman from North Dakota [Mr. DORGAN] and the gentleman from Minnesota [Mr. PENNY], and I will offer an amendment to cut Government overhead spending.

Government overhead spending includes such items as travel and supplies. It does not touch items such as personnel and programs.

The idea of this amendment is to complement the steps that have already been taken by the Appropriations Subcommittee. They have already made a number of tough choices and tough cuts, and this amendment does not duplicate the actions, and very worthwhile actions, they have already taken.

What this item does do is to target Government overhead spending which now comprises almost one-quarter of our Federal budget. The idea here is to scrutinize Government overhead spending which has really never been scrutinized before and target those areas that do not deal with personnel or programs.

I think this will be an amendment all of our colleagues can join with us in support of, and it is also an amendment that I think shows the value and the need of cutting Government overhead spending, trying to restrain Government costs, and in the end trying to reduce the Federal deficit.

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Mr. REGULA. Mr. Chairman, I yield 1 minute to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Chairman, I just want to alert the members of the committee that when the gentleman from Indiana [Mr. JONTZ] offers his amendment that I will be opposing that amendment because it does not necessarily cut below cost sales. It does cut sale preparation, but sale preparation timber has already basically been cut in this bill. Therefore, this would cut it further, would actually have repercussions to timber-dependent communities, would have repercussion to revenues going to counties and to cities as part of their share, would have implications on cutting above cost sales as well as below cost sales.

It is a meat axe approach. I just want to let the Members know that that there will be strong opposition to that amendment.

Mr. REGULA. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. MCCANDLESS].

Mr. MCCANDLESS. Mr. Chairman, I thank my friend for yielding me this time.

Mr. Chairman, my district, which is the largest in the Nation, also has a rising number of threatened and endangered species. As a result, I have become very familiar with the workings of the Endangered Species Act. My first exposure to the ESA came roughly 10 years ago, when I was able to help establish a preserve for the fringe-toed lizard in the Coachella Valley. Back then, it was largely a local or regional issue; now, the welfare of endangered species is national news.

I have seen implementation of the act go from successfully rescuing threatened species, to being unfairly used as a slow-growth tool to stymie careful development, public works projects, and the rights of individual property owners. I think the majority of my colleagues would agree that changes need to be made in this program, including the establishment of clear definitions for what is now an ambiguous and open-ended mitigation process.

The Chandler amendment will remove $8½ million from the total of $530 million set aside for resource management activities in fiscal year 1993. This $8.5 million is currently earmarked for the purposes of prelisting and listing additional endangered species in fiscal year 1993. The rest of the appropriation remains intact, for habitat conservation, research, and other needed wildlife enhancement programs. This also includes the recovery process for species which are already listed, which I feel merit the lion's share of our attention and resources anyway. The energies of the ESA should be focused on completing the mitigation and recovery plans for as many currently listed species as possible.

My concern is that, if this money is left in the bill, there may be a tendency early next year to further postpone debate on the reauthorization of the ESA. The excuses can stretch no further. By supporting this amendment, I say to my colleagues that the time must come for us to genuinely address this well-intentioned yet flawed program. Congress should not appropriate its way around tough issues, which is what I fear may transpire here. Mr. Chairman, we can do much better at reconciling the needs of our wildlife and our human constituencies, which need not be mutually exclusive. I urge support of this amendment, not to weaken the ESA, as some will complain, but to ensure its eventual reauthorization.

Mr. REGULA. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I do not know if my colleagues can see these charts or not.

I hope you can. I think it is very important that you just take a look at these.

Every single appropriation bill that we have had come before this body this year is in excess of last year's appropriation. We are at $4.077 trillion in debt. According to the Federal Reserve Board, we are going to be at $13.5 trillion in debt by the year 2000, 7½ years from now.

What that simply means is that the interest on the national debt if you look at this other chart, which is about $350 billion a year, now is going to be $1.2 trillion.

Now, what does that mean to the American people? It means that the vast majority of the money raised in taxes is going to go just to pay the interest on the debt, and when we can no longer service the debt the Federal Reserve Board will have no choice except to print money to pay off part of the debt so we do not have to pay interest on it. That is called monetizing the debt.

Now, when they start printing money to pay off the debt, which they certainly will do, every government in history that has been in this situation has done that, when they start printing money the people on fixed incomes, the welfare recipients, the Social Security recipients, the retired people in this country, are going to get really hit hard. Bread will go to 10 bucks a loaf. Milk will go to 15 bucks a gallon. At that point they will have money, but they will not be able to buy anything with it because of the inflationary problems that we have.

Now, I just would like to say to my colleagues, there is a commercial out in Indiana for Fram oil filters. It has this guy standing there with a Fram oil filter and he says, "You can pay me now, or you can pay me later."

The point he is making is that if you do not put a new oil filter in the car, the engine is going to go bad and the cost is going to be much, much worse.

Now, either we get control of spending now or this is going to happen, and this is a conservative estimate, this $13½ trillion in debt, so we can either pay now or pay later, and the problem will be much, much worse.

The point that I want to make is that we have got to cap the spending on these appropriation bills, and I am just going to say to my colleagues now we also have to address entitlements. We never talk about entitlements on this floor ever, because we are scared to death of people on fixed incomes, Social Security recipients and so forth; but we need to tell the American people on fixed incomes, the Social Security recipients, what will happen in 5 or 6 or 7 years if we do not get control of spending now. We need to cap entitlements at 1, 2, 3 or 4 percent above what we are spending right now and not have these 10- or 15-percent growth periods every single year. If we do not, we are going to really pay the piper and the people who are going to get hurt the most are the people on fixed incomes, on welfare, senior citizens, the people who we are very concerned about right now.

So as the guy says in the commercial, "You can pay me now, or pay me later." Either we deal with the problem today by controlling these appropriation bills and capping these entitlements, or in about 5 or 6 years the people in this country are really going to hate our guts for not doing what has to be done.

Mr. REGULA. Mr. Chairman, I thank the gentleman for his comments.

I would remind him that this bill, if you factor in inflation, over which we have no control and the change in accounting for fire costs, is 1.4 percent under last year's level on outlays. That is a cap. It is not an entitlement bill.

The other thing I would mention is that the net cost of this bill, which generates 634 million visitor days is about $5 billion because we generate $8 billion in receipts, and that offsets the total cost of $13 billion.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. REGULA. Yes; I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, I would just like to say to my colleague, I appreciate the committee's efforts in that regard. I think they have been heading more in the right direction in the last few months, but I would just like to say that every appropriation bill that we have dealt with has been in excess of last year. We have a $400 billion-plus deficit, so we have got to come to grips with this, or else what I said is going to happen.

Mr. REGULA. I understand, and that is what we tried to do.

Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I would like to commend Chairman YATES and Mr. REGULA for the work they have done on this bill. For most of the 11 authorized categories in H.R. 776, the House-passed Energy bill, the appropriation is within the limit set in that authorization act. This includes such items as enhanced oil recovery, oil shale, unconventional gas recovery, most coal R&D and fossil energy support, conservation R&D, steel and aluminum R&D, and metal castings centers. However, H.R. 5503 is still a $415 million increase in spending from this year. And it is almost $475 million over the President's freeze request. We should try if we can to get that overall spending down.

One way to do that will be through an amendment I will offer later. That amendment merely cuts the amount of funding in H.R. 5503 that exceeds the authorization in 2 of the 11 authorized categories in H.R. 776 mentioned earlier. That results in a savings of $26 million. I urge my colleagues to join me and the gentleman from Michigan [Mr. WOLPE] in supporting this amendment when it is offered.

Mr. REGULA. Mr. Chairman, I yield such time as he may consume to the gentleman from Oregon [Mr. AUCOIN], a member of the subcommittee.

Mr. AUCOIN. Mr. Chairman, I rise in support of the bill.

Mr. REGULA. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Chairman, let me rise in support of the general bill and a special thanks to Chairman YATES and our ranking Republican Member, the gentleman from Ohio [Mr. REGULA]. I have worked with the gentlemen for the last couple years on a number of issues in the Interior appropriations bill, and particularly this year I want to focus on the increase provided in this bill for Zebra mussel research. Many of my colleagues I think are well aware of the problems of the Zebra mussel in the Upper Great Lakes. Somehow or another the Zebra mussel has transferred itself into the Mississippi River and we now are getting very concerned over the kinds of millions of dollars we will probably have to spend in the future on lock and dam maintenance, on electrical energy generation facilities and otherwise if we cannot deal with this research in order to respond to the problem that is there.

The Interior bill that is before us has responded to this problem by increasing funding from $500,000 last year to $850,000 this year. Within the limits of fiscal resources that we have, this is certainly a move in the right direction, and I want to thank both gentlemen and commend them for their work.

Mr. REGULA. Mr. Chairman, I thank the gentleman for his compliments.

Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. LOWERY]. I want to point out that the gentleman has been a very valued member of the subcommittee. This will be his last participation in the activities of this subcommittee. He certainly has made great contributions. We have had some good-natured differences on moratoria, but that is democracy at work. We have enjoyed very much having him as a member of the subcommittee and very much appreciate his contributions.

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Mr. LOWERY of California. Mr. Chairman, I rise in support of H.R. 5503, the Interior and related agencies appropriations bill for fiscal year 1993 and request permission to revise and extend my remarks. Mr. Chairman, this is a sound bill and I would like to commend

the gentleman from Illinois [Mr. YATES] and the gentleman from Ohio [Mr. REGULA] for all their work and leadership in bringing this measure to the floor.

As the chairman of the subcommittee stated earlier this bill is well within all the guidelines as far as budgetary constraints are concerned. Certainly, the subcommittee had to make some hard decisions to produce a bill within these rigid fiscal standards. I commend the chairman's leadership in crafting a bill that meets these tough standards and also properly addresses the needs of the various agencies and programs funded by this bill.

I am also pleased to note H.R. 5503, contains bill language continuing the OCS leasing restrictions included in last year's bill. There have been several large strides this past year in developing a comprehensive and reasoned long-term OCS policy for the Nation. Both the House and Senate have approved national energy policy legislation which includes language outlining an environmentally sound long-term OCS policy. However, the bill is still moving through the legislative process. The moratorium in this bill provides an instrument to ensure protection of our coastlines until a permanent policy can be enacted.

Offshore oil drilling has been a subject we have chewed over many times in this subcommittee. There have been others and we have not always agreed. But I want to take a moment to thank Chairman YATES and our ranking member, Mr. REGULA, for their leadership on this subcommittee. Despite minor differences, we have been united toward a common goal of environmental protection and husbanding the resources of this great Nation. It has been a pleasure to serve, I have enjoyed it and I can only plead with you to continue your vigilance over our beautiful coastlines.

Again, Mr. Chairman, I commend Chairman YATES and the subcommittee staff for their diligence in bringing this fine bill to the floor and urge my colleagues to support it.

Mr. RITTER. Mr. Chairman, I am here to support the annual appropriation of $350,000 for fiscal year 1993 for the Delaware and Lehigh Navigation Canal National Heritage Corridor.

Congressman PETER KOSTMAYER and I originally introduced this legislation on February 17, 1988, designating the Delaware and Lehigh River area as the Nation's third National Heritage Corridor.

In accordance with the law, the Heritage Corridor Commission was recently established to assist Federal, State, and local agencies in planning for the preservation and rehabilitation of the historic 106-mile canal corridor.

So far, the Commission has inventoried the corridor's unique natural, historic, social, cultural, economic, and recreational assets. It is now preparing a report to the people of the Delaware and Lehigh Valleys, the Governor of Pennsylvania, and the Secretary of the Interior. There is hope for official designation of the corridor as a State heritage park.

Public enthusiasm for this heritage corridor has spurred developments such as the rehabilitation of Sand Island and proposed work on its ice house; improvements to the towpath in areas such as Freemansburg, Bethlehem, and Catasaqua; canal bed clearing and dredging; cleanup, revitalization, and construction for a new canal boat for Hugh Moore Historical Park in Easton and a proposed visitor orientation program for Walnutport and Slatington.

The Allentown Economic Development Corp., recently proposed converting an obsolete factory into offices and a transportation museum, and developing a city park along the Lehigh River to be known as Lehigh Landing.

Funding for these projects has been provided by local governments, the Lehigh Valley Private Industry Council and our Commission's TRAIL Program, through the Pennsylvania Heritage Parks Grant Program for early implementation projects.

This is also an example of government spurring a public-private partnership. The private Lehigh River Foundation was established to revitalize and protect our region's special quality of life. Appropriately, local citizens are providing the vision for this new kind of national park on the Lehigh River.

The foundation has raised more than $150,000 in contributions and pledges from Lehigh Valley businesses and corridor residents. More than 10,000 people have already enjoyed the foundation's new 12-minute Robin Miller film, "We Will Stand," describing the beauty of the corridor and telling the story of its 300 years of development.

The Lehigh Valley will see improved quality of life, economic development, tourism and environmental enhancement. Pennsylvania can rightly say, "America Starts Here." This funding will allow residents and visitors to travel the paths where the American Industrial Revolution took its first steps.

The Delaware and Lehigh Navigation Canal National Heritage Corridor is an effective way for the Federal Government, via the National Parks Service, to parlay limited funds, their immense technical expertise, and a national historical stimulus into something far greater for our people.

Mr. DE LUGO. Mr. Chairman, the bill before us contains a number of provisions that address our responsibilities to the insular areas associated with the United States, and I urge its passage. As chairman of the authorizing subcommittee, I also want to compliment the chairman of the Appropriations subcommittee responsible for this legislation, our distinguished colleague from Illinois, Mr. YATES, for his leadership on this measure, his sensitivity to Federal responsibility in insular areas, and his cooperation with the committee that I chair.

There are a few provisions regarding the insular areas that I want to note briefly.

First, in keeping with our responsibility for the governing and development of the trust territory of Palau, H.R. 5503 would provide some $7.4 million for capital improvements and $18.2 million for government operations, as opposed to the zero funding and $15.2 million respectively recommended by the President. Since the United States remains fully responsible for the governing of Palau under a trusteeship agreement with the United Nations, and since the developmental needs of Palau remain great, the support H.R. 5503 would provide for Palau in spite of the President's attempts to reduce funding some $2.3 million for operating government and $5.9 million for capital improvements would help fulfill an important national obligation.

It is particularly important that we do so since the cuts in assistance to Palau that the President proposed may have been part of an ill-advised effort to try to pressure Palau to approve a free association arrangement that Palau's leaders have said will probably not be approved by their people unless it is modified.

Our country should meet its current trusteeship obligations regarding Palau without trying to force Palau's future self-determination decisions.

Before moving to other issues, however, Mr. Chairman, I would like the record to show that the point of order raised by my distinguished colleague and chairman of the Subcommittee on National Parks and Public Lands, Mr. BRUCE VENTO, with reference to the historic preservation fund provision in H.R. 5503 was based, not on any substantive opposition to the Trust Territory of the Pacific Islands being eligible for historic preservation fund matching grant assistance, but was purely procedural and reflected Chairman VENTO's opposition—as a jurisdictional matter—to an appropriations bill being used for legislative purposes.

As Members will recall, Hurricane Hugo hit the territory that I am privileged to represent, the Virgin Islands were particularly hard. To this date, there remains significant damages to a number of buildings at the University of the Virgin Islands. This bill would provide a sorely needed $4.5 million for the reconstruction of these buildings and would, therefore, enable the university to address itself to the important task of training not only our young people, but indeed the young people of the entire region, in surroundings that compromise neither safety nor security.

Mr. Chairman, dangerous drug abuse continues to be a plague upon the insular areas. And an attendant crime wave has hit these islands. It is well known that the Caribbean Islands in particular are being used as transshipment points to the lucrative mainland drug market. So, I am pleased to note that this bill would provide additional assistance to these islands' war against drug abuse.

As we know, Mr. Chairman, the massive "Bravo" thermonuclear test at Bikini Atoll in 1954 exposed nearby Rongelap Atoll to a high level of radiation. But although the Department and Energy reported high levels of contamination in 1982, it asserted that Rongelap was

safe for its people to live on. Later, however, serious questions were raised about this conclusion. An agreement between the authorizing and appropriating committees on last year's appropriation provided $1 million for additional study of the safety of Rongelap, and $1.975 million for its cleanup and resettlement, including up to $500,000 for expenses of the people while in exile.

The President's proposal that the Congress not fund this important program further concerned me. I am, therefore, pleased to point out that H.R. 5503 would provide an additional $2 million in fiscal year 1993.

Mr. Chairman, the President also proposed that capital improvements spending in American Samoa be cut in real terms, and government operations support be cut both in real as well as absolute terms. The Subcommittee on Insular and International Affairs, which I am privileged to chair, opposed this proposal because of the overwhelming needs of these underdeveloped islands. We did not agree that they should be made because of the apparent problems in financial management in the territory. The weaknesses in the capacities of American Samoa can best be addressed via fiscal responsibility measures at the local level and through greater guidance and involvement on the part of the Interior Department.

H.R. 5503 concurs with the analysis of the subcommittee that I chair and would provide approximately $30 million to American Samoa as opposed to the $26.4 million proposed by the President.

Finally, the bill also includes $27.7 million in direct assistance for the Northern Mariana Islands required by the omnibus Insular Areas Act of 1986, as recommended by the Interior and Insular Affairs Committee at my suggestion.

This amount of assistance is to be provided the Commonwealth each year until the Congress provides otherwise by law.

The purpose of this assistance is to fulfill a commitment made in the agreement that established the political union between the islands and the United States to help develop the standard of living in the Commonwealth and its ability to meet the costs of local self-government itself.

Some Members have raised serious questions about whether this or any special direct assistance should continue to be provided the Commonwealth, however.

One of the reasons for these questions is that there has been substantial progress in achieving the goals of the assistance, although the islands still have major basic infrastructure needs.

The economy of the islands has boomed in recent years, increasing the standard of living and the ability of the local government to meet its responsibilities, as well as the infrastructure needs. In fact, the Governor has said that next year's assistance will not be needed to meet costs of operating the government for the first time. Instead, the assistance will be devoted wholly to infrastructure needs.

But the more compelling reason for questioning whether this special assistance needs to be continued relates to the Commonwealth's income tax system and its fairness.

One of the most important forms of indirect Federal assistance granted the Commonwealth is the ownership of revenue from income taxes at rates identical to those imposed by the Internal Revenue Code and the exemption of residents from Federal income taxation.

The Commonwealth, however, has used its authority to rebate collections of this tax to virtually substitute a local income tax system instead.

This system taxes lower income residents on wage and salary income at rates higher than Federal rates; but taxes higher income residents at rates lower than Federal rates, and proportionately less the higher the income. It has even lower rates on business income and almost no tax on investment income.

In 1990 alone, it may have taxed income over $43 million less than Federal rates would have, according to information from the Commonwealth.

The Commonwealth has the right under current law to have such a system, but its income tax effort and its fairness will have to be considered in determining whether to provide further special direct assistance to the islands. So, too, will the extent to which infrastructure needs relate to the lack of development of the islands when the Interior Department was responsible for their local government and the extent to which the needs relate to development due to local policies since then.

I will fight to force the Federal Government to fulfill its commitments made in uniting with the islands; we should expect the Commonwealth to do no less.

The questions that have arisen with respect to further special assistance for the Northern Mariana Islands are ones that should be examined comprehensively. This bill includes the assistance currently required by law pending such an examination.

Mr. GOSS. Mr. Chairman, I realize I may be beginning to sound like a broken record—but Congress needs to start singing this tune. We cannot just continue merrily along on our way appropriating money we don't have, committing resources to projects we can't afford, and making promises we can't keep. Still, even though we all know that Congress is spending $4 for every $3 we take in and our Federal deficit is approaching $400 billion this year, today yet another overweight appropriations bill comes to the floor for a vote.

There are many important programs included in this bill. I believe in our National Park Service, our wildlife refuges, our Minerals Management Service, and so forth. And I fought hard to include language in this bill that protects the sensitive waters of the eastern Gulf of Mexico from potentially damaging offshore oil drilling—at least for 1 more year. But I simply cannot support this bill—which traditionally and continually is the vehicle for passage of many programs that we as a Nation just cannot afford to fully fund.

Mr. Chairman, a junior member of the minority party has little clout in our current system in this House. But I have my vote and I have promised my constituents that I will be voting "no" a great deal until the Congress demonstrates that it will no longer passively accept more of the same.

Sure this means I'll be voting against good projects along with the bad—but drastic times call for drastic measures. We have to say "no" before we no longer have any choices left. It's a matter of accountability. It's a matter of affordability.

Mr. ESPY. Mr. Chairman, I rise in support of H.R. 5503, the Interior appropriations bill for fiscal year 1993. This legislation contains funding for several programs that are of vital importance not only to Mississippi, but also to the Nation. I commend the subcommittee Chair and members for their difficult work on this bill in light of the budgetary constraints placed upon them.

The Mississippi River National Heritage Corridor Study Commission Act of 1990, Public Law 101–398, established a 3-year Commission to study the resources of the Mississippi River Valley and to make recommendations to Congress on the boundaries of a proposed Mississippi River National Heritage Corridor stretching from the river's headwaters to the gulf. The work of the Commission holds great promise for the scenic, historic, economic, and cultural resources of the 10 Mississippi River States. This bill provides $200,000 to the Commission so that this important work can continue.

Tourists from our region and the rest of the Nation will benefit from the improvements provided in the appropriations made to the Natchez Trace Parkway and the Natchez National Historic Park, which total $12,000,000 and $500,000, respectively.

The Natchez Trace Parkway is a major historical asset to my region of the country, which runs from Natchez, Mississippi to Nashville, TN. This 8,000 year old "line of footprints" was first used by buffalo and Indians, followed by trappers, settlers, and missionaries. From 1800 to 1820, the Trace was considered the busiest highway in the South. The Natchez National Historic Park, located 60 miles south of Vicksburg, MS, depicts much of the region's history as it relates to Natchez, the first colonial settlement along the Mississippi River.

I am also pleased that the Vicksburg National Military Park received $200,000 in planning funds from the historic preservation fund.

Mr. Chairman, I must say that I am disappointed that funding was not included for Dahomey National Wildlife Refuge. This subcommittee provided $2,000,000 in fiscal year 1991 and $1,000,000 in fiscal year 1992 to this important project, which represents the largest bottomland hardwood forest ecosystem in the north Mississippi Delta area. An appropriation of $3.2 million is necessary to make possible the transfer of 4,667 acres to complete acquisition of the 9,300 acre Allen Gray tract. I will continue to work to secure funding for this project in the future.

Mr. GRADISON. Mr. Chairman, I want to commend the Appropriations Committee for producing a bill that is below the spending cap with only a minimum of budgetary gimmicks. My concern is with these gimmicks.

The creation of emergency accounts in order to appear to provide more funds than are available under the cap is a budget trick that we must not allow. I am sure that the subcommittee had good reason for creating these accounts and I am not questioning their motives. My intention is to point out that there is great potential for abuse in the designation of emergency spending. Such designations should be used with discretion and only in a

very limited number of instances. Otherwise, this legitimate budgetary device can easily become just another ploy to escape the budgetary discipline we so desperately need.

Last year, this subcommittee created two new emergency accounts for firefighting. This year the subcommittee created another emergency account for pest management. My concern is that as spending caps get tighter, more emergency accounts will be created with less justification than the ones in this bill.

Eliminating the budget deficit will require stringent adherence to spending controls. Creating ways around these controls only makes our deficit problem bigger. I strongly urge my colleagues maintain fiscal discipline and resist the temptation to exploit enforcement loopholes.

Mr. KYL. Mr. Chairman, I rise in opposition to the grazing fee increase included in this bill.

This increase will not raise revenue for the Treasury. It will lose revenue because, as the National Tax Limitation Committee pointed out with regard to a similar amendment last year, it "pushes the overall costs of public grazing well in excess of those involved in leasing private rangelands" and will thus drive cattlemen off of public lands altogether.

The Treasury will, therefore, end up losing revenue as cattlemen who are forced out of business stop paying the grazing fees that they would otherwise pay.

I suspect that revenue is not really what proponents of this increase are after, though. Eliminating grazing from public lands is the more likely objective.

Mr. Chairman, let's take a look at whom this increase is aimed: Some 88 percent of Bureau of Land Management permittees are family-sized operations, not megabusinesses, and the majority of these ranchers live on the edge, making less than $28,000 per year.

In the West, where the majority of land is owned by the Federal Government, the choice to move to private land is limited. So, the choice that ranchers will face if this increase is enacted will really be between paying a higher fee that they cannot afford to pay or simply going out of business.

This House should be looking for ways to create new jobs and preserve existing jobs, not creative ways to put more people out of work.

Let me make one final point about costs before closing. Comparing fees paid on public and private land is comparing apples and oranges. Unlike grazing on private lands, ranchers who graze their livestock on public lands must pay additional costs for fencing, water, roads, et cetera, in addition to the Federal grazing fee.

If those additional costs are taken into account, as they should be, it is clear that cattlemen pay more than their fair share.

Mr. Chairman, the Interior appropriations bill includes funds for a number of good programs. We can make it a better bill by eliminating this grazing fee increase.

Mr. JONES of North Carolina. Mr. Chairman, I support H.R. 5503. I am pleased that the bill includes a $3.5 million appropriation for land acquisition for the Roanoke River National Wildlife Refuge in Bertie County, NC. With these funds, we can bring over 5,200 strategically located acres into the refuge.

This is a recently established refuge. It is an outstanding example of a hardwood southern river system; unlike most ecosystems of this type, it is virtually undisturbed. The Roanoke River is the principal watershed of the Albemarle Sound, a federally designated "nationally significant" estuary under the Clean Water Act.

Creation of this refuge resulted from cooperation between the North Carolina Nature Conservancy, the State of North Carolina, and the U.S. Fish and Wildlife Service. The parties are currently involved in the acquisition and transfer of land interests in accordance with their previous agreements.

The political leadership of Bertie County, in which the lands are located, strongly endorses their acquisition.

There are other worthy items not included in the bill because of overall funding constraints. I understand these constraints, but I will work on behalf of these proposals so that we can obtain these funds as soon as possible.

I am personally committed to construction of the Center for the Sounds as part of the Pocosin Lakes National Wildlife Refuge. This center would consist of a refuge visitors center, headquarters and administrative center, and walkway along the Scuppernong River.

Pocosin Lakes is a massive new refuge, consisting of 110,000 acres in three counties of eastern North Carolina. No Federal money was spent to obtain this splendid area; it was obtained via a gift from the conservation fund.

When viewed as a whole with the Alligator River, Pea Island, Currituck, Roanoke River, Dismal Swamp, Mackey's Island, Mattamuskeet, Swan Quarter, and Cedar Island Refuges, a huge chunk of eastern North Carolina is owned by the Fish and Wildlife Service. And there is not a single visitors center at any of these refuges.

This facility would be located in Tyrrell County. It is the poorest county in the State. Economic development opportunities are scarce, but county leaders have embarked on an effort to create economic progress for its citizens by focusing on its environmental assets. The Center for the Sounds is at the heart of its strategy. The leadership of Tyrrell County and the Town of Columbia have exerted a great deal of energy in promoting this idea. They testified before the Appropriations Committee earlier this year.

Money for refuge construction projects has been hard to come by in recent years, but here is a case where a refuge facility will be of tremendous economic aid to a locality and where the Government didn't even spend a dime to create a major refuge. Surely Congress can see the wisdom of investing in this effort.

There is a need to purchase a key tract in the Croatan National Forest in Craven County, NC.

This is the Oates tract of 4,734 acres. Because of this tract's proximity to a major highway and the value of its timber, the owner intends to dispose of the property. He is willing to sell to the Forest Service; but if this is not possible, he has made clear that he will convey the property to interests who will cut the timber and develop the acreage commercially. This would leave a gaping "hole" within existing National Forest boundaries and adjacent to the Sheep Ride wilderness area. Also, without this tract in Federal ownership, the public will have no guaranteed access to Long Lake.

The property is not only a key parcel within the Croatan Forest, its acquisition would enhance efforts to preserve habitat for the endangered red-cockaded woodpecker.

Finally, there is a need for further land acquisition at the Fort Raleigh National Historic Site in Roanoke Island, NC.

Last year Congress appropriated $5.6 million to expand the Historic Site, as authorized in Public Law 101–603.

I am delighted to report that the Park Service has moved swiftly to carry out this mandate. Already, there is a purchase contract of about $1.8 million for the tract of land judged to be the most critical for the expansion effort. Appraisals are expected soon for lands held by a second key property owner who should be a willing seller.

It is likely that the fiscal 1992 appropriation will be fully committed by October. An additional appropriation will probably complete the expansion goals.

Mr. PANETTA. Mr. Chairman, I rise in support of H.R. 5503, the Department of the Interior and Related Agencies appropriations bill for fiscal year 1993. This is the ninth of the 13 annual appropriations bills to be considered by the House.

The bill provides $13.032 billion in discretionary budget authority and $12.666 billion in discretionary outlays, which is $198 million in budget authority below the 602(b) spending subdivision for this subcommittee. Estimated outlays are equal to the subdivision total.

I commend the chairman and ranking member of the subcommittee for bringing this bill to the floor in a timely fashion.

As chairman of the Budget Committee, I will inform the House of the status of all appropriations bills compared with the 602(b) subdivisions as they are considered on the House floor.

I look forward to working with the Appropriations Committee on its remaining bills.

H.R. 5503, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, FISCAL YEAR 1993 (H. REPT. 102–626)

The House Appropriations Committee filed the Department of the Interior and Related Agencies Appropriations bill for Fiscal Year 1993 on Monday, June 29, 1992. Floor consideration of this bill is scheduled for Wednesday, July 1, subject to a rule being granted.

COMPARISON TO THE 602(B) SUBDIVISION

The bill provides $13,032 million of discretionary budget authority and $12,666 million in estimated discretionary outlays, which is $198 million in budget authority below the 602(b) subdivision for this subcommittee. Estimated outlays are equal to the subdivision total. A comparison of the bill with the funding subdivisions follows:

[In millions of dollars]

| | Interior and Related Agencies appropriations bill | | Appropriation Committee 602(b) subdivision | | Bill over (+)(under (−) Committee 602(b) subdivision | |
|---|---|---|---|---|---|---|
| | BA | O | BA | O | BA | O |
| Discretionary | 13,032 | 12,666 | 13,230 | 12,666 | −198 | ..... |
| Mandatory[1] | 79 | 78 | 79 | 78 | ..... | ..... |
| Total | 13,111 | 12,744 | 13,309 | 12,744 | −198 | ..... |

BA=New budget authority.

O=Estimated outlays.
[1]Conforms to the Budget Resolution estimates for existing law.

PROGRAM HIGHLIGHTS

Following are major program highlights for the Department of the Interior and Related Agencies Appropriations Bill for fiscal year 1993, as filed:

[In millions of dollars]

| | Budget authority | New outlays |
|---|---|---|
| Department of the Interior: | | |
| Bureau of Land Management | 1,040 | 832 |
| U.S. Fish and Wildlife Service | 677 | 485 |
| National Park Service | 1,380 | 920 |
| Geological Survey | 588 | 558 |
| Office of Surface Mining Reclamation | 302 | 119 |
| Minerals Management Service | 203 | 132 |
| Bureau of Mines | 173 | 112 |
| Bureau of Indian Affairs | 1,563 | 908 |
| Territorial and International Affairs | 128 | 93 |
| Related agencies: | | |
| Forest Service | 2,389 | 1,907 |
| Strategic Petroleum Reserve | 51 | −8 |
| Energy Conservation | 592 | 148 |
| Fossil Energy R&D | 413 | 165 |
| Naval Petroleum and Oil Shale Reserves | 238 | 143 |
| Indian Health Service | 1,898 | 1,297 |
| Indian Education | 81 | 12 |
| Smithsonian Institution | 299 | 260 |
| National Foundation on the Arts and Humanities | 358 | 135 |

The House Appropriations Committee filed the Committee's subdivision of budget authority and outlays on June 11, 1992. These subdivisions are consistent with the allocation of spending responsibility to House committees contained in H. Con. Res. 287, Concurrent Resolution on the Budget for Fiscal Year 1993,. as adopted by the Congress on May 21, 1992.

Mr. MINETA. Mr. Chairman, I rise today in strong support of H.R. 5503, making appropriations for the Department of Interior and related agencies for fiscal year 1993.

I am particularly pleased that the bill includes $1.1 million in funding for the Manzanar National Historic Site in Inyo County, CA.

This site designation was authorized this year by the passage of H.R. 543, which was introduced by my friend and colleague, Congressman MEL LEVINE and signed into law by President Bush. The appropriation granted by H.R. 5503 will ensure that the National Park Service can begin to make the Manzanar National Historic Site a reality.

Very little remains today at Manzanar, but for Americans of Japanese ancestry, Manzanar will forever be a reminder of the pain and loss we suffered during the Second World War.

When the Empire of Japan launched its attack on Pearl Harbor on December 7, 1941, it attacked all Americans, including those of us who happened to be of Japanese ancestry.

But the distinction between the Empire of Japan and Americans of Japanese ancestry was quickly lost in the search for scapegoats, and the hysteria generated by this aggression against the United States.

It was not long after attack that Japanese-Americans, whether citizens or permanent residents, were forced from their homes and businesses and into internment camps in remote parts of the country. Manzanar was one of those camps.

Mr. Chairman, when the Congress passed the Civil Liberties Act of 1988, the U.S. Government officially apologized for the injustice of the interment. That historic action finally removed the shadow of disloyalty that had hung over Americans of Japanese ancestry for the previous four decades.

But to avoid another such contravention of rights, we must continue to remind ourselves of the lessons of the internment and of the circumstances that enabled the Government to suspend its own Bill of Rights because of war hysteria and prejudice.

That is particularly important in this, the 50th anniversary year of the beginning of the internment and evacuation.

The Manzanar National Historic Site will be an important part of that effort, and will serve to educate our fellow Americans about the importance of our Constitution, and the tragedies that follow when we ignore the rights it guarantees.

Mr. Chairman, I would like to express my thanks to my friends from California, Mr. LEVINE, Mr. THOMAS, Mr. LAGOMARSINO, and Mr. DIXON, for all of their hard work on the Manzanar project. Finally, I would like to express my gratitude to the gentleman from Illinois [Mr. YATES], the chairman of the subcommittee, for his steadfast support of the Japanese-American community over so many years.

I urge my colleagues to support the bill.

Mr. VENTO. Mr. Chairman, in 1992 there has been and will be a lot of rhetoric about the environment and conserving our natural and cultural resource heritage. The test of whether that talk will result in substantive action will depend on such measures as H.R. 5503, the Interior and related agencies appropriations bill, that is before the House today. If this House truly believes in protecting our environment and preserving the legacy of our natural and cultural heritage for our children and future generations, we had better be prepared to fund the programs to accomplish that end.

Last week President Bush stood in a grove of giant Sequoia trees in California and complained that if only Congress would act on his initiatives he could be the environmental President. In reality Bush is a miniature environmentalist. He is lost when true leadership is needed. How ironic that the President choose the giant Sequoias as the place to launch his attack on this body, when it was these very Sequoia trees that Congress had to enact a moratorium on to prevent the Reagan and Bush administrations from cutting them down. President Bush should be viewed as a political, miniature environmentalist. When needed Bush was no place to be found. He has spent years in the White House advocating the clear cutting of our country's Pacific forests. Congress has been fighting Bush's policies, attempting to save the last stands of America's old growth forests. At the same time Bush falsely claims to be the savior of the giant Sequoia.

In his statement the President went on to carp that Congress wouldn't give him all the money he wants for land acquisition from the land and water conservation fund [LWCF] and for using parks as classrooms.

I support increased funding for land acquisition of important conservation areas and the funding of matching grants to the states from the LWCF. Yes, I would like to see increased funding for these programs in this bill but for the President to complain about this rings hollow. In the past 12 years it has been the Congress that has carried the burden of keeping the LWCF Program going. Through much of the 1980s the administration requested little or no funding for this program. Where was the President then? The LWCF is a vital program based on the simple and just premise that as we deplete our natural resources a portion of the revenues gained should be dedicated to conserving significant aspects of our national heritage and providing recreational opportunities for all Americans. Congress has been the leader on this for years with the President following along, when it has been politically popular to do so.

As chairman of the Subcommittee on National Parks and Public Lands and as a professional science educator, I know well the potential our national parks have as classrooms for our young people. To hear the President talk you would think he invented the idea. But what really is his idea? Nobody knows. It exists only in cloud of words without form or substance. Two weeks ago in testimony before the subcommittee the National Park Service stated they had not even developed criteria to carry out the President's classroom in the parks plan. No one knows just how this is proposed to function. Is it any wonder that the Appropriations Committee didn't rush headlong into funding this ill-defined effort? I strongly support real park education and interpretation efforts. Every national park unit we create contains directives to interpret park resources for the public, interpretation and education is basic to the national Park Service mission. If the President is sincere about this initiative, let him come forth with the details of his program.

Finally, it should be noted that in the past 11 years of the Reagan-Bush administrations natural resources and the environment have declined as a share of the total Federal budget from 1.9 to 1 percent. Many environmental and natural resource programs receive less funding than they did in 1980 while others have lost ground in terms of real dollars. Is this the signal the President wants to send on the national Government's commitment to the environment and our national resources? We hear a lot of talk about fiscal deficits but what about our human and social deficits? The air we breathe, the water we drink and the ability to refresh and renew ourselves within our national parks, forests and public lands is basic to our quality of life. I for one support funding of our environmental and natural resource programs as an immediate and long-term investment in America and the natural and cultural heritage of the American people.

Mrs. SLAUGHTER. Mr. Chairman, today I rise in strong support of the fiscal year 1993 Interior appropriations bill, H.R. 5503, and its provisions for increased funding for the National Endowment for the Arts [NEA]. H.R. 5503 increases the NEA appropriation by $3 million over last year's funding and rejects the Bush administration's attempt to freeze NEA funding at the 1992 level.

The National Endowment for the Arts makes invaluable arts and education programs available in communities across the country, ensuring that all Americans—rich and poor, urban and rural—have opportunities for the cultural and artistic expression which enriches the American tradition and improves quality of life.

Since its inception 27 years ago, the record of the National Endowment for the Arts in pro-

moting creativity in this country has been exemplary. The NEA has supported individual artists and arts organizations throughout the nation and has vastly expanded the landscape of the arts in the United States.

All artistic disciplines have undergone tremendous growth as a result of the NEA. In 1965, this country had 58 orchestras. Now we have 230. We had 22 theaters. Now we have 420. We went from 37 to 250 dance companies, and from 27 to 120 opera companies all because of the tremendous work of the National Endowment of the Arts. Clearly, all of this means that the arts today are truly equal opportunity—able to reach more areas of the country and enrich the lives of Americans of all economic and social strata.

The arts serve as one of our Nation's best forums for the free exchange of ideas. By introducing our children to the arts, the National Endowment for the Arts plays an invaluable part in the education of our Nation's future leaders and the development of their creative and expressive abilities.

Over the years, NEA funding has provided a powerful stimulant for our economy. The arts directly and indirectly provide millions of jobs, stimulate tourism and contribute to the revitalization of our cities and towns. Most endowment grants must also be matched at least dollar for dollar by non-Federal funds, thereby insuring that the agency serves not only as a source of direct support for artists and arts organizations, but also leverage private investment in hometown cultural and educational resources.

As a member of the executive board of the congressional arts caucus, I have been an ardent supporter of public funding of the arts and the National Endowment for the Arts. The NEA assists Rochester-area artistic and cultural organizations like Garth Fagan's Bucket Dance Theater, the Eastman House, GeVa Theater, and the Memorial Art Gallery with almost $1 million in grants each year. Assistance like this allows our schoolchildren to spend an afternoon with the Rochester Philharmonic or touring a local museum.

I strongly support the Federal Government's role of helping to create and sustain not only a climate encouraging freedom of thought, imagination, and inquiry but also the material conditions facilitating the releases of this creative talent. By reaffirming today our commitment to the NEA, we can ensure the continued development of the creative force that exists throughout this great Nation.

Mr. KOLBE. Mr. Chairman, I rise in strong support of the Stenholm amendment, which will remove the 33 percent grazing fee increase currently in the Interior appropriations bill. My reasons for supporting this amendment are simple. Raising grazing fees 33 percent is fundamentally unfair.

The current practice of levying grazing fees is fairly based on prevailing market conditions. In fact, the fee has risen considerably in the past few years, including 8.8 percent last year, due to increased market variables.

Grazing fees are determined using a formula devised by this body—a formula supported by the Carter, Reagan, and now the Bush administrations—and a formula that has withstood challenge in Federal court.

Proponents of the 33 percent increase compare Federal and private lease rates as though they were analogous. This just simply is not the case. Most Federal rangeland is not lush meadows, but sparse desert or mountainous terrain. Federal "permittees" bear additional costs of transportation, herding, and predator and death losses. These permittees must pay for and upkeep water systems development on public lands that benefit grazing livestock as well as wildlife. The Federal permittee has the right to the grass only, yet must pay for all maintenance and improvements. When these costs are tolled, the difference between Federal and private lease rates, not surprisingly, disappear. Or, in many cases, final costs to Federal permittees surpasses private lease rates.

Those who seek to remove cattle and ranchers from the West also rely on the 1986 Department of Agriculture and Interior grazing fee report. This report and a 1992 update, were recently analyzed. That analysis found, among other things, that the data used to draw the final conclusions, upon which grazing opponents base their arguments, has a probable accuracy of correctly reflecting the data collected of less than 1 percent. This analysis is an important contribution to the complex issue of grazing fees and it should be fully considered and reviewed in the proper forum—the authorizing committee, not an appropriations bill.

Basic fairness dictates the removal of the 33 percent grazing fee increase. Mr. Chairman, now is not the time and this is not the place to address authorizing legislation that would wipe out the western livestock industry. The appropriate authorizing committees have been working diligently on resolving this complex and controversial issue. Hearings have been held on this issue in the House Agriculture and Interior Committees and, recently, in the Senate Energy and Natural Resources Committee.

Raising grazing fees 33 percent in an appropriations bill has prevented those with the most to lose—western cattle ranchers—from having any input into the process. This institution has directed and encouraged western ranchers to use the committee process to resolve this issue. They have. And know, for the second straight year, they have had the rug pulled out from under them by an appropriations bill that is being used as a vehicle to drive ranchers out of business. Ranchers thought they were getting a fair and open forum to air their side of the story, but raising fees 33 percent in this bill proves the committee process to be nothing but a ruse. Vote for the Stenholm amendment if for no other reason than to restore some badly needed integrity to this institution and its processes.

Mr. MARLENEE. Mr. Chairman, once again our cherished right of hunting is at risk. The antihunter extremists are again attempting to stop lawful hunts on Federal lands.

My colleague from suburban Virginia thinks his beliefs are vastly superior to all of those in the Department of the Interior. He even wants to overturn a decision of a Federal judge, who ruled in favor of hunting on this very subject just over a year ago. He wants to legislate a hunting ban in defiance of all the experts from the U.S. Fish and Wildlife Service who contend that hunting is a necessary and critical conservation technique.

I have always been a strong supporter of the National Wildlife Refuge System. Within this appropriation bill there is a ban on hunting by law-abiding citizens on the Mason Neck Wildlife Refuge in northern Virginia.

Once again, Mr. Chairman, I have to remind this body that hunting is the most balanced way to maintain and conserve wildlife habitats. At the turn of the century, there were approximately 500,000 white-tailed deer in North America. Now there are as many as 17 million.

In Virginia alone there are 800,000 deer—more than there was in George Washington's time.

My colleague from suburban Virginia says that only Government officials should hunt on this refuge. I ask him, is it the responsibility of the Federal Government to micromanage the great Commonwealth of Virginia?

He tells us that hunting by law-abiding citizens has failed. However, the refuge management states that the 137 deer harvested from Mason Neck last year was a success.

My colleague from suburban Virginia states that loud noises hurt the bald eagles ears but he advocates the use of professional Government marksmen to thin the herd. Does my colleague from northern Virginia believe that the eagles will not hear the Government rifles?

He states that the hunt is not good for the eagles. But deer have stripped almost all foliage off the trees less than 5 years old. In 20 or 30 years there would not be any of these trees to replace the older, dying trees the eagles currently nest in.

Mr. Chairman, if my colleague wants to leave the hunt to the professionals, he should listen to the professionals. Let law-abiding hunters harvest the surplus deer population according to proven refuge management policies.

Mr. Chairman, the Moran provision in the Interior appropriations bill is just another blatant attack by animal rights extremists trying to tie the hands of wildlife conservationists. I can only guess that it is the likes of PETA, the fund for animals, the National Wildlife Refuge Reform Coalition and other antihunting groups, who are pushing the House to stop this hunt again.

Conservation groups such as the Wildlife Legislative Fund of America, the National Rifle Association, Safari Club International, the Congressional Sportsmen's Caucus, the International Association of Fish and Wildlife Agencies, and the U.S. Fish and Wildlife Service support the hunt on the Mason Neck National Wildlife Refuge.

Vote for conservation. Vote for practicality. Vote for the Brewster amendment to keep our hunting heritage alive on this and other wildlife refuges.

Mr. MAZZOLI. Mr. Speaker, I rise in support of H.R. 5503, in support of the funding in this legislation for the National Endowment for the Arts [NEA] and in opposition to both the Crane amendment which would eliminate the endowment outright, and the Stearns amendment which would freeze NEA funding at its fiscal year 1992 level.

Those who support the NEA accurately point to the relatively few questionable grants that the NEA has funded, and point to the overall good the NEA has done in sponsoring the arts in America.

Those who oppose the NEA argue that the endowment has crossed the line too often—the line which divides art from pornography and scatology. And, despite the acknowledged good the NEA does, they say the bad it does justifies its termination.

I believe the former argument is the correct one. Since the NEA's birth as part of the Great Society programs of the Johnson administration, the vast majority of NEA grants have not been controversial and have, in a positive way, cultivated the arts and humanities in our Nation.

Undeniably, the endowment under some of its former chairs issued grants to artists for works which, in almost any book, were appalling and sacrilegious and pornographic.

The ensuing commotion almost destroyed the NEA's standing on Capitol Hill and led Congress, following rancorous debate, to place limits on the NEA's funding practices. The NEA authorization now prohibits funding of pornographic art.

And, this funding cycle, the new Chair of the NEA, Anne Imelda Radice stated before the Appropriations Subcommittee chaired by the distinguished gentleman from Illinois [Mr. YATES] that the endowment under her leadership, would fund grants which appeal to "the widest (possible) audience." She also stated, that "the concerns of the taxpayers, (and) the concerns of the Congress * * * have as much weight" as artistic merit in determining who and what projects will receive NEA funds.

Many in the visual and performing arts community confess to strange feelings of discomfort at Ms. Radice's "weight" test. But, others, while not ecstatic with her testimony to the panel, feel the NEA must be reasonably reined-in or be unreasonably killed off legislatively.

Others, and I am in this category, await Ms. Radice's work product at the NEA's helm. My judgement will come after she has made a few grants and denied a few grants. This will be the acid test of her "weight" test.

The historical tendency of artists and performers is to challenge, test, and confound their audiences and patrons. I, for one, hope Ms. Radice is successful in balancing this tendency against the bedrock fact that the NEA is distributing public, not private, money and must, therefore, be accountable to the taxpayers of America whose hard earned dollars underwrite the grants.

I hope the NEA chair is successful in her balancing act because, on the whole, I believe the NEA is a net positive for our Nation.

It is a little known fact that an NEA grant helped fund the original theatrical production of what eventually became the Academy Award winning film, "Driving Miss Daisy." This film was both an artistic and commercial success and it contributed greatly to the American economy. Were it not for the NEA, "Driving Miss Daisy"—among many, many, other plays, stagings, orchestral performances, and musical compositions—might never have come into being.

Furthermore, the NEA has been a vital contributor to the arts in the commonwealth of Kentucky and in my district of Louisville and Jefferson County. Among worthy recipients of NEA grants in the Commonwealth are the Kentucky Arts Council—an organization which promotes the arts throughout Kentucky—the Louisville Orchestra, and Actors Theatre of Louisville.

Mr. Chairman, our Nation earns dividends on its investment in the National Endowment for the Arts. Even admitting the NEA is not perfect in its grant evaluation and accepting that its "wrists should be slapped" when it strays, I feel that it is vital that this House oppose both the Crane amendment and the Stearns amendment.

Mr. Chairman, I would also like to say a few words about two other items of importance to the Third District of Kentucky which appear in H.R. 5503 the Interior appropriations bill.

This legislation appropriates $178.9 million for the National Endowment for the Humanities [NEH]. Although the Endowment for the Arts tends to receive much more public attention, the NEH is also vitally important to the culture of our Nation. NEH funding in this bill represents an increase over fiscal year 1992 funding levels and, although, I would liked to have seen more funding targeted for the Division of State Programs within the NEH, I am pleased with the overall level of funding in the bill.

NEH funds contribute much to the cultural life and cultural environment of Kentucky. Through the good offices of the Kentucky Humanities Council, NEH grants have gone to the Filson Club of Kentucky, the Kentucky Shakespeare Festival, and just this summer, the Kentucky Chautauqua Festival which is bringing the rich history of the Commonwealth to every corner of the State.

Lastly, Mr. Chairman, this Interior appropriations bill also contains $31 million for the Historic Preservation Trust Fund Grant Program, which has made possible the rehabilitation and preservation of many historic structures in the Commonwealth of Kentucky and in Louisville.

As I said in my testimony before the Interior Appropriations Subcommittee in May, these restoration projects have both preserved the historical and architectural tradition and history of my hometown, Louisville, and my home State, Kentucky, but in the same process have created thousands of permanent and construction related jobs.

So, Mr. Speaker I conclude by saying that I commend the gentleman from Illinois [Mr. YATES] for his fine efforts in crafting this important legislation. I support his work, the National Endowment for the Arts, the Endowment for the Humanities, and the Historic Preservation Trust Fund.

Mr. REGULA. Mr. Chairman, in the absence of any further requests, I yield back the balance of my time.

The CHAIRMAN. The gentleman from Illinois [Mr. YATES] yielded back the balance of his time.

All time for general debate has expired.

Pursuant to the rule, the amendments printed in part 1 and part 2 of House Report 102-683 are adopted.

The amendments printed in part 3 of said report are debatable for the time specified, equally divided and controlled by the proponent and an opponent of the amendment.

The Clerk will read.

The Clerk read as follows:

H.R. 5503

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 1993, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau of Land Management, $531,967,000, subject to authorization, and $2,500,000 from unobligated balances appropriated under this heading in Public Law 99-591 for insect and disease control projects, including grasshoppers, which balances may be applied to any activity provided for under this heading and of which the following amounts shall remain available until expended: not to exceed $1,450,000 to be derived from the special receipt account established by section 4 of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-6a(i)), and $33,500,000 for the Automated Land and Mineral Record System Project: *Provided*, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau of Land Management or its contractors; and in addition, $12,430,000 for Mining Law Administration program operations to remain available through September 30, 1993, to be reduced by amounts collected by the Bureau of Land Management and credited to this appropriation from annual mining claim holding fees: *Provided further*, That the sum herein appropriated shall be reduced as mining claim holding fees are received during fiscal year 1993 so as to result in a final fiscal year 1993 appropriation estimated at not more than $531,967,000: *Provided further*, That in addition to funds otherwise available, not to exceed $5,000,000 from annual mining claim holding fees shall be credited to this account for the costs of administering the mining claim holding fee program, and shall remain available until expended: *Provided further*, That none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws or to issue a patent for any mining or mill site claim located under the general mining laws unless the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before the date of enactment of this Act, and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by that date.

FIRE PROTECTION

For necessary expenses for fire management, emergency rehabilitation, firefighting,

fire presuppression, and other related emergency actions by the Department of the Interior, $119,560,000, subject to authorization, to remain available until expended: *Provided*, That such funds also are to be available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further*, That unexpended balances of amounts previously appropriated for this purpose under the heading "Firefighting", Bureau of Land Management, may be transferred to and merged with this appropriation and accounted for as one appropriation for the same time period as originally enacted.

EMERGENCY DEPARTMENT OF THE INTERIOR FIREFIGHTING FUND

For emergency rehabilitation and wildfire suppression activities of the Department of the Interior, $113,640,000, subject to authorization, to remain available until expended: *Provided*, That such funds also are to be available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further*, That notwithstanding any other provision of law, persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation.

In addition, for emergency rehabilitation and wildfire suppression activities of the Department of the Interior, $51,200,000, subject to authorization, to remain available until expended: *Provided*, That these funds, or any portion thereof, shall be available beginning in fiscal year 1993 only (1) to the extent that the President notifies the Congress of his designation of any or all of these amounts as emergency requirements under the Balanced Budget and Emergency Deficit Control Act of 1985; and (2) if the amounts annually appropriated under this heading, but not designated as emergency requirements pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985, have been at least equal to the most recent ten-year historical average, less any enacted cost saving program reforms: *Provided further*, That Congress hereby designates these amounts as emergency requirements pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CONSTRUCTION AND ACCESS

For acquisition of lands and interests therein, and construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $13,225,000, subject to authorization, to remain available until expended.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976 (31 U.S.C. 6901–07), $105,000,000, of which not to exceed $400,000 shall be available for administrative expenses.

LAND ACQUISITION

For expenses necessary to carry out the provisions of sections 205, 206, and 318(d) of Public Law 94–579 including administrative expenses and acquisition of lands or waters, or interests therein, $25,940,000 to be derived from the Land and Water Conservation Fund, to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; $83,122,000, to remain available until expended: *Provided*, That 25 per centum of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land grant fund and shall be transferred to the General Fund in the Treasury in accordance with the provisions of the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 per centum of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,747,000, subject to authorization, to remain available until expended: *Provided*, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under sections 209(b), 304(a), 304(b), 305(a), and 504(g) of the Act approved October 21, 1976 (43 U.S.C. 1701), and sections 101 and 203 of Public Law 93–153, subject to authorization, to be immediately available until expended: *Provided*, That notwithstanding any provision to the contrary of section 305(a) of the Act of October 21, 1976 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this or subsequent appropriations Acts by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such forfeiture, compromise, or settlement are used on the exact lands damage to which led to the forfeiture, compromise, or settlement: *Provided further*, That such moneys are in excess of amounts needed to repair damage to the exact land for which collected.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing law, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, subject to authorization, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau of Land Management; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed $10,000: *Provided*, That appropriations herein made for Bureau of Land Management expenditures in connection with the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands (other than expenditures made under the appropriation "Oregon and California grant lands") shall be reimbursed to the General Fund of the Treasury from the 25 per centum referred to in subsection (c), title II, of the Act approved August 28, 1937 (50 Stat. 876), of the special fund designated the "Oregon and California land grant fund" and section 4 of the Act approved May 24, 1939 (53 Stat. 754), of the special fund designated the "Coos Bay Wagon Road grant fund": *Provided further*, That appropriations herein made may be expended for surveys of Federal lands and on a reimbursable basis for surveys of Federal lands and for protection of lands for the State of Alaska: *Provided further*, That an appeal of any reductions in grazing allotments on public rangelands must be taken within thirty days after receipt of a final grazing allotment decision. Reductions of up to 10 per centum in grazing allotments shall become effective when so designated by the Secretary of the Interior. Upon appeal any proposed reduction in excess of 10 per centum shall be suspended pending final action on the appeal, which shall be completed within two years after the appeal is filed: *Provided further*, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly-produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That notwithstanding any other provisions of law, that effective upon the date of enactment of this Act for the fiscal year 1993 and every year thereafter, for each unpatented mining claim, mill or tunnel site on federally owned lands, in lieu of the assessment work requirements contained in the Mining Law of 1872 (30 U.S.C. 28–28(e)), and the filing requirements contained in Section 314(a) of the Federal Land Policy and Management Act of 1976 (FLPMA) (43 U.S.C. 1744(a)) and the related requirements of Section 314(c) of FLPMA (43 U.S.C. 1744(c)), the claimant shall pay an annual holding fee of $100.00 to the Secretary of the Interior or his designee on or before August 31 of each year in order for the claimant to hold such unpatented mining claim, mill or tunnel site for the following year beginning on September 1: *Provided further*, That the fee established by this Act in lieu of the assessment work requirements for the assessment year ending at noon on September 1, 1993, shall be due and payable to the Secretary on or before June 30, 1993, except that such fee otherwise due and payable

for this period shall be waived by the Secretary or his designee if the claimant files an affidavit of assessment work by June 30, 1993, showing the labor required by 30 U.S.C. 28 was completed for the assessment year ending at noon September 1, 1993, before the effective date of this Act: *Provided further*, That such fee otherwise due and payable for the assessment year ending at noon on September 1, 1993, for mill and tunnel sites shall be waived by the Secretary or his designee if the claimant files a notice of intention to hold the site by June 30, 1993: *Provided further*, That for every unpatented mining claim, mill or tunnel site located after the date of enactment of this Act, the locator shall pay $100.00 to the Secretary of the Interior or his designee at the time the location notice is recorded with the Bureau of Land Management to hold such claim for the year in which the location was made: *Provided further*, That the co-ownership provision of 30 U.S.C. 28 will remain in effect except that the annual holding fee shall replace the assessment work requirements and expenditures: *Provided further*, That failure to make the annual payment of the holding fee required by this Act shall conclusively constitute an abandonment of the unpatented mining claim, mill or tunnel site by the claimant: *Provided further*, That nothing in this Act shall change or modify the requirements of Section 314(b) of FLPMA (43 U.S.C. 1744(b)) or the requirements of Section 314(c) of FLPMA (43 U.S.C. 1744(c)) related to filings required by Section 314(b), which shall remain in effect: *Provided further*, That the Secretary of the Interior shall promulgate rules and regulations to carry out the purposes of this Section as soon as practicable after the effective date of this Act.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For expenses necessary for scientific and economic studies, conservation, management, investigations, protection, and utilization of sport fishery and wildlife resources, except whales, seals, and sea lions, and for the performance of other authorized functions related to such resources; for the general administration of the United States Fish and Wildlife Service; and for maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge; and not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by Youth Conservation Corps as if authorized by the Act of August 13, 1970, as amended by Public Law 93-408, $530,211,000, of which $10,687,000 shall be for operation and maintenance of fishery mitigation facilities constructed by the Corps of Engineers under the Lower Snake River Compensation Plan, authorized by the Water Resources Development Act of 1976 (90 Stat. 2921), to compensate for loss of fishery resources from water development projects on the Lower Snake River, and which shall remain available until expended; and of which $1,000,000 shall be for contaminant sample analysis, and shall remain available until expended.

CONSTRUCTION AND ANADROMOUS FISH

For construction and acquisition of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of sport fishery and wildlife resources, and the acquisition of lands and interests therein; $47,513,000, to remain available until expended.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION FUND

To conduct natural resource damage assessments and restoration activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601, et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, et seq.), the Oil Pollution Act of 1990 (P.L. 101-380), and the Act of July 27, 1990 (P.L. 101-337); $5,000,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4-11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, and for activities authorized under Public Law 98-244 to be carried out by the National Fish and Wildlife Foundation, $67,397,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), as amended by Public Law 100-478, $6,621,000 for Grants to States, to be derived from the Cooperative Endangered Species Conservation Fund, and to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $11,849,000.

REWARDS AND OPERATIONS

For expenses necessary to carry out the provisions of the African Elephant Conservation Act (16 U.S.C. 4201-4203, 4211-4213, 4221-4225, 4241-4245, and 1538), $1,201,000, to remain available until expended.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101-233, $7,500,000, and in fiscal year 1992 and thereafter, amounts received during the immediately preceding fiscal year under section 6 of the Migratory Bird Treaty Act (16 U.S.C. 707) as penalties or fines or from forfeitures of property or collateral, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 130 passenger motor vehicles, of which 112 are for replacement only (including 43 for police-type use); not to exceed $400,000 for payment, at the discretion of the Secretary, for information, rewards, or evidence concerning violations of laws administered by the United States Fish and Wildlife Service, and miscellaneous and emergency expenses of enforcement activities, authorized or approved by the Secretary and to be accounted for solely on his certificate; repair of damage to public roads within and adjacent to reservation areas caused by operations of the United States Fish and Wildlife Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the United States Fish and Wildlife Service and to which the United States has title, and which are utilized pursuant to law in connection with management and investigation of fish and wildlife resources: *Provided*, That the United States Fish and Wildlife Service may accept donated aircraft as replacements for existing aircraft.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, including not to exceed $559,000 for the Roosevelt Campobello International Park Commission, and not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by Youth Conservation Corps as if authorized by the Act of August 13, 1970, as amended by Public Law 93-408, $992,059,000, subject to authorization, without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451), of which not to exceed $60,000,000 to remain available until expended is to be derived from the special fee account established pursuant to title V, section 5201, of Public Law 100-203: *Provided*, That the National Park Service shall not enter into future concessionaire contracts, including renewals, that do not include a termination for cause clause that provides for possible extinguishment of possessory interests excluding depreciated book value of concessionaire investments without compensation: *Provided further*, That of the funds provided herein, $775,000 is available for the National Institute for the Conservation of Cultural Property: *Provided further*, That none of the funds appropriated in this Act may be used to implement any increase in Government housing rental rates in excess of ten per centum more than the rental rates which were in effect on September 1, 1992, for such housing.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, environmental compliance and review, and grant administration, not otherwise provided for, $22,715,000, subject to authorization.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the provisions of the Historic Preservation Act of 1966 (80 Stat. 915), as amended (16 U.S.C. 470), $36,931,000 to be derived from the Historic Preservation Fund, established by section 108 of that Act, as amended, to remain available for obligation until September 30, 1994: *Provided*, That the Trust Territory of the Pacific Islands is a State eligible for Historic Preservation Fund matching grant assistance as authorized under 16 U.S.C. 470w(2): *Provided further*, That pursuant to section 105(1) of the Compact of Free Association, Public Law 99-239, the Federated States of Micronesia and the Republic of the Marshall Islands shall also be considered States for purposes of this appropriation.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451), $237,806,000, subject to authorization, to remain available until expended, and $7,705,000 to be derived from amounts made available under this head in Public Law 99-190 for engineering and construction of the Burr Trail National Rural

Scenic Road: *Provided*, That not to exceed $7,000,000 shall be paid to the Army Corps of Engineers for modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989: *Provided further*, That of the funds provided under this heading, $1,700,000 shall be available for site acquisition and site preparation for the Lincoln Center in Springfield, Illinois.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 1993 by 16 U.S.C. 460l–10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4–11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with statutory authority applicable to the National Park Service, $106,500,000 to be derived from the Land and Water Conservation Fund, to remain available until expended, of which $28,456,000 is for the State assistance program including $3,456,000 to administer the State assistance program: *Provided*, That of the amounts previously appropriated to the Secretary's contingency fund for grants to States $75,000 shall be available in 1993 for administrative expenses of the State grant program.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

For expenses necessary for operating and maintaining the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, $13,556,000, of which $6,500,000 shall remain available until expended.

ILLINOIS AND MICHIGAN CANAL NATIONAL HERITAGE CORRIDOR COMMISSION

For operation of the Illinois and Michigan Canal National Heritage Corridor Commission, $250,000.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 445 passenger motor vehicles, of which 307 shall be for replacement only, including not to exceed 345 for police-type use, 15 buses, and 4 ambulances; to provide, notwithstanding any other provision of law, at a cost not exceeding $750,000, transportation for children in nearby communities to and from any unit of the National Park System used in connection with organized recreation and interpretive programs of the National Park Service; options for the purchase of land at not to exceed $1 for each option; and for the procurement and delivery of medical services within the jurisdiction of units of the National Park System: *Provided*, That any funds available to the National Park Service may be used, with the approval of the Secretary, to maintain law and order in emergency and other unforeseen law enforcement situations and conduct emergency search and rescue operations in the National Park System: *Provided further*, That none of the funds in this Act may be used to upgrade the Burr Trail National Rural Scenic Road in Utah: *Provided further*, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further*, That the National Park Service may use helicopters and motorized equipment at Death Valley National Monument for removal of feral burros and horses: *Provided further*, That notwithstanding any other provision of law, the National Park Service may recover all costs of providing necessary services associated with special use permits, such reimbursements to be credited to the appropriation current at that time: *Provided further*, That none of the funds appropriated to the National Park Service may be used to process permits necessary for construction of a bridge to Ellis Island: *Provided further*, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project: *Provided further*, That the Secretary of the Interior, acting through the Director of the National Park Service, may enter into a cooperative agreement with the William O. Douglas Outdoor Classroom under which the Secretary may expend Federal funds on non-Federal property for environmental education purposes: *Provided further*, That funds previously appropriated for acquisition of a landscaped parking lot for the Martin Luther King National Historic Site may be used by the National Park Service to acquire the vacant lot on the north side of Irwin Street between Jackson and Boulevard as specified in Public Law 100–202.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, and the mineral and water resources of the United States, its Territories and possessions, and other areas as authorized by law (43 U.S.C. 31, 1332 and 1340); classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; $587,668,000, of which $64,032,000 shall be available only for cooperation with States or municipalities for water resources investigations: *Provided*, That no part of this appropriation shall be used to pay more than one-half the cost of any topographic mapping or water resources investigations carried on in cooperation with any State or municipality.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the United States Geological Survey shall be available for purchase of not to exceed 22 passenger motor vehicles, for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the United States Geological Survey appointed, as authorized by law, to represent the United States in the negotiation and administration of interstate compacts: *Provided*, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in Public Law 95–224.

MINERALS MANAGEMENT SERVICE

LEASING AND ROYALTY MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only; $197,514,000, of which not less than $67,115,000 shall be available for royalty management activities; and an amount not to exceed $5,000,000 for the Technical Information Management System of Outer Continental Shelf (OCS) Lands Activity, to be credited to this appropriation and to remain available until expended, from additions to current preset receipts and from additional fee collections relating to OCS administrative activities performed by the Minerals Management Service over and above what the Minerals Management Service currently collects to offset its costs for these activities: *Provided*, That $1,500,000 for computer acquisitions shall remain available until September 30, 1994: *Provided further*, That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721 (b) and (d): *Provided further*, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: *Provided further*, That notwithstanding any other provision of law, $10,000 under this head shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of the Minerals Management Service concurred with the claimed refund due: *Provided further*, That notwithstanding any other provision of law, $155,275,000 shall be deducted from Federal onshore mineral leasing receipts prior to the division and distribution of such receipts between the States and the Treasury and shall be credited to miscellaneous receipts of the Treasury: *Provided further*, That, notwithstanding any other provision of law, in fiscal year 1993 and thereafter, the Minerals Management Service shall have the authority to collect and expend all collections from user fees resulting from the Minerals Management Service providing the services of its Oil and Hazardous Materials Simulated Environmental Test Tank testing facility in Leonardo, New Jersey, and these collections shall be credited to this account to remain available until expended, and used to offset operation and maintenance costs associated with providing such services: *Provided further*, That the fifth proviso under the heading "Leasing and Royalty Management" for the Minerals Management Service in Public Law 101–512 (104 Stat. 1926) is amended by striking the words "this account" after the words "shall be credited to" and inserting in lieu thereof "the leasing and royalty management account of the Minerals Management Service".

OIL SPILL RESEARCH

For necessary expenses to carry out the purposes of the Oil Spill Liability Trust

Fund, pursuant to Title VII of the Oil Pollution Act of 1990, $5,377,000, which shall be derived from the Fund, to be available until expended, to carry out the purposes of the Fund in accordance with Title VII of that Act.

BUREAU OF MINES

MINES AND MINERALS

For expenses necessary for conducting inquiries, technological investigations, and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs; to foster and encourage private enterprise in the development of mineral resources and the prevention of waste in the mining, minerals, metal, and mineral reclamation industries; to inquire into the economic conditions affecting those industries; to promote health and safety in mines and the mineral industry through research; and for other related purposes as authorized by law, $173,056,000, of which $107,506,000 shall remain available until expended: *Provided*, That none of the funds in this or any other Act may be used for the closure or consolidation of any research centers or the sale of any of the helium facilities currently in operation.

ADMINISTRATIVE PROVISIONS

The Secretary is authorized to accept lands, buildings, equipment, other contributions, and fees from public and private sources, and to prosecute projects using such contributions and fees in cooperation with other Federal, State or private agencies: *Provided*, That the Bureau of Mines is authorized, during the current fiscal year, to sell directly or through any Government agency, including corporations, any metal or mineral product that may be manufactured in pilot plants operated by the Bureau of Mines, and the proceeds of such sales shall be covered into the Treasury as miscellaneous receipts.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, as amended, including the purchase of not to exceed 15 passenger motor vehicles, of which 11 shall be for replacement only; $112,674,000, and notwithstanding 31 U.S.C. 3302, an additional amount shall be credited to this account, to remain available until expended, from performance bond forfeitures in fiscal year 1993: *Provided*, That notwithstanding any other provision of law, the Secretary of the Interior, pursuant to regulations, may utilize directly or through grants to States, moneys collected in fiscal year 1993 pursuant to the assessment of civil penalties under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: *Provided further*, That notwithstanding any other provisions of law, appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training: *Provided further*, That the funds provided herein to implement and operate the Applicant Violator System shall be used only to the extent that system is in compliance with the January 24, 1990 Settlement Agreement between Save Our Cumberland Mountains, Inc. and Manuel Lujan, Jr., Secretary, United States Department of the Interior, et al.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out the provisions of title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, as amended, including the purchase of not more than 22 passenger motor vehicles, of which 16 shall be for replacement only, $188,041,000 to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended: *Provided*, That of the funds herein provided up to $22,000,000 may be used for the emergency program authorized by section 410 of Public Law 95-87, as amended, of which no more than 25 per centum shall be used for emergency reclamation projects in any one State and funds for Federally-administered emergency reclamation projects under this proviso shall not exceed $15,000,000: *Provided further*, That 23 full-time equivalent positions are to be maintained in the Anthracite Reclamation Program at the Wilkes-Barre Field Office: *Provided further*, That pursuant to Public Law 97-365, the Department of the Interior is authorized to utilize up to 20 per centum from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts.

ADMINISTRATIVE PROVISION

None of the funds available to the Office of Surface Mining Reclamation and Enforcement shall be expended to create or maintain more than one Deputy Director position.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For operation of Indian programs by direct expenditure, contracts, cooperative agreements, and grants including expenses necessary to provide education and welfare services for Indians, either directly or in cooperation with States and other organizations, including payment of care, tuition, assistance, and other expenses of Indians in boarding homes, or institutions, or schools; grants and other assistance to needy Indians; maintenance of law and order; management, development, improvement, and protection of resources and appurtenant facilities under the jurisdiction of the Bureau of Indian Affairs, including payment of irrigation assessments and charges; acquisition of water rights; advances for Indian industrial and business enterprises; operation of Indian arts and crafts shops and museums; development of Indian arts and crafts, as authorized by law; for the general administration of the Bureau of Indian Affairs, including such expenses in field offices; maintaining of Indian reservation roads as defined in section 101 of title 23, United States Code; and construction, repair, and improvement of Indian housing, $1,354,151,000, including $271,038,000 for school operations costs of Bureau-funded schools and other education programs which shall become available for obligation on July 1, 1993, and shall remain available for obligation until September 30, 1994, and $53,954,000 for housing improvement and road maintenance, to remain available until expended, and of which, funds obligated as grants to schools pursuant to Public Law 100-297 shall be made on July 1 and December 1 in lieu of the payments authorized to be made on October 1 and January 1 of each calendar year, and of which not to exceed $71,954,000 for higher education scholarships, adult vocational training, and assistance to public schools under the Act of April 16, 1934 (48 Stat. 596), as amended (25 U.S.C. 452 et seq.), shall remain available for obligation until September 30, 1994; and the funds made available to tribes and tribal organizations through contracts or grants obligated during fiscal year 1993 as authorized by the Indian Self-Determination Act of 1975 (88 Stat. 2203; 25 U.S.C. 450 et seq.), or grants authorized by the Indian Education Amendments of 1988 (25 U.S.C. 2001 and 2008A) shall remain available until expended by the contractor or grantee; and of which $2,000,000 for litigation support shall remain available until expended, $4,937,000 for self-governance tribal compacts shall be made available on completion and submission of such compacts to the Congress, and shall remain available until expended; and of which $1,190,000 for expenses necessary to carry out the provisions of section 19(a) of Public Law 93-531 (25 U.S.C. 640d-18(a)), shall remain available until expended: *Provided*, That none of the funds appropriated to the Bureau of Indian Affairs shall be expended as matching funds for programs funded under section 103(b)(2) of the Carl D. Perkins Vocational Education Act: *Provided further*, That $200,000 of the funds made available in this Act shall be available for cyclical maintenance of tribally owned fish hatcheries and related facilities: *Provided further*, That none of the funds in this Act shall be used by the Bureau of Indian Affairs to transfer funds under a contract with any third party for the management of tribal or individual Indian trust funds until the funds held in trust for all such tribes or individuals have been audited and reconciled to the earliest possible date, the results of such reconciliation have been certified by an independent party as the most complete reconciliation of such funds possible, and the affected tribe or individual has been provided with an accounting of such funds: *Provided further*, That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with the accounting of such funds from which the beneficiary can determine whether there has been a loss: *Provided further*, That $300,000 of the amounts provided for education program management shall be available for a grant to the Close Up Foundation: *Provided further*, That the Task Force on Bureau of Indian Affairs Reorganization shall continue activities under its charter as adopted and amended on April 17, 1991: *Provided further*, That any reorganization proposal shall not be implemented until the Task Force has reviewed it and recommended its implementation to the Secretary and such proposal has been submitted to and approved by the Committees on Appropriations, except that the Bureau may submit a reorganization proposal related only to management improvements, along with Task Force comments or recommendations to the Committees on Appropriations for review and disposition by the Committees: *Provided further*, That to provide funding uniformity within a Self-Governance Compact, any funds provided in this Act with availability for more than one year may be reprogrammed to one year availability but shall remain available within the Compact until expended: *Provided further*, That notwithstanding any other provision of law, Indian tribal governments may, by appropriate changes in eligibility criteria or by other means, change eligibility for general assistance or change the amount of general assistance payments for individuals who are otherwise deemed eligible for general assistance payments so long as such changes are applied in a consistent manner to individuals similarly situated: *Provided further*, That any savings realized by such changes shall be available for use in meeting other priorities

of the tribes: *Provided further*, That the obligated and unobligated balances associated with the housing improvement program and the road maintenance program shall be transferred to this account from "Construction", and shall remain available until expended.

CONSTRUCTION

For construction, major repair, and improvement of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands and interests in lands; and preparation of lands for farming, $152,446,000, to remain available until expended: *Provided*, That $1,482,000 of the funds made available in this Act shall be available for rehabilitation of tribally owned fish hatcheries and related facilities: *Provided further*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: *Provided further*, That not to exceed 6 per centum of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau of Indian Affairs: *Provided further*, That none of the funds available to the Bureau of Indian Affairs in this or any other Act shall be used to transfer, through agreement, memorandum of understanding, demonstration project or other method, the Safety of Dams program of the Bureau of Indian Affairs to the Bureau of Reclamation: *Provided further*, That nothing herein shall prevent the Bureau of Indian Affairs or tribes from using, on a case-by-case basis, the technical expertise of the Bureau of Reclamation: *Provided further*, That none of the funds provided for the Safety of Dams program are available for transfer pursuant to sections 101 and 102 of this Act.

MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals pursuant to Public Laws 98-500, 99-264, 100-383, 100-512, 100-580, 101-618, 101-602, 101-486, 100-585 and 102-171, including funds for necessary administrative expenses, $39,109,000, to remain available until expended: *Provided*, That of the funds provided herein $4,000,000 shall be available (1) to liquidate obligations owed tribal and individual Indian payees of any checks cancelled pursuant to section 1003 of the Competitive Equality Banking Act of 1987 (Public Law 100-86 (101 Stat. 659)), 31 U.S.C. 3334(b), and (2) to restore to Individual Indian Monies trust funds amounts invested in defaulted savings and loan associations not covered by Federal deposit insurance, including any interest on these amounts that may have been earned, but was not because of the default and the Bureau's delay in restoring the amounts lost.

NAVAJO REHABILITATION TRUST FUND

For Navajo tribal rehabilitation and improvement activities in accordance with the provisions of section 32(d) of Public Law 93-531, as amended (25 U.S.C. 640d-30), including necessary administrative expenses, $4,000,000, to remain available until expended.

TECHNICAL ASSISTANCE OF INDIAN ENTERPRISES

For payment of management and technical assistance requests associated with loans and grants approved under the Indian Financing Act of 1974, as amended, $1,987,000.

INDIAN DIRECT LOAN PROGRAM ACCOUNT

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of expert assistance loans authorized by the Act of November 4, 1963, as amended, and the cost of direct loans authorized by the Indian Financing Act of 1974, as amended, $2,500,000: *Provided*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $11,300,000.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans $8,864,000, as authorized by the Indian Financing Act of 1974, as amended: *Provided*, That such costs including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal any part of which is to be guaranteed not to exceed $68,800,000.

In addition, for administrative expenses necessary to carry out the guaranteed loan program, $906,000, which may be transferred to and merged with the appropriations for Operation of Indian Programs.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, the Technical Assistance of Indian Enterprises account, the Indian Direct Loan Program account, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase of not to exceed 258 passenger carrying motor vehicles, of which not to exceed 212 shall be for replacement only.

TERRITORIAL AND INTERNATIONAL AFFAIRS

ADMINISTRATION OF TERRITORIES

For expenses necessary for the administration of territories under the jurisdiction of the Department of the Interior, $81,151,000, of which (1) $77,105,000 shall be available until expended for technical assistance, including maintenance assistance, drug interdiction and abuse prevention, and brown tree snake control and research; late charges and payments of the annual interest rate differential required by the Federal Financing Bank, under terms of the second refinancing of an existing loan to the Guam Power Authority, as authorized by law (Public Law 98-454; 98 Stat. 1732); grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94-241; 90 Stat. 272); and (2) $4,046,000 shall be available for salaries and expenses of the Office of Territorial and International Affairs: *Provided*, That the territorial and local governments herein provided for are authorized to make purchases through the General Services Administration: *Provided further*, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or utilized by such governments, shall be audited by the General Accounting Office, in accordance with chapter 35 of title 31, United States Code: *Provided further*, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 99-396, except that should the Secretary of the Interior believe that the performance standards of such agreement are not being met, operations funds may be withheld, but only by Act of Congress as required by Public Law 99-396: *Provided further*, That $1,025,000 of the amounts provided for technical assistance shall be available for a grant to the Close Up Foundation: *Provided further*, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance of capital infrastructure in American Samoa, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia through assessments of long-range operations and maintenance needs, improved capability of local operations and maintenance institutions and agencies (including management and vocational education training), and project-specific maintenance (with territorial participation and cost sharing to be determined by the Secretary based on the individual territory's commitment to timely maintenance of its capital assets).

TRUST TERRITORY OF THE PACIFIC ISLANDS

For expenses necessary for the Department of the Interior in administration of the Trust Territory of the Pacific Islands pursuant to the Trusteeship Agreement approved by joint resolution of July 18, 1947 (61 Stat. 397), and the Act of June 30, 1954 (68 Stat. 330), as amended (90 Stat. 299; 91 Stat. 1159; 92 Stat. 495), and grants to the Trust Territory of the Pacific Islands, in addition to local revenues, for support of governmental functions; $26,796,000, to remain available until expended, including $18,596,000 for operations of the Government of Palau: *Provided*, That all financial transactions of the Trust Territory, including such transactions of all agencies or instrumentalities established or utilized by such Trust Territory, shall be audited by the General Accounting Office in accordance with chapter 35 of title 31, United States Code: *Provided further*, That the government of the Trust Territory of the Pacific Islands is authorized to make purchases through the General Services Administration: *Provided further*, That all Government operations funds appropriated and obligated for the Republic of Palau under this account for fiscal year 1993 shall be credited as an offset against fiscal year 1993 payments made pursuant to the legislation approving the Palau Compact of Free Association (Public Law 99-658), if such Compact is implemented before October 1, 1993: *Provided further*, That not less than $300,000 of the grants to the Republic of Palau, for support of governmental functions, shall be dedicated to the College of Micronesia in accordance with the agreement between the Micronesian entities.

COMPACT OF FREE ASSOCIATION

For economic assistance and necessary expenses for the Federated States of Micronesia and the Republic of the Marshall Islands as provided for in sections 122, 221, 223, 232, and 233 of the Compacts of Free Association, $20,457,000, to remain available until expended, as authorized by Public Law 99-239: *Provided*, That the effective date of the Palau Compact for purposes of economic assistance pursuant to the Palau Compact of Free Association, Public Law 99-658, shall be the effective date of the Palau Compact as determined pursuant to section 101 of Public Law 101-219.

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary of the Interior, $63,857,000, of which not to exceed $7,500 may be for official reception and representation expenses.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $31,941,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $23,741,000.

CONSTRUCTION MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Construction Management, $2,191,000.

NATIONAL INDIAN GAMING COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the National Indian Gaming Commission, pursuant to Public Law 100-497, $2,190,000.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 18 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided*, That notwithstanding any other provision of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: *Provided further*, That no programs funded with appropriated funds in the "Office of the Secretary", "Office of the Solicitor", and "Office of Inspector General" may be augmented through the Working Capital Fund or the Consolidated Working Fund.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oilspills; response and natural resource damage assessment activities related to actual oilspills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99-198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95-87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for fire suppression purposes shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for fire suppression purposes, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, That for emergency rehabilitation and wildfire suppression activities, no funds shall be made available under this authority until funds appropriated to the "Emergency Department of the Interior Firefighting Fund" shall have been exhausted: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 and must be replenished by a supplemental appropriation which must be requested as promptly as possible: *Provided further*, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, U.S.C.: *Provided*, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902 and D.C. Code 4-204).

SEC. 106. Appropriations made in this title shall be available for obligation in connection with contracts issued by the General Services Administration for services or rentals for periods not in excess of twelve months beginning at any time during the fiscal year.

SEC. 107. No funds provided in this title may be used to detail any employee to an organization unless such detail is in accordance with Office of Personnel Management regulations.

SEC. 108. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore leasing and related activities placed under restriction in the President's moratorium statement of June 26, 1990, in the areas of Northern, Central, and Southern California; the North Atlantic; Washington and Oregon; and the Eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 109. No funds provided in this title may be expended by the Department of the Interior for the conduct of leasing, or the approval or permitting of any drilling or other exploration activity, on lands within the North Aleutian Basin planning area.

SEC. 110. No funds provided in this title may be expended by the Department of the Interior for the conduct of preleasing and leasing activities in the Eastern Gulf of Mexico for Outer Continental Shelf Lease Sale 137 or for Sale 151 in the April 1992 proposal for the Outer Continental Shelf Natural Gas and Oil Resource Management Comprehensive Program, 1992-1997.

SEC. 111. No funds provided in this title may be expended by the Department of the Interior for the conduct of preleasing and leasing activities in the Atlantic for Outer Continental Shelf Lease Sale 164 in the April 1992 proposal for the Outer Continental Shelf Natural Gas and Oil Resource Management Comprehensive Program, 1992-1997.

SEC. 112. None of the funds made available by this Act may be used for the implementation or financing of agreements or arrangements with entities for the management of all lands, waters, and interests therein on Matagorda Island, Texas, which were purchased by the Department of the Interior with federally appropriated amounts from the Land and Water Conservation Fund.

SEC. 113. The provision of section 112 shall not apply if the transfer of management or control is ratified by law.

SEC. 114. Notwithstanding any other provision of law, recordation and processing of claimed rights-of-way under Revised Statutes section 2477 (43 U.S.C. 932) shall be undertaken according to the procedures in section 15, H.R. 1096, as passed the House on July 23, 1991.

SEC. 115. None of the funds in this Act may be used to process permits necessary for the construction of jetties at Oregon Inlet, North Carolina, until an environmental impact statement has been completed.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST RESEARCH

For necessary expenses of forest research as authorized by law, $186,657,000, to remain available until September 30, 1994.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with, and providing technical and financial assistance to States, Territories, possessions, and others; and for forest pest management activities, $136,929,000, to remain available until expended, as authorized by law.

EMERGENCY PEST SUPPRESSION FUND

For necessary expenses for emergency suppression of pests, $42,315,000, to remain available until expended: *Provided*, That these

funds, or any portion thereof, shall be available beginning in fiscal year 1993 only to the extent that the President notifies the Congress of his designation of any or all of these amounts as emergency requirements under section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That Congress hereby designates these amounts as emergency requirements pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, and for administrative expenses associated with the management of funds provided under the heads "Forest Research", "State and Private Forestry", "National Forest System", "Construction", "Forest Service Fire Protection", "Emergency Forest Service Firefighting Fund", and "Land Acquisition", $1,320,937,000, to remain available for obligation until September 30, 1994, and including 65 per centum of all monies received during the prior fiscal year as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 4601-6a(i)): *Provided*, That unobligated and unexpended balances in the National Forest System account at the end of fiscal year 1992, shall be merged with and made a part of the fiscal year 1993 National Forest System appropriation, and shall remain available for obligation until September 30, 1994: *Provided further*, That timber volume authorized or scheduled for sale during fiscal year 1992, but which remains unsold at the end of fiscal year 1992, shall be offered for sale during fiscal year 1993 in addition to the fiscal year 1993 timber sale volume to the extent possible: *Provided further*, That up to $5,000,000 of the funds provided herein for road maintenance shall be available for the planned obliteration of roads which are no longer needed.

FOREST SERVICE FIRE PROTECTION

For necessary expenses for firefighting on or adjacent to National Forest System lands or other lands under fire protection agreement, and for forest fire management and presuppression on National Forest System lands, $192,785,000, to remain available until expended: *Provided*, That unexpended balances of amounts previously appropriated for this purpose under the heading "Forest Service Firefighting", Forest Service, may be transferred to and merged with this appropriation and accounted for as one appropriation for the same time period as originally enacted.

EMERGENCY FOREST SERVICE FIREFIGHTING FUND

For necessary expenses for emergency rehabilitation, presuppression due to emergencies or economic efficiency, and wildfire suppression activities of the Forest Service, $187,000,000, to remain available until expended: *Provided*, That such funds are available for repayment of advances from other appropriation accounts previously transferred for such purposes.

In addition, for necessary expenses for emegency rehabilitation, presuppression due to emergencies, and wildfire suppression activities of the Forest Service, $188,000,000, to remain available until expended: *Provided*, That these funds, or any portion thereof, shall be available beginning in fiscal year 1993 only (1) to the extent that the President notifies the Congress of his designation of any or all of these amounts as emergency requirements under the Balanced Budget and Emergency Deficit Control Act of 1985; and (2) if the amounts annually appropriated under this heading, but not designated as emergency requirements pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985, have been at least equal to the most recent ten-year historical average, less any enacted cost saving program reforms: *Provided further*, That Congress hereby designates these amounts as emergency requirements pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CONSTRUCTION

For necessary expenses of the Forest Service, not otherwise provided for, for construction, $241,449,000, to remain available until expended, of which $82,401,000 is for construction and acquisition of buildings and other facilities; and $159,048,000 is for construction and repair of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532-538 and 23 U.S.C. 101 and 205: *Provided*, That funds becoming available in fiscal year 1993 under the Act of March 4, 1913 (16 U.S.C. 501) shall be transferred to the General Fund of the Treasury of the United States: *Provided further*, That not to exceed $110,669,000, to remain available until expended, may be obligated for the construction of forest roads by timber purchasers.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4-11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $62,072,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,190,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 per centum of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the sixteen Western States, pursuant to section 401(b)(1) of Public Law 94-579, as amended, to remain available until expended, of which not to exceed 6 per centum shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $105,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (a) purchase of not to exceed 127 passenger motor vehicles of which 31 will be used primarily for law enforcement purposes and of which 101 shall be for replacement only, of which acquisition of 81 passenger motor vehicles shall be from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed two for replacement only, and acquisition of 47 aircraft from excess sources; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (b) services pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $100,000 for employment under 5 U.S.C. 3109; (c) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (d) acquisition of land, waters, and interests therein, pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); (e) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, 558a note); and (f) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to change the boundaries of any region, to abolish any region, to move or close any regional office for research, State and private forestry, or National Forest System Administration of the Forest Service, Department of Agriculture, without the consent of the House and Senate Committees on Appropriations and the Committee on Agriculture, Nutrition, and Forestry in the United States Senate and the Committee on Agriculture in the United States House of Representatives.

Any appropriations or funds available to the Forest Service may be advanced to the Forest Service Firefighting appropriation and may be used for forest firefighting and the emergency rehabilitation of burned-over lands under its jurisdiction: *Provided*, That no funds shall be made available under this authority until funds appropriated to the "Emergency Forest Service Firefighting Fund" shall have been exhausted.

The appropriation structure for the Forest Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Office of International Cooperation and Development in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

All funds received for timber salvage sales may be credited to the Forest Service Permanent Appropriations to be expended for timber salvage sales from any national forest.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved

in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report 102-116.

No funds appropriated to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture without the approval of the Chief of the Forest Service.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service may be used to disseminate program information to private and public individuals and organizations through the use of nonmonetary items of nominal value and to provide nonmonetary awards of nominal value and to incur necessary expenses for the nonmonetary recognition of private individuals and organizations that make contributions to Forest Service programs.

Notwithstanding any other provision of law, money collected, in advance or otherwise, by the Forest Service under authority of section 101 of Public Law 93-153 (30 U.S.C. 185(1)) as reimbursement of administrative and other costs incurred in processing pipeline right-of-way or permit applications and for costs incurred in monitoring the construction, operation, maintenance, and termination of any pipeline and related facilities, may be used to reimburse the applicable appropriation to which such costs were originally charged.

Funds available to the Forest Service shall be available to conduct a program of not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as if authorized by the Act of August 13, 1970, as amended by Public Law 93-408.

None of the funds available in this Act shall be used for timber sale preparation using clearcutting in hardwood stands in excess of 25 percent of the fiscal year 1989 harvested volume in the Wayne National Forest, Ohio: *Provided*, That this limitation shall not apply to hardwood stands damaged by natural disaster: *Provided further*, That landscape architects shall be used to maintain a visually pleasing forest.

None of the funds made available to the Forest Service in this Act shall be expended for the purpose of issuing a special use authorization permitting land use and occupancy and surface disturbing activities for any project to be constructed on Lewis Fork Creek in Madera County, California, at the site above, and adjacent to, Corlieu Falls bordering the Lewis Fork Creek National Recreation Trail until the studies required in Public Law 100-202 have been submitted to the Congress: *Provided*, That any special use authorization shall not be executed prior to the expiration of thirty calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt of the required studies by the Speaker of the House of Representatives and the President of the Senate.

None of the funds made available to the Forest Service in this Act shall be expended for the purpose of administering a special use authorization permitting land use and occupancy and surface disturbing activities for any project to be constructed on Rock Creek, Madera County, California, until a study has been completed and submitted to the Congress by the Forest Service in consultation with the United States Fish and Wildlife Service, the United States Army Corps of Engineers, the California State Water Resources Control Board, the California Department of Fish and Game and other interested public parties regarding the project's potential cumulative impacts on the environment, together with a finding that there will be no substantial adverse impact on the environment. Findings from the study must be presented at no less than three public meetings.

Any money collected from the States for fire suppression assistance rendered by the Forest Service on non-Federal lands not in the vicinity of National Forest System lands shall be used to reimburse the applicable appropriation and shall remain available until expended as the Secretary may direct in conducting activities authorized by 16 U.S.C. 2101 (note), 2101-2110, 1606, and 2111.

Of the funds available to the Forest Service, $1,500 is available to the Chief of the Forest Service for official reception and representation expenses.

Notwithstanding any other provision of law, the Forest Service is authorized to employ or otherwise contract with persons at regular rates of pay, as determined by the Service, to perform work occasioned by emergencies such as fires, storms, floods, earthquakes or any other unavoidable cause without regard to Sundays, Federal holidays, and the regular workweek.

None of the funds available in this Act shall be used for preparation of timber sales on the Shawnee National Forest, Illinois.

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 at not less than appraised value, to parties manufacturing taxol in the United States in accordance with the requirements of section 505 of the Food, Drug, and Cosmetic Act (21 U.S.C. 355) for use in humans. Moneys received from the sale of Pacific yew are hereby appropriated and made available until expended by the Forest Service to fund the costs associated with the harvest of Pacific yew.

Notwithstanding any other provision of law, the Forest Service shall establish an office in Ohio for the purpose of representing and administering the Wayne National Forest on a forest-wide basis.

The Forest Service may offer for sale salvageable timber in Region 6 in fiscal year 1993, unless it can be demonstrated that the offering of a sale will cause detriment to a species listed as threatened or endangered.

Pursuant to section 405(a) and (b), and section 410(a) and (b) of Public Law 101-593, funds up to $500,000 for start-up expenses and $537,000 for matching funds shall be available to establish a National Forest Foundation. Funding shall be limited to $78,000 from Forest Research, $90,000 from State and Private Forestry, $638,000 from National Forest System, $90,000 from Forest Service Fire Protection, and $141,000 from Construction.

## DEPARTMENT OF ENERGY

### FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95-91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, $412,597,000, to remain available until expended, of which $3,100,000 is available for the fuels program and $600,000 to be derived by transfer from previously appropriated and unobligated balances in the "Fossil Energy Construction" account: *Provided*, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas: *Provided further*, That section 303 of Public Law 97-257 is further amended by changing the number for the Pittsburgh Energy Technology Center to "285", changing the number for the Morgantown Energy Technology Center to "270", and inserting at the end of enumeration (2) "and not less than 27 employees shall be assigned to the Bartlesville Project Office;".

Of the funds herein provided, $32,800,000 is for implementation of the June 1984 multiyear, cost-shared magnetohydrodynamics program targeted on proof-of-concept testing: *Provided*, That 35 per centum private sector cash or in-kind contributions shall be required for obligations in fiscal year 1993: *Provided further*, That existing facilities, equipment, and supplies, or previously expended research or development funds are not cost-sharing for the purposes of this appropriation, except as amortized, depreciated, or expended in normal business practice: *Provided further*, That cost-sharing shall not be required for the costs of constructing or operating Government-owned facilities or for the costs of Government organizations, National Laboratories, or universities and such costs shall not be used in calculating the required percentage for private sector contributions: *Provided further*, That private sector contribution percentages need not be met on each contract but must be met in total for each fiscal year.

### ALTERNATIVE FUELS PRODUCTION

(INCLUDING TRANSFER OF FUNDS)

Monies received as investment income on the principal amount in the Great Plains Project Trust at the Norwest Bank of North Dakota, in such sums as are earned as of October 1, 1992, shall be deposited in this account and immediately transferred to the General Fund of the Treasury. Monies received as revenue sharing from the operation of the Great Plains Gasification Plant shall be immediately transferred to the General Fund of the Treasury.

### NAVAL PETROLEUM AND OIL SHALE RESERVES

For necessary expenses in carrying out naval petroleum and oil shale reserve activities, $238,094,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, revenues received from use and operation of the Naval Petroleum Reserves Numbered 1, 2, and 3 and the Naval Oil Shale Reserves and estimated to total $525,853,000 for fiscal year 1993 shall be retained and used for the specific purpose of offsetting costs incurred by the Department in carrying out naval petroleum and oil shale reserve activities: *Provided further*, That the sum herein appropriated shall be reduced as such revenues are received so as to result in a final fiscal year 1993 appropriation estimated at not more than $0.

### ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, $591,859,000, to remain available until expended, including, notwithstanding any other provision of law, the excess amount for fiscal year 1993 determined under the provisions of section 3003(d) of Public Law 99-509 (15 U.S.C. 4502): *Provided*, That $240,365,000 shall be for use in energy conservation programs as defined in section 3008(3) of Public Law 99-509 (15 U.S.C. 4507) and shall not be available until excess amounts are determined under the provisions of section 3003(d) of Public Law 99-509

(15 U.S.C. 4502): *Provided further*, That notwithstanding section 3003(d)(2) of Public Law 99-509 such sums shall be allocated to the eligible programs in the same proportion for each program as in fiscal year 1992: *Provided further*, That $2,000,000 of the amount under this heading shall be for metal casting research consistent with the provisions of Public Law 101-425: *Provided further*, That $18,091,000 of the amount provided under this heading shall be available for continuing research and development efforts begun under title II of the Interior and Related Agencies portion of the joint resolution entitled "Joint Resolution making further continuing appropriations for the fiscal year 1986, and for other purposes", approved December 19, 1985 (Public Law 99-190), and implementation of steel and aluminum research authorized by Public Law 100-680: *Provided further*, That existing facilities, equipment, and supplies, or previously expended research or development funds are not accepted as contributions for the purposes of this appropriation, except as amortized, depreciated, or expensed in normal business practice: *Provided further*, That the total Federal expenditure under this proviso shall be repaid up to one and one-half times from the proceeds of the commercial sale, lease, manufacture, or use of technologies developed under this proviso, at a rate of one-fourth of all net proceeds: *Provided further*, That up to $38,700,000 of the amount provided under this head is for electric and hybrid vehicle battery research to be conducted on a cooperative basis with non-Federal entities, such amounts to be available only as matched on an equal basis by such entities: *Provided further*, That the Department of Energy, for a period of up to five years after the completion of individual projects may provide appropriate protections, including exemptions from subchapter II of chapter 5 of title 5, United States Code, against the dissemination of information that results from activities conducted by the United States Advanced Battery Consortium or its contractors and that would be a trade secret on commerical or financial information that is privileged or confidential if the information had been obtained from and first produced by a non-Federal party participating in the United States Advanced Battery Consortium.

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Economic Regulatory Administration and the Office of Hearings and Appeals, $14,565,000, to remain available until expended.

EMERGENCY PREPAREDNESS

For necessary expenses in carrying out emergency preparedness activities, $9,247,000, to remain available until expended.

STRATEGIC PETROLEUM RESERVE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $176,600,000, to remain available until expended, including $125,625,000 to be derived by transfer from funds deposited in the "SPR petroleum account" as a result of the Desert Storm sale of the Strategic Petroleum Reserve, as authorized under 42 U.S.C. 6241: *Provided*, That appropriations herein made shall not be available for leasing of facilities for the storage of crude oil for the Strategic Petroleum Reserve unless the quantity of oil stored in or deliverable to Government-owned storage facilities by virtue of contractual obligations is equal to 700,000,000 barrels.

SPR PETROLEUM ACCOUNT

Notwithstanding 42 U.S.C. 6240(d) the United States share of crude oil in Naval Petroleum Reserve Numbered 1 (Elk Hills) may be sold or otherwise disposed of to other than the Strategic Petroleum Reserve: *Provided*, That no funds available in fiscal year 1993 in this, or any previous or subsequent appropriations Act, or made available in this account pursuant to 42 U.S.C. 6247(b) as a result of any drawdown and distribution of the Reserve under the provisions of 42 U.S.C. 6241 may be used in fiscal year 1993 for leasing, exchanging, or otherwise acquiring other than by direct purchase crude oil from a foreign government, a foreign State-owned oil company, or an agent of either except pursuant to the procedures of section 174, part C, title I of the Energy Policy and Conservation Act (42 U.S.C. 6211 et seq.), as contained in section 6 of Public Law 101-383: *Provided further*, That outlays in fiscal year 1993 resulting from the use of funds in this account shall not exceed $145,000,000.

ENERGY INFORMATION ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the activities of the Energy Information Administration, $83,427,000, to remain available until expended, of which $44,000,000 shall be derived from available unobligated balances in the Biomass Energy Development account.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private, or foreign: *Provided*, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: *Provided further*, That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: *Provided further*, That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

The Secretary of Energy may transfer to the Emergency Preparedness appropriation such funds as are necessary to meet any unforeseen emergency needs from any funds available to the Department of Energy from this Act.

Notwithstanding any other provision of law, the Secretary of Energy may enter into a contract, agreement, or arrangement, including, but not limited to, a Management and Operating Contract as defined in the Federal Acquisition Regulations (17.601), with a profit-making or non-profit entity to conduct activities at the Department of Energy's research facilities at Bartlesville, Oklahoma.

No funds provided in this Act may be expended by the Department of Energy to prepare, issue, or process procurement documents for programs or projects for which appropriations have not been made.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvment Act, and titles III and XXVI and section 208 of the Public Health Service Act with respect to the Indian Health Service, including hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation, and erection of modular buildings; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; $1,559,615,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 300aaa-2 for services furnished by the Indian Health Service: *Provided*, That notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86-121 (the Indian Sanitation Facilities Act): *Provided further*, That funds made available to tribes and tribal organizations through grants and contracts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That of the funds provided for new, continuation, and expanded grants, contracts, or cooperative agreements under Public Law 93-638, an appropriate amount shall be reserved and available only for contract support costs: *Provided further*, That $12,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: *Provided further*, That $323,404,000 for contract medical care shall remain available for expenditure until September 30, 1994: *Provided further*, That of the funds provided, not less than $11,077,000 shall be used to carry out a loan repayment program under which Federal, State, and commercial-type educational loans for physicians and other health professionals will be repaid at a rate not to exceed $35,000 per year of obligated service in return for full-time clinical service: *Provided further*, That funds provided in this Act may be used for one-year contracts and grants which are to be

performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further*, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall be available for two fiscal years after the fiscal year in which they were collected, for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): *Provided further*, That of the funds provided, $6,000,000 shall remain available until expended, for the Indian Self-Determination Fund, which shall be available for the transitional costs of initial or expanded tribal contracts, grants or cooperative agreements with the Indian Health Service under the provisions of the Indian Self-Determination Act: *Provided further*, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available for expenditure until September 30, 1994: *Provided further*, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act and Public Law 100-713 shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended.

INDIAN HEALTH FACILITIES

For construction, major repair, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act and the Indian Health Care Improvement Act, and for expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles III and XXVI and section 208 of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, including hire of passenger motor vehicles and aircraft; purchase of reprints; purchase and erection of modular buildings; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary, $338,596,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376, and for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901-5902), and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities: *Provided*, That in accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651-53) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation: *Provided further*, That funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation: *Provided further*, That with the exception of Indian Health Service units which currently have a billing policy, the Indian Health Service shall not initiate any further action to bill Indians in order to collect from third-party payers nor to charge those Indians who may have the economic means to pay unless and until such time as Congress has agreed upon a specific policy to do so and has directed the Indian Health Service to implement such a policy: *Provided further*, That personnel ceilings may not be imposed on the Indian Health Service nor may any action be taken to reduce the full-time equivalent level of the Indian Health Service by the elimination of temporary employees by reduction in force, hiring freeze or any other means without the review and approval of the Committees on Appropriations: *Provided further*, That none of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law: *Provided further*, That funds made available in this Act are to be apportioned to the Indian Health Service as appropriated in this Act, and accounted for in the appropriation structure set forth in this Act: *Provided further*, That the appropriation structure for the Indian Health Service may not be altered without the advance approval of the House and Senate Committees on Appropriations.

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

For necessary expenses to carry out, to the extent not otherwise provided, the Indian Education Act of 1988, $81,274,000, of which $59,813,000 shall be for subpart 1, $16,838,000 shall be for subparts 2 and 3, and $1,200,000 shall be for collection and analyses of data on Indian education: *Provided*, That $1,750,000 available pursuant to section 5323 of the Act shall remain available for obligation until September 30, 1994.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93-531, $28,935,000, to remain available until expended: *Provided*, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: *Provided further*, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further*, That no relocatee will be provided with more than one new or replacement home: *Provided further*, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d-10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by Public Law 99-498, as amended (20 U.S.C. 56, Part A), $9,812,000, of which not to exceed $350,000 for Federal matching contributions, to remain available until expended, shall be paid to the Institute endowment fund: *Provided*, That of the funds made available, $1,500,000 is provided as a Federal matching contribution to the capital endowment fund: *Provided further*, That notwithstanding any other provision of law, the annual budget proposal and justification for the Institute shall be submitted to the Congress concurrently with the submission of the President's Budget to the Congress: *Provided further*, That the Institute shall act as its own certifying officer.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed thirty years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to 5 replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees; $298,656,000, of which not to exceed $27,633,000 for the instrumentation program, collections acquisition, Museum Support Center equipment and move, exhibition reinstallation, the National Museum of the American Indian, and the repatriation of skeletal remains program shall remain available until expended and, including such funds as may be necessary to support American overseas research centers and a total of $125,000 for the Council of American Overseas Research Centers: *Provided*, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: *Provided further*, That none of the funds appropriated herein shall be made available for acquisition of land at the Smithsonian Environmental Research Center before the date of the enactment of an Act authorizing the use of funds for that purpose.

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

For necessary expenses of planning, construction, remodeling, and equipping of buildings and facilities at the National Zoological Park, by contract or otherwise, $7,900,000, to remain available until expended.

REPAIR AND RESTORATION OF BUILDINGS

For necessary expenses of repair and restoration of buildings owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed $10,000 for services as authorized by 5 U.S.C. 3109, $24,400,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or restoration of buildings of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

CONSTRUCTION

For necessary expenses for construction, $17,330,000, to remain available until expended.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $51,663,000, of which not to exceed $3,120,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized $3,600,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $6,252,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and Humanities Act of 1965, as amended, $147,634,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to groups and individuals pursuant to section 5(c) of the Act, and for administering the functions of the Act.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $31,300,000, to remain available until September 30, 1994, to the National Endowment for the Arts, of which $13,300,000 shall be available for purposes of section 5(l): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of section 10(a)(2), subsections 11(a)(2)(A) and 11(a)(3)(A) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $152,108,000 shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, of which $5,600,000 for the Office of Preservation shall remain available until September 30, 1994.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $26,826,000, to remain available until September 30, 1994, of which $14,700,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

INSTITUTE OF MUSEUM SERVICES

GRANTS AND ADMINISTRATION

For carrying out title II of the Arts, Humanities, and Cultural Affairs Act of 1976, as amended, $29,000,000, including not to exceed $250,000 as authorized by 20 U.S.C. 965(b).

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided*, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $791,000.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (99 Stat. 1261; 20 U.S.C. 956a), as amended, $7,000,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing an Advisory Council on Historic Preservation, Public Law 89–665, as amended, $2,757,000: *Provided*, That none of these funds shall be available for the compensation of Executive Level V or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109 and not to exceed $50,000 for expenses necessary to fund an increase in the pay level for all appointed members to a rate which is equivalent to the rate for Executive Schedule Level IV, $5,400,000.

FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Franklin Delano Roosevelt Memorial Commission, established by the Act of August 11, 1955 (69 Stat. 694), as amended by Public Law 92–332 (86 Stat. 401), $535,000, to remain available until September 30, 1994.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

SALARIES AND EXPENSES

For necessary expenses, as authorized by section 17(a) of Public Law 92–578, as amended, $2,686,000 for operating and administrative expenses of the Corporation.

PUBLIC DEVELOPMENT

For public development activities and projects in accordance with the development plan as authorized by section 17(b) of Public Law 92–578, as amended, $4,947,000, to remain available until expended.

LAND ACQUISITION AND DEVELOPMENT FUND

The Pennsylvania Avenue Development Corporation is authorized to borrow from the Treasury of the United States $6,500,000, pursuant to the terms and conditions in paragraph 10, section 6, of Public Law 92–576, as amended.

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

HOLOCAUST MEMORIAL COUNCIL

For expenses of the Holocaust Memorial Council, as authorized by Public Law 96–388, as amended, $21,450,000: *Provided*, That none of these funds shall be available for the compensation of Executive Level V or higher positions.

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 302. No part of any appropriation under this Act shall be available to the Secretary of the Interior or the Secretary of Agriculture for the leasing of oil and natural gas by noncompetitive bidding on publicly owned lands within the boundaries of the Shawnee National Forest, Illinois: *Provided*, That nothing herein is intended to inhibit or otherwise affect the sale, lease, or right to access to minerals owned by private individuals.

SEC. 303. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 304. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 305. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 306. None of the funds provided in this Act shall be used to evaluate, consider, process, or award oil, gas, or geothermal leases on Federal lands in the Mount Baker-Snoqualmie National Forest, State of Washington, within the hydrographic boundaries of the Cedar River municipal watershed upstream of river mile 21.6, the Green River municipal watershed upstream of river mile 61.0, the North Fork of the Tolt River proposed municipal watershed upstream of river mile 11.7, and the South Fork Tolt River municipal watershed upstream of river mile 8.4.

SEC. 307. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such Committees.

SEC. 308. Employment funded by this Act shall not be subject to any personnel ceiling or other personnel restriction for permanent or other than permanent employment except as provided by law.

SEC. 309. None of the funds provided by this Act to the United States Fish and Wildlife Service may be obligated or expended to plan for, conduct, or supervise deer hunting on the Loxahatchee National Wildlife Refuge and the Mason Neck National Wildlife Refuge.

SEC. 310. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands until an environmental assessment has been completed and the giant sequoia management implementation plan is approved. In any event, timber harvest within the identified groves will be done only to enhance and perpetuate giant sequoia. There will be no harvesting of giant sequoia specimen trees. Removal of hazard, insect, disease and fire killed giant sequoia other than specimen trees is permitted.

SEC. 311. None of the funds appropriated by this Act may be used to ensure that hardwood saw timber harvested from Federal lands east of the 100th meridian is marked in such a manner as to make it readily identifiable at all times before its manufacture.

SEC. 312. Section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1751), is hereby amended by adding at the end the following new subsections:

"(c)(1) Notwithstanding any other provision of law, the Secretary of Agriculture, with respect to National Forest lands in the 16 contiguous western states (except National Grasslands) administered by the United States Forest Service where domestic livestock grazing is permitted under applicable law, and the Secretary of the Interior with respect to public domain lands administered by the Bureau of Land Management where domestic livestock grazing is permitted under applicable law, shall establish beginning with the grazing season which commences on March 1, 1993, an annual domestic livestock grazing fee equal to fair market value: *Provided*, That the fee charged for any given year shall not increase nor decrease by more than 33.3 percent from the previous year's grazing fee.

"(2)(A) For purposes of this subsection, the term 'fair market value' is defined as follows:

$$\text{Fair Market Value} = \frac{\text{Appraised Base Value} \times \text{Forage Value Index}}{100}$$

"(B) For the purposes of subparagraph (A)—

"(i) the term 'Forage Value Index' means the Forage Value Index (FVI) computed annually by the Economic Research Service, United States Department of Agriculture, and set with the 1992 FVI equal to 100; and

"(ii) the term 'Appraised Base Value' means the 1983 Appraisal Value conclusions for mature cattle and horses (expressed in dollars per head or pair month), as determined in the 1986 report prepared jointly by the Secretary of Agriculture and the Secretary of the Interior entitled 'Grazing Fee Review and Evaluation', dated February 1986, on a westwide basis using the lowest appraised value of the pricing areas adjusted for advanced payment and indexed to 1992.

"(3) Executive Order No. 12548, dated February 14, 1986, shall not apply to grazing fees established pursuant to this Act.

"(d) The grazing advisory boards established pursuant to Secretarial action, notice of which was published in the Federal Register on May 14, 1986 (51 Fed. Reg. 17874), are hereby abolished, and the advisory functions exercised by such boards, shall, after the date of enactment of this sentence, be exercised only by the appropriate councils established under this section.

"(e) Funds appropriated pursuant to section 5 of the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1904) or any other provision of law related to disposition of the Federal share of receipts from fees for grazing on public domain lands or National Forest lands in the 16 contiguous western States shall be used for restoration and enhancement of fish and wildlife habitat, for restoration and improved management of riparian areas, and for implementation and enforcement of applicable land management plans, allotment plans, and regulations regarding the use of such lands for domestic livestock grazing. Such funds shall be distributed as the Secretary concerned deems advisable after consultation and coordination with the advisory councils established pursuant to section 309 of this Act and other interested parties.".

SEC. 313. Notwithstanding any other provision of law, the Secretary of the Interior shall transfer to the Department of Health and Human Services the Pine Hill School Health Center in Pine Hill, New Mexico for Indian health purposes, and compensation for such transfer is waived.

SEC. 314. None of the funds provided in this Act may be expended by the Forest Service or the Bureau of Land Management to increase fees charged for communication site use of lands administered by the Forest Service or Bureau of Land Management by more than 15 per centum per user in fiscal year 1993 over the levels in effect on January 1, 1989.

SEC. 315. Notwithstanding any other provision of law, payments to States pursuant to 16 U.S.C. 500 for National Forests affected by decisions relating to the Northern Spotted Owl from fiscal year 1993 receipts shall not be less than 85 per centum of the average annual payments to States, based on receipts collected on those National Forests during the five-year baseline period of fiscal years 1986 through 1990: *Provided*, That in no event shall these payments exceed the total amount of receipts collected from the affected National Forests during fiscal year 1993.

SEC. 316. Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development outside the boundaries of National Forest System lands.

SEC. 317. Notwithstanding any other provision of law, in fiscal year 1993 and thereafter, appropriations or funds available to the Department of the Interior or the Forest Service, Department of Agriculture, may be used to reimburse employees for the cost of State licenses and certification fees pursuant to their employment and that are necessary to comply with State or Federal laws, regulations, or requirements.

SEC. 318. No part of any appropriation under this Act shall be available to the Secretaries of the Interior and Agriculture for use for any sale hereafter made of unprocessed timber from Federal lands in the State of Texas which will be exported by the purchaser: *Provided*, That this limitation shall not apply to specific quantities of grades and species of timber which said Secretaries determine are surplus to domestic lumber and plywood manufacturing needs.

SEC. 319. Notwithstanding any other provision of law, the payment to be made by the United States Government pursuant to the provision of subsection (a) of title II of the Act of August 28, 1937 (50 Stat. 876) to the Oregon and California land-grant counties in the State of Oregon from fiscal year 1993 receipts derived from the Oregon and California grant lands shall not be less than 85 percent of the average annual payment made to those counties of their share of the Oregon and California land-grant receipts collected during the five-year baseline period of fiscal years 1986 through 1990: *Provided*, That in no event shall this payment exceed the total amount of receipts collected from the Oregon and California grant lands during fiscal year 1993.

Mr. YATES (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment through page 97, line 3.

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

Mr. BURTON of Indiana. Mr. Chairman, reserving the right to object, I did not hear exactly what was being said. Mr. Chairman, are we on title I now?

The CHAIRMAN. The gentleman from Illinois [Mr. YATES] is asking unanimous consent to have the entire bill open for amendment through page 97, line 3.

Mr. BURTON of Indiana. Mr. Chairman, I just want to make sure I do not lose my time to raise a point of order against a particular section of section 1.

The CHAIRMAN. This request does not affect points of order.

Mr. BURTON of Indiana. Mr. Chairman, I withdraw my reservation of objection.

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

Mr. WALKER. Mr. Chairman, reserving the right to object, this does not limit time on any of the amendments?

The CHAIRMAN. Not on the amendments except as limited in the rule, the amendments printed in part 3; the Chair believes that is the grazing fee amendment.

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

Mr. WALKER. I yield to the chairman of the subcommittee.

Mr. YATES. I thank the gentleman for yielding.

Mr. Chairman, I propose in my next request to try to limit time for consideration of the entire bill, and I would appreciate it if I could work something out with the gentleman.

The CHAIRMAN. This request does not limit time.

Mr. WALKER. This particular motion does not do that.

The CHAIRMAN. It does not, except as contained in the rule.

Mr. WALKER. Mr. Chairman. I withdraw my reservation of objection.

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

There was no objection.

The CHAIRMAN. Are there any points of order?

POINT OF ORDER

Mr. JONES of North Carolina. Mr. Chairman, I make a point of order that the provision of section 115 of the bill violates clause 2 of rule XXI by proposing legislation on a general appropriations bill.

Mr. Chairman, I do not intend to belabor the point. Section 115 on its face is legislative in character and, thus, a violation of clause 2 of rule XXI, and I ask that the Chair sustain my point of order.

The CHAIRMAN. Does the gentleman from Illinois [Mr. YATES] wish to be heard on the point of order?

Mr. YATES. Mr. Chairman, the language in the bill is not legislation, it is a limitation of funds. The National Environmental Policy Act requires that an environmental impact statement [EIS] be conducted for major Federal actions significantly affecting the quality of the environment. The environment will be significantly affected by the construction of the jetties and, therefore, the addition of the phrase which requires an EIS before construction is to begin is in accordance with basic law. It is not a conditional limitation, since NEPA already requires an EIS for major Federal actions. An EIS is already in progress, and this bill does not impose any new requirements on the Secretary of the Interior.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina [Mr. JONES].

Mr. JONES of North Carolina. Mr. Chairman, section 115 states that no funds in this bill may be used to process permits necessary for the construction of jetties at Oregon Inlet, NC, until an environmental impact statement has been completed.

Under normal regulations under the National Environmental Policy Act [NEPA], the processing of permits will not require an EIS.

Presently, the obligation to complete an EIS is based on the discretion of the Federal agency to determine whether the activity is a major Federal action significantly affecting the quality of the human environment.

This section in the bill would establish an affirmative direction to the Department and require it complete an EIS before permits could be processed—an action that is not otherwise required under law. In fact, it would effectively take away the discretion conferred by law. Thus, it assumes the character of legislation and violates clause 2 of rule XXI.

The restriction in the bill affects the processing of permits, which is a far more aggressive and encompassing limitation than under existing law.

The Corps of Engineers is considering a supplemental EIS on this project. However, the funds in this bill are for the Department of the Interior and would affect a separate decision of the Interior Secretary to permit the jetties to make their landfall on national park and wildlife refuge lands.

This, therefore, would be a limitation on the discretionary authority of the Secretary of the Interior and assumes the character of legislation.

Finally, I would note for the record that NEPA and the management of wildlife refuges are matters within the jurisdiction of the Committee on Merchant Marine and Fisheries.

Wildlife refuges are involved here because the southern jetty at Oregon Inlet is to be anchored on a national wildlife refuge.

I would attach some meaning to the fact that the Rules Committee left this provision unprotected from the point of order. I suspect that the committee felt that it was proper to do so at the request of the Merchant Marine and Fisheries Committee because of its jurisdiction, perhaps with other committees, over a significant portion of this section.

I ask that the Chair sustain my point of order.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Mr. Chairman, I rise in opposition to the point of order. I think the important fact here, as the chairman of the subcommittee has brought out very clearly, is that it does not impose any additional duties on the Secretary of the Interior. The EIS is underway, there would be no additional requirements placed on the Secretary, and, therefore, the point of order should not lie in this instance and the language that is in the bill, I think, is quite proper under the circumstances.

The CHAIRMAN. Does the gentleman from North Carolina [Mr. LANCASTER] wish to be heard on the point of order?

Mr. LANCASTER. I do, Mr. Chairman.

Mr. Chairman, I rise in support of Chairman JONES' point of order and would comment on Mr. REGULA's comment that there is a difference here.

Mr. Chairman, the restriction on the processing of permits in section 115 affects the entire ancillary process that leads up to the issuance of permits for the jetties. Thus it is a very aggressive and encompassing limitation on present authority of the Secretary of the Interior, and I believe, therefore, that this is clearly legislative in nature and a violation of clause 2 of rule XXI.

The CHAIRMAN (Mr. GLICKMAN). The Chair is ready to rule.

The Chair is convinced that the language of section 115 would require the entire processing of permits procedure to be held in abeyance until an environmental impact statement has been completed by the Secretary of the Interior and not only by the Corps of Engineers.

The Chair, under current law, does not believe an environmental impact statement is required before processing but only before issuing permits. It is the Chair's opinion that the language, while under the guise of a limitation, would change the operation of the permitting process under existing law, and the Chair, therefore, sustains the point of order. The section is stricken.

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POINT OF ORDER

Mr. VENTO. Mr. Chairman, as permitted by the rule providing for the consideration of the measure before us, I make a point of order against the provision beginning with "provided further" on page 10, line 9, through "Alaska" on line 12.

This is a measure authorizing expenditure of appropriated funds for Federal survey and protection of Alaska State lands, and I would make the point of order that it is a violation of clause 2 of rule XXI of the rules of the

House of Representatives, legislation on an appropriations measure.

Mr. YATES. Mr. Chairman, I concede the point of order.

The CHAIRMAN (Mr. GLICKMAN). The point of order is conceded and sustained.

POINT OF ORDER

Mr. VENTO. Mr. Chairman, I would make the same point of order, a violation of clause 2 of rule XXI of the House of Representatives, beginning with "provided further" on page 10, line 12 through line 21.

This is a provision establishing time limits for appeals of reductions in grazing allotments on public grange lands. This is legislation on an appropriations measure, and I would ask the Chair to sustain my point of order.

Mr. YATES. Mr. Chairman, I concede the point of order.

The CHAIRMAN (Mr. GLICKMAN). The point of order is conceded and sustained.

POINT OF ORDER

Mr. VENTO. Mr. Chairman, I would make a point of order on the violation of clause 2, rule XXI, relative to the proviso beginning on page 18, line 24, through the colon on page 19, line 1, a measure regarding the eligibility of the Trust Territory of the Pacific Islands for historic preservation fund matching grants, as legislation on an appropriations measure.

Mr. YATES. I concede the point of order, Mr. Chairman.

The CHAIRMAN (Mr. GLICKMAN). The point of order is conceded and sustained.

POINT OF ORDER

Mr. VENTO. Mr. Chairman, I would make the point of order of violation of clause 2 of rule XXI on the administrative provision beginning with "to provide" on page 21, line 6, through "service" on line 11.

This is a measure authorizing funds for the transportation in connection with organized recreation and interpretative programs in the National Park Service. It is legislation on an appropriations bill.

Mr. YATES. Mr. Chairman, is the gentleman from Minnesota [Mr. VENTO] sure he wants to do that?

I say to him, "Look at what the amendment does: Transportation for children in nearby communities."

Mr. VENTO. Mr. Chairman, I would insist on my point of order.

The CHAIRMAN. The gentleman insists on his point of order.

Mr. YATES. Mr. Chairman, if the gentleman is so insistent, I have no recourse except to concede it.

The CHAIRMAN (Mr. GLICKMAN). The point of order is sustained.

POINT OF ORDER

Mr. VENTO. Mr. Chairman, I would make a point of order as a violation of clause 2, rule XXI, of the House of Representatives with regard to the administrative provision beginning with "options" on page 21, line 11, through "option" on line 12 dealing with options for the purchase of land by the National Park Service and would ask the Chairman to sustain my point of order.

Mr. YATES. I concede the point of order, Mr. Chairman.

The CHAIRMAN (Mr. GLICKMAN). The point of order is conceded and sustained.

POINT OF ORDER

Mr. VENTO. Mr. Chairman, I would make a point of order under the rule concerning a violation of clause 2 of rule XXI of the House of Representatives concerning the provision beginning on page 21, line 14, through "system" on line 19 regarding the use of funds for unforeseen law enforcement and search and rescue operations of the National Park Service as legislation on an appropriations measure and would ask the House to sustain, or the Chairman to accede, to that point of order.

Mr. YATES. Mr. Chairman, I would ask the gentleman if he has reviewed the content of that paragraph that proposes to make any funds available to the National Park Service for the purpose of maintaining law and order in an emergency and other unforeseen law enforcement——

Mr. VENTO. Mr. Chairman, I appreciate the good intentions of the gentleman from Illinois [Mr. YATES], but I would insist on my point of order. We would be happy to consider these matters as they are brought before us by the administration and others that want to change these policies or advocate these policies.

Mr. YATES. Do I understand that the gentleman has this pending before his authorizing committee?

Mr. VENTO. It is a matter of importance, I am sure, to the administration, and other Members will bring it to our attention, and we will deal with it.

Mr. YATES. Mr. Chairman, I concede the point of order.

The CHAIRMAN (Mr. GLICKMAN). The point of order is conceded and sustained.

POINT OF ORDER

Mr. VENTO. Mr. Chairman, I would make a point of order as a violation of clause 2, rule XXI, of the House of Representatives as provided under the rule that the provision beginning with "provided further" on page 21, line 25, through "horses" on page 22, line 3, authorizing use of helicopters and motorized equipment at the Death Valley National Monument, is a violation of the rules as legislation on an appropriations measure, and I would ask the House, or the Chairman, to sustain my point of order.

Mr. YATES. Mr. Chairman, does the gentleman understand that, as a result of his point of order, the Federal burros and horses will not have helicopter rides?

Mr. VENTO. Mr. Chairman, I am greatly concerned about the helicopter rides of these animals, but, nevertheless, we would be happy to consider it.

Mr. YATES. I concede the point of order, Mr. Chairman.

The CHAIRMAN (Mr. GLICKMAN). The point of order is conceded and sustained.

POINT OF ORDER

Mr. VENTO. Mr. Chairman, I would make a point of order as a violation of clause 2, rule XXI, of the provision beginning on page 22, line 24, through "purposes" on page 23, line 4.

This provision authorizes cooperative agreements with the William O. Douglas outdoor classroom, and, as provided for under the rule, I make this point of order as legislation on an appropriations bill.

Mr. YATES. I concede the point of order, Mr. Chairman.

The CHAIRMAN (Mr. GLICKMAN). The point of order is conceded and sustained.

POINT OF ORDER

Mr. VENTO. Mr. Chairman, I would make the point of order as a violation of clause 2, rule XXI, as provided under the rules of section 114, beginning on page 49, line 20 through line 24, regarding the recordation and processing of claimed rights-of-way under RS2477.

Notwithstanding this is a process in legislation that I wrote, it is a violation of the rules, and I would ask the House to sustain, or the Chair to accede to, the point of order.

Mr. YATES. I concede the point of order, Mr. Chairman.

The CHAIRMAN (Mr. GLICKMAN). The point of order is conceded and sustained.

POINT OF ORDER

Mr. VENTO. Mr. Chairman, I have one additional point of order that deals with title II, and I would make it at this time under the provisions of the House as a violation of clause 2, rule XXI.

I would point out the administrative provision beginning on page 59, line 18 through line 23, authorization of Youth Conservation Corps projects on forest lands constitutes legislation on appropriations, and I would ask for the chairman of the subcommittee to concede the point of order.

Mr. YATES. Mr. Chairman, I hate to concede a point of order that will negate a program that will provide jobs for youth in the forests and in the parks of the country, but under the rules I have no alternative.

Mr. Chairman, I concede the point of order.

The CHAIRMAN (Mr. GLICKMAN). The point of order is conceded and sustained.

Are there further points of order?

Mr. REGULA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman and colleagues, I think that the fact that these points of order have been sustained focuses on something that needs to be addressed, and that is that in the subcommittee we tried to address a number of important features of managing the national parks and forests. Unfortunately, as quite evident by the sustaining of the points of order, it is legislating on an appropriation bill, but I think it does also point out the fact that it is important that this body address those concerns through the orderly process of the authorizing committee. I would hope that the authorizers would take under consideration a number of these policy issues and bring to this body the necessary legislation so we are not required to do so.

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

Mr. REGULA. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I sincerely appreciate the good faith and the cooperative and collaborative work we have done with both the chairman of the committee and the ranking member with regard to a whole host of issues. Clearly, these are matters of importance to the members. I think there are few committees or subcommittees in the House that process as much legislation as the committee on which I serve. I think the members of that committee and the staff deserve a lot of commendation for that, and clearly these are matters of import. We have already begun consideration of some of these matters. Others have been passed to the other body, and I want to work and cooperate with the members. It gives me no great honor, as it is, to have to bring these particular points up, but I think we need to process and consider these in the basis of the open light of the subcommittee, and I hope that we can do so and continue to work in a cooperative manner.

I might say, and I did not have a chance to say earlier because my chairman yielded back the time on his side, but I think he has done a commendable job on this bill. It is a tough bill. There is a lot of interest in this measure, and I hope we can sustain the type of momentum that we have had in the past with regard to approval and the endorsement of this measure.

Mr. Chairman, I thank the gentleman from Ohio [Mr. REGULA] for yielding.

Mr. REGULA. Mr. Chairman, it is certainly the intent of our subcommittee to work closely with the authorizing committee because we all have the same objective, and that is to do a good job for the people of this Nation.

PARLIAMENTARY INQUIRY

Mr. YATES. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. YATES. Do I understand that the Chair has finished its requests for points of order?

The CHAIRMAN (Mr. GLICKMAN). The Chair asked if there were any additional points of order, and there were none, so the committee is in the amendment process of this bill now.

□ 1500

Mr. YATES. Mr. Chairman, I ask unanimous consent that all debate on this bill and any amendments thereto terminate not later than 6 o'clock.

Mr. DICKS. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. YATES. Mr. Chairman, I ask unanimous consent that all debate on this bill and amendments thereto terminate no later than 6:30 p.m.

Mr. WALKER. Mr. Chairman, reserving the right to object, the problem we had with time limits the last time it came up is there were Members frozen out of their ability to have their amendments considered.

Could we include in the time limit at least some understanding that once we reached the time limit, if there are other amendments, they could get 5 minutes or 10 minutes on each side, as a way of assuring that everyone gets a chance to have their amendment debated?

Mr. YATES. Mr. Chairman, I will incorporate that in my request.

Mr. WALKER. Mr. Chairman, so all debate would be concluded by 6:30, but any amendments left after that period of time would get 10 minutes, 5 minutes for the proponent, and 5 minutes for the opposing side?

The CHAIRMAN. The Chair understands the unanimous-consent request to be that the debate on this bill and all amendments thereto will end at 6:30, with the exception that any amendments offered after that time and any amendments thereto would be given an additional 10 minutes, 5 minutes on each side.

Mr. WALKER. For each amendment.

Mr. YATES. The gentleman is correct.

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

Mr. WALKER. Mr. Chairman, further reserving the right to object, and I will not object, the time that has already been granted in the rule, does that come out of the time before 6:30?

Mr. YATES. Mr. Chairman, is the gentleman referring to the grazing fee amendment?

Mr. WALKER. That is correct.

Mr. YATES. Mr. Chairman, I would think so.

Mr. WALKER. In other words, the problem is we have 3½ hours; 1½ hours of that is going to be taken up by the grazing fees.

The CHAIRMAN. The Chair would say that if that amendment is offered after the time limit, it would still be debated for 40 minutes under the rule. It would depend on when that amendment is offered.

Mr. WALKER. If that is offered before the 6:30 time limit, then all of that would come out of the time that the chairman has gotten?

Mr. YATES. Mr. Chairman, if the gentleman would yield, I would suggest that the grazing fee amendment take place after the rest of the amendments so there is no question about it. It will be entitled under the rule to 40 minutes.

Mr. WALKER. If those occur after 6:30, they will be granted the amount of time provided under the rule.

Mr. BURTON of Indiana. Mr. Chairman, if the gentleman will yield, I understand there are two amendments having 30-minute time limits. Both of those amendments will come after the 6:30 time period we are talking about?

Mr. YATES. Mr. Chairman, if the gentleman will yield further, one of those is an amendment I propose. I hope we will be able to get through it before the 30 minutes elapse. I will offer that amendment at the same time as the grazing fee amendment.

Mr. WALKER. Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

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

Mr. Chairman, I rise to compliment the chairman for his work on our bill and in particular for his assistance in working with me to provide funding for a major silviculture experiment in Oregon using new forestry and landscape management techniques. I would like to engage the gentleman in a brief colloquy to clarify legislative intent with respect to the Oregon experiment.

As the chairman may know, a coalition of organized labor, grass roots activists and county government has developed a ten-year research program known as the Douglas project which is designed to maintain the viability of the northern spotted owl, protect jobs and communities and find answers to the many questions about spotted owl biology.

Is it the gentleman's understanding that the Oregon silviculture experiment we are funding in our bill shares these objectives?

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

Mr. AuCOIN. I yield to the subcommittee chairman.

Mr. YATES. The gentleman is correct.

Mr. AuCOIN. Is it the gentleman's further understanding that this experiment should be carried out in southern Oregon, preferably on the Umpqua National Forest, and that the Forest Service should consult with representatives of the Douglas project as needed to take advantage of their expertise in dealing with the spotted owl issue?

Mr. YATES. The gentleman is correct.

Mr. AUCOIN. Mr. Chairman, I thank the gentleman.

Mr. DICKS. Mr. Chairman, I rise to strike the last word.

Mr. Chairman, I rise to engage the distinguished chairman of the subcommittee, Mr. YATES, in a colloquy to clarify the intent of the bill as it relates to several points.

First, Mr. Chairman, the report to accompany the bill indicates that an additional $4.1 million has been provided for spruce budworm suppression in eastern Washington and eastern Oregon. Unfortunately, the report suggests that this funding would only be available in the Blue Mountains.

As the chairman knows, there are other forests in eastern Washington that are infested with the spruce budworm that are not considered to be part of the Blue Mountains.

It is my understanding that the actual intent of the committee was to make these additional funds available for spruce budworm suppression in all of the forests of eastern Washington and eastern Oregon. Is that the chairman's understanding of the intent of the bill?

Mr. YATES. The gentleman from Washington is correct.

Mr. DICKS. If the chairman of the subcommittee will yield further to me, I would appreciate his clarifying two other points. First, the report suggests that additional funding for salvage operations in eastern Washington and eastern Oregon has been provided to support the forest health initiative. As the chairman knows, there are two forest health initiatives in place here; one for the Blue Mountains and one for the forests of eastern Washington. I believe that the committee intended this additional salvage money be available to support both forest health initiatives.

The second issue that I want to raise concerns funding for the Blue Mountains Research Institute. As you know, our colleague from Oregon, Mr. AUCOIN, shares my interest in funding for this important institute that has played a significant role in addressing the forest health problems of eastern Washington and eastern Oregon.

It was my understanding that the committee intended that an amount of approximately $2 million be provided for this institute. Unfortunately, the report to accompany the bill does not indicate this and I will appreciate the chairman's comments on this matter.

Mr. YATES. The gentleman from Washington [Mr. DICKS] is correct on both counts. As the gentleman points out, there are two significant forest health initiatives in the Pacific Northwest. It is clearly the intent of the committee that additional salvage funding be available to support both the initiatives and cover the eastern forests, and we, the committee, agree on making available approximately $2 million for the institute.

Mr. DICKS. Mr. Chairman, I thank the gentleman from Illinois [Mr. YATES] for engaging in that colloquy.

AMENDMENT OFFERED BY MRS. VUCANOVICH

Mrs. VUCANOVICH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. VUCANOVICH: On page 3 of the bill, line 23, after the word "Act", insert ".", and strike all through page 4, line 4.

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

The CHAIRMAN. Is there objection to the request of the gentlewoman from Nevada?

There was no objection.

Mrs. VUCANOVICH. Mr. Chairman, my amendment to the Interior appropriations bill is quite simple. The bill would deny all mining claimants the ability to patent their mining claims unless they had already met all the elements set out in the mining law to receive title to their claims.

My amendment would simply strike the second set of exemption criteria in the bill so that patent applications that are pending with the Bureau of Land Management upon enactment of this bill could be processed in fiscal year 1993. No new applications could be accepted or processed by the BLM, only existing ones.

Mr. Chairman, this is the only equitable way to treat the many miners that have spent tens of thousands of dollars or more to bring their claims to patent. Yes, it is true that they can mine their claims while they remain unpatented. However, a very real threat to their "right to mine" exists in proposed legislation in both the House and the other body. I serve on the Interior and Insular Affairs Committee and know very well that the public lands hardrock miners fears are well founded.

That committee has recently adopted an extremely burdensome major piece of mining law reform legislation that for all intents and purposes would bar reasonable exploration and development of the public domain. Its no wonder the people I seek to protect with this amendment are attempting to patent their claims now, they want to be able to operate under applicable environmental statutes—something the authorizing committee's bill would not guarantee.

Let me explain why the appropriations bill language before us is too restrictive. When a miner applies for patent to his or her mining claims an iterative process begins with the BLM. The criteria I seek to strike are the steps that BLM—not the applicant—controls in the patenting process. Usually this is at least a 2-year or longer process. The Appropriations bill would penalize patent applicants who have in good faith collected the voluminous data necessary to proffer a patent application to the BLM, unless the BLM had taken the steps necessary to fulfill the technical requirements for patenting.

Mr. Chairman, this is simply not fair. Through no fault of the pending applicants, the BLM has not been able to timely verify the chain-of-title documents submitted by the applicants, or BLM has not called for the constructive notice to be published in the newspaper by the miner seeking patent, or lastly, the BLM has not allowed the applicant to pay the statutory price per acre for the claims. All these elements are part of the criteria in this bill, yet the applicant cannot meet them without a by-your-leave from the Federal Government.

What kind of treatment is this? I do not argue that the Congress cannot change the way the public lands are utilized for mining, but I do argue that we ought not to change the rules at the last step for those who have made "reasonable investment-backed expectations" to seek title to the mineral deposits they have spent years to discover and develop into paying mines.

I predict that if this body chooses to ignore my plea and moves to bar patenting to those who have made such financial commitments, we will see a line outside the Court of Claims made up of miners alleging inverse condemnation of their property. Why should we risk this? Instead, simply delete the latter requirements and insist upon complete patent applications as of the date of enactment. Some Members may be concerned that a rush to file before enactment will ensue.

My friends, that is simply not possible. A lode mining claimant must have a detailed plat prepared by a deputy U.S. mineral surveyor before an application for patent is in order. This is at a minimum a 6-month exercise and often much longer. A placer claimant may not always need a survey but the requirements to pull together the various title documents and geologic description of the claims that support the application are sufficiently rigorous that most claimants hire patent attorneys and take many months in preparation to file. In other words, no avalanche of filing to beat the deadline can happen.

With that Mr. Chairman, I urge my colleagues to accept my amendment.

□ 1510

Mr. REGULA. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

I would point out to my colleagues that there is a bill revising the 1872 Mining Act that is out of the authorizing committee and hopefully will get to the floor. Then we can act upon a total reformation of this law. But in the meantime, I think it is vitally important that we protect the United

States from paying large amounts of money for lands that it patents. A patent is a deed. Land is deeded to the claimant for $2.50 or $5 an acre.

Let me illustrate what happens. In the President's budget there was a request for us to purchase about 300 acres in Denali National Forest in Alaska. The cost per acre is about $8,500. This is land that the United States conveyed for $2.50 an acre under the Mining Act. Here we are buying it back for $8,500 an acre.

And furthermore, in this request it points out that there are some 34,000 more acres just in Denali that should be acquired that are in-holdings. It is land that the U.S. Government patented for $2.50 an acre.

All that the language in the bill does is put a moratorium on conveyances until September 30 of 1993. By putting on a moratorium on the granting of deeds, we at least protect the U.S. Government from giving away or selling land for $2.50 an acre which we might well have to buy back in the future for $8,000 or more per acre.

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

Mr. REGULA. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, is this not the effort by the committee to try to stop this kind of a giveaway to patent claimants in order to prevent this kind of activity during the time that it takes the legislative committee to pass the necessary legislation to correct it?

Mr. REGULA. Mr. Chairman, that is correct. And we have a concern because of the great cost to the taxpayers of buying back these lands.

Let me point out also that it does not in any way inhibit the ability of the claimant, individual or corporate, that has taken a chance in developing mineral claims. It does not stop in any way the ability of that individual to mine the resource.

That was the intent of the 1872 act, to encourage people to take a chance, go out and prospect for minerals that are very important to the United States. And that is fine.

But there is no reason that we need to give away the land for $2.50 an acre in the form of a deed because the claimant can do all the mining that the individual or company would choose to do under the existing law. And the language in the bill would in no way create a problem.

There is one additional point I would make. And that is, once the land is patented or the deed is given by the U.S. Government, the claimant is no longer required to meet the U.S. environmental restoration requirements. They then at that point come under State law. Some States have high quality reclamation requirements. Others do not. But this is Federal land. Much of it is inside of Federal boundaries of forests or parks or BLM.

These claims are inside the Federal boundaries. I think we have a great interest on the part of the people of this Nation to ensure that they are treated fairly. And certainly selling this for $2.50 or $5 an acre and then being required to buy it back does not give equity to the taxpayer, nor does it ensure that there will be adequate reclamation.

For those reasons, I strongly oppose this amendment. I think the bill language is good policy for the United States.

Mr. RAHALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in my capacity as chairman of the Subcommittee on Mining and Natural Resources, over the years I have examined the issues raised by this amendment.

It is for this reason that, with due respect to my ranking minority member on the subcommittee, I rise in opposition to the gentlelady from Nevada's amendment.

The fact of the matter is that while holders of valid unpatented claims under the mining law of 1872 have certain rights in the property embraced by mining claims, it is well established that the Congress retains the right to regulate mining claims on Federal lands.

The pending legislation contains a provision providing that no patents may be issued for mining claims or mill sites unless the right to a patent had vested prior to the date of the bill's enactment.

And it is the question of at what point—at what point—does the right to a patent vest that is the subject of the Vucanovich amendment.

I would submit that this is not a political question. It is a matter that has been settled by the courts.

In conformance with judicial precedent, the pending legislation says that no patent may be issued unless a vested right to a patent has arisen prior to the enactment of this measure.

In this regard, a vested right to a patent does not arise until there has been full compliance with the procedures provided for by the mining law of 1872 for obtaining a patent for a valid claim. It is as simple as that.

And what full compliance means is that the claimant must have done at least $500 worth of labor or improvement on the claim, had a mineral survey and plat prepared, proven that he or she has possession by chain of title documents, and published a notice for potential adverse claimants to assert their claims.

Full compliance also means that the BLM has found the claim to have been properly located and maintained under the mining law, and that the claim supports a discovery of a valuable mineral.

In the parlance of mining law administration, the claim holder would have received what is known as the "first half of final patent certificate," and paid the $2.50 or $5 per acre purchasing price, in order to have vested right to a patent.

The Vucanovich amendment, however, would say that the simple act of applying for a patent prior to the enactment of this measure would allow the BLM to continue to process the application.

This amendment would say regardless of whether there is a vested right to a patent, we will allow the application to proceed. That we will allow valuable Federal lands to continue to be sold off at the outrageous prices of $2.50 per acre, or at the most, $5 per acre.

Such a position not only flies in the face of the public interest, but is not supported by judicial precedent.

For example, in Alaska Miners versus Andrus, the Court found that holders of unpatented claims have no right to require the Government "to hold open indefinitely the option to apply for a patent."

In what is known as the Freese case, the Court found that prohibiting a claim holder's option to seek a patent is not an unconstitutional divestment. The Court noted: "This cannot fairly be deemed the divestment of a property interest, save by the most overt bootstrapping."

Mr. Chairman, I urge the defeat of this amendment.

□ 1520

Mr. THOMAS of Wyoming. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment of the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Chairman, will the gentleman yield?

Mr. THOMAS of Wyoming. I am happy to yield to the gentlewoman from Nevada.

Mrs. VUCANOVICH. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I would just like to point out to the gentleman from Ohio [Mr. REGULA] that no change in the application of Federal environmental laws occurs upon the patenting of mining claims. Clean air, clean water, all of the threatened and endangered species, continue to be applicable, just as these requirements apply to all lands in the United States.

I would also like to point out, I keep hearing that the mining law has not been amended, but the mining law has been amended 40 times, at least, since its enactment. I would just like to point that out.

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

Mr. THOMAS of Wyoming. I am glad to yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I just would like to quote from a Bureau of

Land Management statement. I am quoting directly:

When the Bureau of Land Management issues a mineral patent, reclamation and environmental standards of the United States no longer apply. The Federal Government loses jurisdiction of the land, and then only the applicable State laws govern the mining and reclamation activity.

At least, this is the statement of BLM.

Mr. THOMAS of Wyoming. Mr. Chairman, I do rise in support of the amendment. It seems to me there is a fairness question here. We are talking about changing the Federal law when people have to go through a process, comply with a process, and if the agency has not complied in a timely fashion many times these folks have invested a great deal of money. We are not asking that this continue, we are saying that those people who have brought their application up ready for patent would be treated.

I think when we talk about spending money, I think clearly there is going to be a taking question here, and people who have behaved properly under the law will find the law changed. They have a great deal of investment, and I think we will find the United States being liable, as the Supreme Court decision recently would indicate. The question of taking is a real one.

We mentioned the fact that in this park these lands had to be purchased. The fact is that those lands were patented. In the 1980's the park was created, so these things were done long before the park was there, and when we talk about the BLM, these lands are not all Yellowstone Park. Many of these lands are very desirable for mining. That is the point of the whole process. We ought to be trying to get multiple use out of these lands. That is what the mining thing is all about.

The chairman has pointed out in the Subcommittee on Mining and Natural Resources of the Committee on Interior and Insular Affairs that there is a bill moving that works in this area. It would seem to me that the appropriate thing would be to allow that authorizing bill to work, and that the gentlewoman's amendment here is a perfectly legitimate one, and indeed, should be supported. I urge support for the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Nevada [Mrs. VUCANOVICH].

The amendment was rejected.

AMENDMENT OFFERED BY MR. GUARINI

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

The Clerk read as follows:

Amendment offered by Mr. GUARINI: Page 22, line 7, strike the colon and all that follows through "island" on line 10.

Mr. GUARINI. Mr. Chairman, this is a simple amendment, but very important to all of us who feel deeply about our heritage, and it should be shared by all Americans. I am offering this amendment to strike language in the bill which prohibits the National Park Service from using funds to process permits necessary for the construction of a bridge to Ellis Island.

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

Mr. GUARINI. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, the committee was of the opinion that the historic configuration of Ellis Island ought to be maintained. For that reason it placed in the bill the prohibition against the Park Service giving any permits for the bridge. That decision, we have decided, is the Park Service's to decide whether or not it ought to give the permit. If it is opposed to the construction of the bridge, the Park Service will continue to oppose it. I do not think that we on the committee, upon reflection, ought to stand in the way.

I for one have no objection to the gentleman's amendment.

Mr. GUARINI. Would the gentleman kindly accept my amendment, then, Mr. Chairman?

Mr. YATES. I will accept the gentleman's amendment.

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

Mr. GUARINI. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I think the chairman of the subcommittee has said it very well, it is a Park Service decision, because they have to administer Ellis Island. They have to be responsible for the safety, for the management of the visitors, and therefore, it is a responsibility that properly devolves on the Park Service. For that reason we have no objection to the amendment.

Mr. PAYNE of New Jersey. Mr. Chairman, I rise in strong support of the amendment offered by my good friend and colleague, the gentleman from New Jersey [Mr. GUARINI].

Under New Jersey's redistricting plan, my newly drawn congressional district will include a part of Jersey City, an area which is currently very ably represented by Congressman GUARINI.

We have had the opportunity to work together on issues of importance to our Jersey City constituents, and the Ellis Island Bridge is an issue which directly impacts both local residents and families from all over America who come to Ellis Island to learn more about our Nation's beginnings; to stand on the same site where so many immigrants stepped ashore in hopes of a new and better life; and to share a moving experience from the past with their children.

Mr. Chairman, it makes sense to construct a bridge to Ellis Island in order to provide more American families the opportunity to share in this experience. We hear a lot of talk about "family values," yet an agency of our own Government—the National Park Service—is trying to block affordable access for working families to one of our most famous American landmarks.

The Circle Line Ferry Co. and the National Park Service doubled the fare to Ellis and Liberty Island to $6 a person when the Great Hall on Ellis Island opened to the public in 1990. For many descendants of immigrants, particularly families struggling to make ends meet during this prolonged economic recession, the dramatic fare increase means that they will have to forgo, or at least postpone, a trip to Ellis Island.

At a time when many people are on tight schedules due to work and family demands, the current 2 to 3 hour wait for ferry service further discourages family trips to Ellis Island.

Surveys indicate that the public strongly favors construction of a bridge to Ellis Island. The public is excited about this important national treasure; they want our Government to help make it easier, not more difficult, to share in the Ellis Island experience.

The Ellis Island Bridge was authorized in the "Intermodal Surface Transportation Efficiency Act of 1991." The sum of $15 million was appropriated for the construction of a pedestrian bridge in the fiscal year 1992 transportation appropriations bill. In my view, the attempt at this point in time to block our progress on the new bridge is wrong; it is putting the financial interests of the ferry line operators above the interests of ordinary, working class Americans.

Mr. Chairman, yesterday a public meeting was held in Jersey City, and working people there expressed their frustration over the fact that a visit to Ellis Island is deliberately being made more difficult for them, despite the personal and historical connection that many of them have with the site. Working people cannot drive or walk across a bridge to reach Ellis Island, and an agency of our Government apparently wants to keep it that way.

Ironically, the National Park Service wants to make travel to Ellis Island more burdensome for the sons and daughters of those who first landed there; the women and men who built the railroads and worked on the steamships and produced goods in the factories. Is this fair?

The argument has been made that Ellis Island should be approached by ferry in order to more closely resemble the experience of the immigrants who arrived by boat.

That option will still be open to anyone who chooses it; the ferry will continue to operate. However, for those who require quicker and less expensive access to the landmark, the bridge would fill an important need.

Mr. Chairman, I urge my colleagues to support the Guarini amendment and help give the working families of America improved access to one of our most cherished American landmarks, Ellis Island.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. GUARINI].

The amendment was agreed to.

Mr. BURTON of Indiana. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do not have an amendment, and I am not going to take the 5 minutes, but I did want to point out some things that need to be brought to the attention of my col-

leagues and anyone else that may be paying attention.

The gentleman from Minnesota [Mr. VENTO] a little while ago raised points of order against a number of provisions in this bill. Every one of the provisions that he raised, the objections he raised, were sustained. It saved the taxpayers of this country several million dollars.

I would just like to point out that this is kind of refreshing, because most of the rules that come down from the Committee on Rules waive points of order, and we cannot get at the legislating that is taking place in appropriations bills that is costing the taxpayers of this country millions and millions of dollars. The first thing I would like to say is that I congratulate the gentleman from Minnesota [Mr. VENTO], and I would like to urge the Committee on Rules to have more rules brought to the floor which will not waive points of order so we can get at the hidden pork that is stuck in these appropriations bills.

I would like to point out that every appropriation bill this year has exceeded last year. The agriculture bill was $6.5 billion above last year, the District of Columbia bill was $58 million above last year. The Treasury and Postal Service was $2.9 billion above last year. Interior, a $415 million increase over spending from last year.

Let me just say to my colleagues that the charts I had up here a while ago are not figments of my imagination. We are well on our way to a $13 trillion national debt between now and the end of this century, in 7½ years. The interest on the national debt is going to be $1.2 or $1.3 trillion. That will be about what all personal income taxes coming into the Treasury will raise at that time. I do not know how we are going to take care of Medicare, Medicaid, Social Security, and all the other problems facing this Nation if all the money we raise in taxes or most of it goes just to pay the interest.

As I said before, we will probably monetize the debt and we will be having hyperinflation in this country. These are things that are very, very real, not figments of my imagination or anyone else's.

That is why I would like to say to the Committee on Rules, bring us rules that do not waive points of order. Bring us open rules so we can get at the pork. We need to address every appropriation bill and try to cut the wasteful spending and the pork out of there.

In addition and in conclusion, let me just say that we must address the entitlements. The entitlements in this country should be capped at no more than 1, 2, 3, 4 percent above current levels of spending. I know that will pinch some toes, but if we wait around for 6 or 7 years and we monetize a $13 trillion debt and people on fixed incomes are paying $30 for a loaf of bread, they are going to think a lot less of us then than they will if we cope with the problems now.

□ 1530

So I just would like to say to my colleagues, let us cut some of this spending. Let us congratulate the Rules Committee for bringing a rule to the floor that would allow us to get at some of the pork today, and I urge them to do so in the future.

AMENDMENT OFFERED BY MR. BENNETT

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

The Clerk read as follows:

Amendment offered by Mr. BENNETT: Page 50, after line 4, insert the following new section:

SEC. 116. The amounts otherwise provided by this title are revised by reducing the amount made available for "NATIONAL PARK SERVICE—CONSTRUCTION", and increasing the amount made available for "NATIONAL PARK SERVICE—LAND ACQUISITION AND STATE ASSISTANCE", by $2,045,000.

Mr. BENNETT. Mr. Chairman, this amendment is designed to bring about a $2,045,000 appropriation which was asked for by the administration last year, but when the process went through this $3,045,000 figure was reduced for other projects that were not requested by the Department, not requested by the Park Service.

This project is a project called the Timucuan Ecological and Historic Preserve in my congressional district, this has 45,000 acres assigned to it. The Park Service told me that to this date all available funds have been committed, and that is a statement from the National Park Service.

Prices go up when you postpone acquiring land. The land sought is on a list of things that are to be acquired, and the longer we postpone getting the land on the list, the more expensive it is. So if my amendment is not agreed to, we will pay more for the same land next year or the next year after that, than we would now.

This ecological and historical park and preserve us 45,000 acres of islands, rivers, creeks, marshes, and it has historic sites in it, many of them going back to the 16th century. The French settled there in 1564, and the Spanish came along in that same century and established the 16th century San Juan del Puerto which was the head of the Catholic Church from the North Pole to Cuba.

And then there were forts in it built by the French and the Spanish, three or four forts by the Spanish, and one or two by the French, the other forts were built by the English, the United States, the Confederacy, and going on down to one in 1898, the Spanish-American War fort. One feature of this national park facility is the Kingsley Plantation, with its 200-year-old main house and slave quarters.

So it has great historic and great ecological value. It is very close to the city of Jacksonville. In fact, it is within the city limits of Jacksonville. It makes it very difficult when developers want to develop this kind of land not to have the money available to promptly purchase these lands.

So my amendment is designed to make this money available now. It was asked for by the Department of the Interior and the National Park Service last year.

Now Mr. Chairman, as I leave here after having been here 44 years in Congress, people are suggesting things that they would like to do for me, name a building in Jacksonville after me, a Federal building, or name the Mayport Carrier Base, that is what the Senate wanted to do. I turned all of this down because I think it is important to get your egos out of these things.

I have given hundreds of thousands of dollars to this project, and I will give hundreds of thousands of dollars more to this project. I will give all of my excess funds from my campaign, which I did not conclude, and that is $250,000 right there. The State of Florida has given now about $14 million of lands to this project, and many individuals I have asked to give money to it. It is an ongoing project, and the Federal moneys are needed to help us with this. If we do not do this this way, in my opinion, it will cost us a lot more to do it in the future.

It is a very worthwhile project, and Mr. Chairman, I ask unanimously, if possible, for Members of this House to give approval to this. I am asking that without any ego in it myself. It is not going to be named for me, no building is going to be named for me. Mayport is not going to be named for me, none of that. I just feel like you can do an unlimited amount of good if you do not care who gets the credit, and that is what I am trying to do with regard to this particular project, and I would appreciate if Members would vote for it.

Mr. YATES. Mr. Chairman, I ask unanimous consent that all time on this amendment close in 5 minutes.

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

There was no objection.

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

Mr. Chairman, CHARLIE BENNETT and I came to Congress together in 1949, and we have been friends all during that period. He is very close to me, and I favor, and my committee favors the Timucuan project very much. As a matter of fact, we began in 1989 to provide funds for land acquisition there. In 1989 we provided $1 million, in 1990 we provided $740,000, and in 1991 we provided $1,987,000, and in 1992, the current year, we provided $987,000. Over the 4 years that is $4,714,000.

We are informed by the Park Service that as of today none of the money appropriated for 1992 has been obligated.

In fact, the unobligated balance as of June 26, 1992 was $1,800,000. There is enough money now on hand for the Park Service to purchase the land of willing sellers.

On top of that, we have a very tight budget. I have a list here of perhaps 20 or 25 different Members who have asked for land acquisition, just as the gentleman from Florida has requested.

I am partial to CHARLIE BENNETT. If I possibly could give him the money for Timucuan I would do so. But the present needs are taken care of.

What he is worried about is that after his retirement there will not be anybody here to take care of Timucuan, and there will not be any money appropriated to complete the purchasing. I do not think that is true. But I respect the fact that he has this worry. But I do not think that we ought to do for Timucuan what we do not do for any other park or any other natural resource in the country, and that is provide extra money so it can be ready for the purchase of land at some time in the future. We do not have enough money to do things like that.

I am sure in view of the historic significance of Timucuan, as explained by the gentleman from Florida [Mr. BENNETT] and in view of the total devotion that he has shown to this project, having contributed substantial amounts of his own money, that the project will continue. So I am really very heart-sad and disappointed not to be able to provide money for him, and as much as I would like to, much as I dislike doing it, I have to oppose the amendment of the gentleman from Florida.

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

Mr. YATES. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I just want to say that the chairman of the subcommittee has stated it correctly.

We had $100 million in land acquisition requests from the administration that we were not able to fund. This one was not included, because there is $1,800,000 in unexpended balances.

I think as time goes on there will be additional monies to acquire additional lands, at Timucuan, but we are under such tight constraints in this budget, and priority-wise this one did not fit. That is all. We tried to prioritize the needs, given the constraints on the funding.

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

Mr. YATES. I yield to the gentleman from Florida.

Mr. BENNETT. Mr. Chairman, I just briefly want to say that I do have a letter here from the National Park Service which states, "As of this date, all available funds have been committed."

The reason why there seems to be a difference of opinion here is simply because they have not concluded the deeds. In other words, the deeds have not been signed, but the agreements have been reached, so all of the money is exhausted, and so it will have to wait until next year if we do not approve this amendment. We will have to have another process going through, and that means a year or two delay in doing the next appropriation that should be done for this project, because as a practical matter the money is all gone now. It is actually in the bank, but the deeds have not been signed. But the agreements have been reached. That is what I have been told.

The CHAIRMAN. All time has expired.

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

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BENNETT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 74, noes 344, not voting 16, as follows:

[Roll No. 295]

AYES—74

Anderson
Annunzio
Bacchus
Bennett
Bilirakis
Brooks
Brown
Bryant
Carper
de la Garza
Dingell
Durbin
Dymally
Edwards (CA)
Emerson
English
Fascell
Ford (MI)
Gejdenson
Gibbons
Gilchrest
Hamilton
Hayes (IL)
Hubbard
Hughes
Hunter
Hutto
Ireland
Jacobs
James
Johnston
Kopetski
Levine (CA)
Lewis (FL)
Livingston
McCloskey
McCollum
McDermott
Miller (OH)
Miller (WA)
Mink
Montgomery
Morella
Mrazek
Oberstar
Ortiz
Owens (NY)
Parker
Perkins
Pickett
Pickle
Rangel
Ridge
Ros-Lehtinen
Rose
Savage
Shaw
Sikorski
Sisisky
Skelton
Smith (FL)
Spence
Stark
Stearns
Taylor (MS)
Torres
Torricelli
Traficant
Vento
Volkmer
Waxman
Wolf
Young (AK)
Young (FL)

NOES—344

Abercrombie
Ackerman
Allard
Allen
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Blackwell
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Broomfield
Browder
Bruce
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Combest
Condit
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dickinson
Dicks
Dixon
Donnelly
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Dwyer
Early
Eckart
Edwards (OK)
Edwards (TX)
Engel
Erdreich
Espy
Evans
Ewing
Fawell
Fazio
Fields
Fish
Flake
Foglietta
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gekas
Geren
Gillmor
Gilman
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Hopkins
Horn
Horton
Houghton
Hoyer
Huckaby
Inhofe
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lent
Levin (MI)
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCrery
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Mineta
Moakley
Molinari
Mollohan
Moody
Moorhead
Moran
Morrison
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Obey
Olin
Olver
Orton
Owens (UT)
Oxley
Packard
Pallone
Panetta
Pastor
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Peterson (MN)
Petri
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Ravenel
Reed
Regula
Rhodes
Richardson
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shays
Shuster
Skaggs
Skeen
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spratt
Staggers
Stallings
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tanner
Tauzin
Taylor (NC)
Thomas (CA)
Thomas (WY)
Thornton
Towns
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Visclosky
Vucanovich
Walker
Walsh
Washington
Waters
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Wylie
Yates
Yatron
Zeliff
Zimmer

NOT VOTING—16

Alexander
Collins (MI)
Coughlin
Cox (CA)
Feighan
Gaydos
Gephardt
Gingrich
Hatcher
Hyde

Kolter Peterson (FL) Tallon
Lehman (FL) Ray Thomas (GA)

□ 1602

Mr. DORGAN of North Dakota, Mr. PENNY, Mr. KENNEDY, and Mrs. LLOYD changed their vote from "aye" to "no."

Messrs. PICKETT, SIKORSKI, DYMALLY, DE LA GARZA, VOLKMER, ROSE, RANGEL, and HAYES of Illinois changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

THE CHAIRMAN. The Chair would remind Members that debate on all amendments to this bill will end at 6:30 except for the amendments provided time in the rule and the amendments given 5 minutes on each side.

The Chair would like Members to cooperate to expedite these proceedings where feasible.

Mr. LIVINGSTON. Mr. Chairman, I move to strike the last word in order to ask the chairman of the subcommittee, the gentleman from Illinois, to join me in a colloquy.

Mr. Chairman, the committee, I understand, has provided $160,000 for additional O&M funds for the Jean Lafitte National Park in Louisiana.

While it is not clearly stated in the report, it is my understanding that the committee provided this funding at our request specifically for park staffing and contractual aid for the Italian and Germanic cooperative agreement sites. Is that agreeable?

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

Mr. LIVINGSTON. I yield to the chairman of the subcommittee, the gentleman from Illinois [Mr. YATES].

Mr. YATES. I thank the gentleman for yielding.

Mr. Chairman, it is my understanding that is correct.

Mr. LIVINGSTON. I thank the gentleman, thank the chairman for his great cooperation as well as that of the ranking Republican, the gentleman from Ohio [Mr. REGULA], which has been outstanding, and the staff on both sides for their assistance.

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

Mr. Chairman, I want to indicate to the Members that this bill, again, meets both the targets in the discretionary budget authority and outlays established under the budget resolution.

As a matter of fact, it is $198 million in budget authority below the spending subdivision for the subcommittee, and I want to commend both the chairman, the gentleman from Illinois [Mr. YATES] and the ranking minority member, the gentleman from Ohio [Mr. REGULA] for meeting those targets.

Now, if I may proceed to a colloquy with the chairman of the subcommittee.

Mr. Chairman, the U.S. Geological Survey has plans to relocate its branch of Pacific Marine Geology to the University of California at Santa Cruz. This relocation will programmatically benefit the branch of Pacific Marine Geology by offering it broad collaborative research opportunities with the university and other marine science research institutions in the Monterey Bay area.

The branch of Pacific Marine Geology plans to relocate to the university in fiscal year 1995. Both the university and USGS are interested in participating in a joint study in fiscal year 1993 to plan for this relocation. The study would outline a multiyear plan for joint research between the university and the agency, taking into the particular research needs and strengths of both parties. It appears that such a study would be an appropriate and constructive prelude to the eventual relocation of the branch.

As such, I would ask the gentleman to clarify that the funding appropriated in the bill for USGS surveys, investigation, and research is sufficient for the USGS' participation in the joint study with the university, and that the committee expects the USGS will participate in the study.

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

Mr. PANETTA. I yield to the gentleman from Illinois [Mr. YATES].

Mr. YATES. I thank the gentleman for yielding.

Mr. Chairman, yes, the gentleman is correct. The funding appropriated for USGS surveys, investigations and research is sufficient for the USGS' participation in the joint study with the University of California at Santa Cruz, and the committee expects the USGS will participate in the study.

Mr. PANETTA. I thank the gentleman for his assistance in the matter and for his excellent work on this legislation.

AMENDMENT OFFERED BY MR. CHANDLER

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

The Clerk read as follows:

Amendment offered by Mr. CHANDLER: Page 13, line 20, strike "$530,211,000" and insert $521,711,000".

Mr. CHANDLER. Mr. Chairman, this is an act of frustrated desperation you are seeing here. My motion is to strike $8.5 million from the funding of the Endangered Species Act for the purpose of listing new species as either threatened or endangered.

Now, I have to tell you I have no desire to reduce funding for the Endangered Species Act. I have no desire to stand in the way of protecting plants and animals. I have no quarrel with the Committee on Appropriations. But, my colleagues, we are being asked to blindly fund a flawed law. We are being asked to fund the Endangered Species Act even though authorization has expired. No debate, no chance to amend, no progress.

You wonder why the American people are fed up with Congress? When they and their Representatives cannot have their legislative concerns addressed on the floor of the House of Representatives, then they are upset.

This amendment is nothing more than a cattle prod to a sleeping giant. The Endangered Species Act is in need of reform. This legislation is rigid, it is inflexible, it is used by preservationists as a tool to shut down many industries in this country. And the result is hardship, hardship for thousands of working, innocent Americans.

Mr. Chairman, the Pacific Northwest has been especially hard hit by the Endangered Species Act. In July 1990 the northern spotted owl was listed as threatened due to loss of its habitat. Since then, timber communities in the States of Oregon and Washington have been reeling. We have seen the loss of 113 sawmills, with the loss of 10,000 jobs resulting.

In 1992 alone, there have been 13 mills closed, 2,000 men and women out of work.

And yet, get this, amidst all this hardship, amidst all this chaos, we have blown down timber trees. I think it is very important to note that in the Pacific Northwest, in Oregon and Washington, there are 450 million board feet of timber laying flat on the ground, blown down in windstorms, laying there creating a fire hazard, creating habitat for the bark beetle so that it can infest other, healthy trees. And yet, because of this inflexible law, it cannot be harvested. If we could just harvest that blown down timber, we could restore some jobs, we could restore revenues to the Federal, State and local governments and maybe even open up some mills.

On the Olympic Peninsula alone, in the State of Washington, the estimate is we could restore 1,000 jobs and provide $2.5 million or more for local schools.

More important than that, though, would be a signal to working men and women in our State that the Congress cares about them. But, no, Congress turns its back on these people; radical preservationists win again and out on the road, are more and more cars with the frustration signal of 1992, a Perot bumper sticker on the bumper.

□ 1610

Another example is the sockeye salmon and the fall and spring chinook salmon in the Snake River. Now I do not have any quarrel with the listing of these species of fish. They are in trouble, and something needs to be done. Yet what we have seen, instead of looking at high seas drift nets, marine mammals, especially seals, gill nets in the Columbia River and other approaches, including water quality, only

dams are affected, dams that generate electrical power, provide irrigation to our farmers and transportation for goods up and down the rivers.

In March of this year the Corps of Engineers conducted an experiment, drawdowns behind two dams, Lower Granite and the Little Goose on the Snake River. The result was chaos. Not one salmon was saved, but thousands of dollars of damage resulted to roads, jetties, marinas and docks. Between $2 and $3 million in power was lost. Wildlife habitat was destroyed, and get this: Thousands of fish were killed, resident fish in the Snake River.

I want to ask my colleagues, "Where is the balance? Where is the common sense in this result?"

Now, does the Endangered Species Act affect you and your constituents? My colleagues better check. Over 3,000 species are candidates for listing across this country. In California there are 386 species that are candidates for listing alone; Texas, 132; 134 in Florida; 40 in Kansas; 209 in Alabama; and in New York 45; and on and on.

We need to protect these species of plants and animals. We need to show concern, and we need to act. But we need to do so in a balanced, common sense way. That is why we need to reauthorize the Endangered Species Act, accompany listing decisions with an economic analysis, provide flexible recovery plans, bring balance and common sense back to the Endangered Species Act. Put them on an equal footing in this process.

Mr. Chairman, it is vital that Congress provide balance and flexibility to the Endangered Species Act. The Chandler amendment to the 1993 appropriations bill underscores that need.

The Endangered Species Act is up for reauthorization this year, and yet my colleagues who have the authority to begin the process have placed a chokehold on the act.

No hearings. No floor debate. No opportunity to make changes that will provide balance and flexibility to a law that is threatening the thousands of Americans who live and work in natural resource-dependent communities.

Waiting until next year to instill balance and flexibility to the Endangered Species Act is an eternity to workers and their families who are desperate for a job. It's time for House Democrats to release their chokehold on the reauthorization of the Endangered Species Act.

Instead of debating an act that has a dismal track record, and numerous unintended consequences, we're being asked to blindly spend taxpayers' money on a program that sorely needs reform.

The Endangered Species Act is in need of a new direction that balances the needs of the environment with the concerns of working families in natural resource communities.

Mr. Chairman, I seek to stop this backdoor process. It is insulting to the electorate. Let us have an honest debate on the reauthorization of this act. Specifically, my amendment strikes $8.5 million in funding from the Endangered Species Act Program at the U.S. Fish and Wildlife Service. My goal in offering this amendment is to force the authorization process for a more balanced Endangered Species Act.

There are two poignant examples in Washington State of why the act must be reformed to allow for balance.

On the Olympic Peninsula, and in forests throughout Washington and Oregon, thousands of trees blown down by high winds lie rotting on the forest floor.

Because the Endangered Species Act prohibits the salvage of these trees in spotted owl habitat, these blown down trees present a fire hazard, and, due to bug infestation, a health hazard to trees in surrounding forests.

Salvaging those trees will provide jobs to 1,000 timber workers and their families in the Pacific Northwest, and provide $2.7 million for schools and roads in Washington State.

And, yet those trees aren't being salvaged because some of my colleagues are unwilling to consider balanced solutions to the many serious problems that plague the Endangered Species Act.

Then there are the farm communities of eastern Washington.

Those of us who live in the Northwest, received a shocking preview of how destructive the Endangered Species Act can be when water was drawn down behind two of the four dams on the Snake River to accommodate the Snake River sockeye salmon.

The cost of the month-long drawdown was enormous.

The two Snake River dams produced 50 percent less energy at a cost of $2 to $3 million. Labor and equipment for the drawdown totaled $3 million. The Port of Clarkston sustained $70,000 in damages and the new Red Wolf Marina suffered $140,000 in damages and lost business.

And this was just a trial run. Not one salmon was saved, but thousands of other fish species died. If a shortsighted recovery plan that does not consider human concerns is allowed to take place, annual drawdowns will be longer in length—dramatically increasing rates on Northwest power consumers, devastating eastern Washington farmers, and drydocking the State's shipping industry.

Depending on water availability, a shortsighted recovery plan will cost Northwest utilities and ratepayers as much as $250 million per year. Because of the Northwest's vast electricity selling program, that will mean higher electric bills for power consumers throughout the West.

Food prices also will increase. The Snake and Columbia Rivers provide enough water to irrigate 295,000 acres of crops each year. Relocation and modification of irrigation pumps could cost $50 to $90 million. That means higher prices at grocery stores in every region of the country, not just in the Northwest. For some farmers, there will be no water at all.

And, finally, annual drawdowns will cost the Northwest's shipping industry $76 million in the first year, and $22 million annually thereafter. Again, that means higher prices on food and other consumer commodities throughout the Nation, not just in the Northwest.

There is a misconception that the restrictive nature of the Endangered Species Act is just a Northwest problem. "It only affects people living way out there," the cynics say in response to our calls for balance.

But, Mr. Chairman, the problems that surround the Endangered Species Act affect every State in America. With a backlog of over 3,000 species proposed for listing, it is just a matter of time before my colleagues in Texas, California, Florida, and New York have to worry about this problem.

In Texas, 132 species are candidates for listing, including the ferruginous hawk. In California, 386 species are candidates for listing, including the delta smelt and the kangaroo rat.

In Florida, 134 species are candidates for listing, including the mastiff bat. In New York, 45 species are candidates for listing, including the eastern woodrat and the cerulean warbler.

In Kentucky, 67 species are candidates for listing, including the eastern woodrat. In Kansas, 40 species are candidates for listing, including the sturgeon chub and the baird's sparrow. And in Alabama, 209 species are candidates for listing, including the southern hognow snake.

For my colleagues who don't think their district will ever be affected by the Endangered Species Act, let me close with one final example, which serves the need for balance.

In California, a developer proposed building a number of new, moderate priced homes, adjacent to a group of more expensive homes along a golf course.

The owners of the more expensive homes hired an attorney who, in the guise of protecting the kangaroo rat, pursuant to the Endangered Species Act, was able to halt the building project.

Now let's face it, the owners of the more expensive homes did not care about the kangaroo rat. They just wanted to prevent the other homes from being built in the neighborhood. And, they were successful. They turned the act into a farce. The homes were not built, jobs were lost and, very likely, housing prices went even higher.

Tell me, Mr. Chairman, where was the balance?

I want my colleagues to understand that my goal is not to repeal the Endangered Species Act. My goal is to make it work.

The Endangered Species Act was a landmark piece of legislation when it was passed in 1973. We saved the grizzly bear and the bald eagle with the act.

But the act is no longer working as intended. Of the 681 species that have been listed for protection, only 11 have been removed from the list. Seven went extinct and four species recovered.

Despite a less than 1 percent success rate, Congress is content to dodge the real problem and throw money at the Endangered Species Act without any meaningful debate. Thousands of hard-working Americans are losing their jobs while some of our colleagues evade this very serious debate.

I have introduced legislation to amend the Endangered Species Act. My legislation would require the Federal Government to conduct an economic study at the same time studies are conducted to determine if a species deserves protection.

My legislation also directs the Federal Government to utilize both the economic and biological studies in crafting a range of recovery

plans. With a range of recovery plans, government officials and private citizens could work together to put in place the recovery plan that is best for the environment and the local economy.

Let's put people on equal footing with plants and animals, Mr. Chairman. Let's demand that the reauthorization process for the Endangered Species Act begin today. Let's fight for balance. Until we achieve balance, I urge my colleagues to vote in favor of the Chandler amendment to the Interior appropriations.

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

Mr. Chairman, I would like to yield to the gentleman from Washington [Mr. CHANDLER] for a moment to ask him this question:

My understanding of the gentleman's amendment is that he would deny funds in this act for pre-listing activities under the Endangered Species Act.

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

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

Mr. CHANDLER. That is correct.

Mr. AUCOIN. And in listening to the gentleman's comments about the problems in the Pacific Northwest, and particularly the timber communities, the timber country in the Pacific Northwest, which is a problem that I am very sensitive to because I have been dealing with the problem of the balance between the spotted owl and logging in the Northwest, as the gentleman knows; in listening to the gentleman's description of that problem, what I would like to ask the gentleman is: Does he believe that denying funds for the preexisting activities under the Endangered Species Act is somehow going to deal, or change or provide relief from the court injunctions on timber harvests in the Northwest? If so, let me just ask the gentleman: Does he believe that is going to happen?

Mr. CHANDLER. I do not think that will help one bit. That was the point I was trying to make. This is just a wakeup call. This is a cattle prod to a sleeping giant. It is trying to say, "Look, we're frustrated. We want to bring the Endangered Species Act to the floor. We want to discuss it under the process of reauthorization, offer amendments, do it in an orderly way."

Mr. AUCOIN. Mr. Chairman, I agree with the gentleman from Washington [Mr. CHANDLER]. I want to see that happen, too. I think it will happen, and I believe it will happen, but the point I think that needs to be made here, and I do not want there to be any confusion by my colleagues from around the country or anyone else who may be listening to us because I lived, breathed and have been breathing, as everyone else who represents the Northwest has, over this issue for years on this thing, and I do not want anyone to be confused into thinking that somehow the pre-listing process of the Endangered Species Act in some ways has led to the court injunctions that have stopped timber harvests in the Northwest because, in fact, it has not been the Endangered Species Act that has been invoked that has led to those injunctions. The gentleman knows those injunctions have been brought because of violations of the Forest Management Act, a different act.

So, Mr. Chairman, I am hard-pressed to understand what good the gentleman does with his amendment or even with his discussion in trying to shed any light on the problems that are very real in the Northwest by standing on the floor and offering this amendment today.

Mr. CHANDLER. If the gentleman would yield further, he will notice that I also brought up the Columbia and Snake River salmon situation which is very much in process of the Endangered Species Act. All I want to do is call attention to the fact that we have not reauthorized the Endangered Species Act. We should do so. It should be open for amendment.

Mr. AUCOIN. Mr. Chairman, that is a point of a different kind and one that I can agree with.

Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman has 2 additional minutes.

Mr. AUCOIN. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes, to have 5 minutes.

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

There was no objection.

Mr. AUCOIN. Mr. Chairman, I have to oppose the amendment offered by my colleague from the State of Washington. I stated before that I do not think there has been a Member from the Northwest that has given more time and energy and has gone through more pain on this issue. At least I will say it this way: I will take a back seat to no one on this issue in trying to deal with and find the balance between timber jobs and a sound and healthy forest environment. I will take a back seat to nobody.

The gentleman who offers this amendment says it is an act of frustration and desperation. I agree that it probably is. I would call it an act of something else, but I will not get into that detail today.

I think we all want to strip away the smoke and set aside the mirrors for a moment, and I would just make this statement: This amendment, if it is serious at all, is not going to save or provide one timber job in the Northwest or anywhere else in the country. No one knows better than I do the problems of this timber crisis in the Northwest, but, as my colleagues know, an even bigger problem, an even bigger problem in the Northwest, is that too many people who are running for political office are trying to tell the people of the Pacific Northwest that all we have to do is change the Endangered Species Act and somehow our problems will just vanish. It will be morning again in America, morning again in the Pacific Northwest. Well, that is just fiction. It is fiction.

Mr. Chairman, the fact is that we can sprinkle pixie dust all we want, we can even repeal the Endangered Species Act, but that action will not lift a single injunction that is putting timber workers our of work in the Pacific Northwest, and that is because, as I said before in the colloquy with my friend from Washington State who I respect, but whose amendment I cannot respect, that is because the injunctions, court injunctions which have tied up the harvest in the Northwest, are brought under the National Forest Management Act, not the Endangered Species Act.

Mr. Chairman, this offers no good whatsoever for the problems in the Northwest, so what this amendment will do is to prompt lawsuits similar to, but not identical to, those of the Northwest that have been inflicted on timber communities and export those lawsuits, similar lawsuits, it will export them to every other State and every other region of the country, and that means, my colleagues, your congressional district.

And here is why I say that: If you strike funds for prelisting activities, you prevent listing petitions from being processed, and here is the problem: That in itself leads to potential violations of section 4 of the Endangered Species Act. You bring the problems on by denying the funds in this way. If a Federal agency attempts to meet its legal obligation to list threatened or endangered species by shifting funds from consultation recovery or research, habitation, conservation plans developed in cooperation with private industry would not be implemented, and research to eventually delist, delist, the northern spotted owl in the Northwest, and to restore jobs in my region and to stabilize the timber industry in the Pacific Northwest would be set back by many years.

□ 1620

What we have here is an amendment that attempts to be heroic in the Northwest, but is not heroic at all. So if you want to promote the agony in the Pacific Northwest and spread it to other regions of the country and other species by violating through this defunding section 4 of the Endangered Species Act, vote for the Chandler amendment. If you want to lose more jobs in the Pacific Northwest by denying us the ability to delist the spotted owl, vote for the Chandler amendment. If you want to lead other regions of this country into a legal quagmire, which I would not recommend to one of my friends on either side of the aisle, I

can tell you after the years I have lived through this, then vote for the Chandler amendment.

But I trust that my colleagues in the House have clear heads today and will not do that, will not wish to visit that on their congressional districts, and will defeat the Chandler amendment.

Mr. YATES. Mr. Chairman, I ask unanimous consent that all time for debate on the pending amendment close in 20 minutes.

Mr. YOUNG of Alaska. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. YATES. Mr. Chairman, I ask unanimous consent that all time for debate on the pending amendment close in 30 minutes.

Mr. YOUNG of Alaska. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

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

Mr. Chairman, I think it should be pointed out that the intent of the author here is to improve the process. When I came here I heard a lot about the snail darter. It was a crisis. We spent millions of dollars moving dams and bridges around, and I do not know what else, to accommodate the snail darter. After we expended millions of dollars, we discovered there was an abundance of snail darters. So I think it very important that we try, through the prelisting process, to avoid that kind of a problem.

Mr. Chairman, I want to quote here from the Fish and Wildlife Service budget. It says "the opportunities to obviate the need for listing are much greater at earlier stages than when species have declined to the point where listing is appropriate."

What basically the prelisting is is a pilot program, if you will, by way of analogy. We want to avoid where possible, the more draconian impact of a listing.

What we have done in funding this is just simply recognized that the authorization that is in place now does not expire until September 30. I would hope that the gentleman from Washington would express some of his concerns to the authorizing committee so that in reauthorizing this prospectively, we address the concerns that the gentleman is expressing, and yet retain the ability to prelist to avoid a listing if at all possible and the attendant expenses therewith.

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

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

Mr. CHANDLER. Mr. Chairman, that is exactly the point of this exercise. I know this amendment is not going to win, but this is the only way one can get a discussion of this issue out here on the floor.

To suggest that the northern spotted owl and the loss of jobs under the Endangered Species Act are not related in the Pacific Northwest is just simply not correct.

I just want to simply point out that we just need to get that act out here and listen to some of the other Members from all over the country who are concerned about the effect on jobs in their district.

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

Mr. REGULA. I yield to the gentleman from Oregon.

Mr. AUCOIN. Mr. Chairman, I appreciate the gentleman yielding.

Mr. Chairman, I would just say in response to what the gentleman from Washington [Mr. CHANDLER] just said, and I respect the gentleman from Washington, he and I are friends, but the statement the gentleman just made, to the extent it implies that the harvest levels that are tied up in the Northwest are a result of injunctions brought under the Endangered Species Act, which is what his amendment goes to, is inaccurate.

Those injunctions, which are costing our jobs, are under the National Forest Management Act because of violations to that act, and not to the Endangered Species Act.

Mr. REGULA. Mr. Chairman, reclaiming my time, I think the gentleman from Washington [Mr. CHANDLER] has brought us to an important point. That is that in reauthorizing, and I hope the authorizing committee is cognizant of this discussion, that in reauthorization, which would hopefully come before the expiration on September 30, that they will address some of those concerns.

But nevertheless, we do need this, just as we need pilot programs. I think the prelisting is an important element of the process. We actually reduced the administration's request in our bill. We are $2.7 million less than the administration requested for listing and prelisting.

So it is quite obvious that the administration wants to continue prelisting, and, again, we ought to reform that authorizing language.

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

Mr. REGULA. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I want to commend the gentleman from Washington [Mr. CHANDLER] for offering this amendment because he has brought attention to the Endangered Species Act. He got this Member's attention and that of many others who have problems with the act fundamentally across the United States.

In southern California we have an endangered species right now, so-called endangered species that are endangering another species, and that is working Californians. If the gentleman from Washington [Mr. CHANDLER] had not brought this up to the floor, we would not be focusing now on this problem and the fact that we do need to fundamentally change the Endangered Species Act. Keying and focusing on that need to make fundamental changes is what we specialize in around here. That is how we get legislation to the House floor. That is how we get legislative attention.

The gentleman from Washington [Mr. CHANDLER] has done a service to this body by bringing this very devastating act, devastating to the American economy, to the floor, and pointing out the fact that we need fundamental change. I appreciate the efforts of the gentleman.

Mr. REGULA. Mr. Chairman, reclaiming my time, I hope that the authorizing committee will perhaps streamline the prelisting process to make it even more effective.

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

Mr. Chairman, I rise in opposition to the amendment. I will spare my colleagues a statement I have here in defense of the underlying authorizing act, but I do want to underline a point made by our colleague from Oregon [Mr. AUCOIN].

Mr. Chairman, if this amendment pending were adopted and were signed into law, it would do absolutely nothing, as the gentleman from Oregon [Mr. AUCOIN] correctly observed, to resolve the problem which the gentleman from Washington [Mr. CHANDLER] seeks to address by offering the amendment in the first place.

The Endangered Species Act, while probably not perfect, as no statute is perfect, is working extremely well. The old growth forests of the Pacific Northwest are literally blanketed with injunctions. There are no trees being cut in these lands and therefore there are no jobs at the moment in these lands.

The fundamental problem is not the Endangered Species Act. It is, as the gentleman from Oregon [Mr. AUCOIN] has quite correctly pointed out, the National Forest Management Act and the unwillingness or inability of the current administration to enforce that law. It is quite as simple as that.

In fact, if the pending amendment were to be adopted, not only would the gentleman not resolve the problems he seeks to address, he would probably exacerbate them and very possibly lead to the creation of additional altogether avoidable ones.

Mr. Chairman, I hold in my hands one of the principal court decisions leading to an injunction from the U.S. District Court for the Western District of Washington in Seattle in May of last year.

Among other things, the judge said in granting this injunction, "Had the Forest Service done what Congress directed it to do, adopt a lawful plan by last fall, this case would have ended some time ago."

Mr. Chairman, I continue to quote: "More is involved here than a simple failure by an agency to comply with its governing statute."

Mr. Chairman, that statute, I observe, is not the Endangered Species Act, but the National Forest Management Act.

The most recent violation of the National Forest Management Act exemplifies a deliberate and systematic refusal by the Forest Service and the Fish and Wildlife Service to comply with the laws protecting wildlife. This is not the doing of the scientists, foresters, rangers, and others at the working levels of these agencies. It reflects decisions made by higher authorities in the Executive Branch of government.

Later in the same decision the judge states,

The problem here has not been any shortcoming in the laws, but simply a refusal of administrative agencies to comply with them. This invokes a public interest of the highest order, the interest in having government officials act in accordance with the law.

Mr. Chairman, the simple translation of that Federal court finding is that had the administration acted in good faith to enforce the existing forest management laws, there would probably be no injunctions blanketing those forests and the men and women about whom the Representatives of the Pacific Northwest are quite rightly concerned would in all likelihood be working.

Let me point out that the amendment before us not only would provide no funding whatsoever for listing species, it would not, as the gentleman from Oregon [Mr. AUCOIN] has also pointed out, allow the downlisting under the act. It would not allow reclassification from endangered to threatened or even the removal of the list altogether of species that do not belong, nor would it allow for prelisting, the entire purpose of which is to identify trouble signs early and to take action to avoid the necessity of conflicts.

□ 1630

Mr. Chairman, there will come a time when it is appropriate for us to debate the Endangered Species Act. This is not that time. And while I have all the sympathy in the world for all the Members on both sides of the aisle from the affected areas of the Pacific Northwest, the simple fact of the matter is that the source of the problems, the very real problems which beset them now is not the Endangered Species Act. It is the unwillingness of the authorities of the executive branch to enforce the laws with which they are entrusted, most specifically the National Forest Management Act.

And the adoption of the amendment pending would not deal in a way that I know the gentleman from Washington and the others from the Northwest would like to deal with the very real problems besetting them. And for that reason, Mr. Chairman, I would urge the rejection of the amendment.

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

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

Mr. CHANDLER. Mr. Chairman, the gentleman discussed the timing of the amendment or the reauthorization of the Endangered Species Act. What is the appropriate timing? When it is no longer in effect, if it has expired, if it is up for reauthorization? What is the timing? Is it this year? Is it wait until after the election?

Mr. STUDDS. Mr. Chairman, let me say to the gentleman that my first priority in this area is to help solve the problems the gentleman seeks to address in his amendment, the problem arising with respect to the northern spotted owl. The gentleman very well knows that problem brings with it intense and very understandable emotions.

I do not think it would be wise to bring to this floor the Endangered Species Act in the context of those emotions. I think the No. 1 priority, and I suspect the gentleman would agree with this, would be to resolve the problem besetting his region.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. STUDDS] has expired.

(By unanimous consent, Mr. STUDDS was allowed to proceed for 1 additional minute.)

Mr. STUDDS. Mr. Chairman, as the gentleman probably very well knows, there are a number of us working very hard right now to craft a piece of legislation that will indeed address the pending problems. It is, as the gentleman knows, a very sensitive and a very difficult problem.

I think it can be done. And once it is done, then I would say to the gentleman, in that context it would seem to me proper to bring the Endangered Species Act to the floor.

Mr. CHANDLER. Mr. Chairman, if the gentleman will continue to yield, I would just like to point out to the chairman that I also have crafted legislation to amend the Endangered Species Act. I would very much like to have it heard. I would like to have it considered.

I would like to have my day to have my constituents have their concerns considered by this House just as those the gentleman represents.

Mr. STUDDS. Mr. Chairman, I would be pleased to hear the gentleman's proposition.

Mr. Chairman, I rise in strong opposition to this amendment. It will delete funding for a key provision in the Endangered Species Act—and prevent the Federal Government from adding species to the list of endangered and threatened species—even if they are on the brink of extinction. It is the inclusion of species on these lists that makes them eligible for protection under Federal law.

The Endangered Species Act is the Nation's premier environmental protection law. It has been the basis for impressive success stories: the condor, the whooping crane, and the black-footed ferret would more than likely be extinct if not for the Endangered Species Act. And the bald eagle, peregrine falcon, and brown pelican have made encouraging comebacks during the past two decades, thanks to the act. The only way to make these kinds of success stories a possibility for all species that are headed toward extinction is to list them formally, and take the steps needed to ensure their continued survival. The Endangered Species Act provides a workable framework for achieving that end.

Under this amendment, no new species will be listed next year. That will put us in serious jeopardy of sending species to extinction, when we could have taken steps to save them. For example, there are several species of plants in Hawaii that have been reduced to a few stands, and in some cases, they have dwindled to one or two individual plants. These species have been proposed for listing in the Federal Register, but the amendment would preclude final action to list them formally under the act.

This amendment will also preclude downlisting under the act—that is to say that plants or animals cannot be taken off the endangered species list, nor can they be Reclassified from endangered to threatened. That will clearly thwart the Service's revitalized efforts to delist species when warranted. Specifically, the Service will not be able to proceed with its efforts to remove the Arctic peregrine falcon from the list, nor will it be able to downlist the brown pelican or the Hawaiian hawk from endangered to threatened status. These are only a few examples among the 40 species the Service intends to review to determine whether they warrant reduced protection under the act. Under this amendment they will remain on the endangered species list.

Finally, this amendment will preclude the Fish and Wildlife Service from undertaking its so-called prelisting efforts. Those efforts are designed to identify why some species are beginning to show signs of trouble and to take actions to avoid the necessity of listing them—thereby avoiding potential conflicts. In Idaho and Oregon, for example, the Service has entered into agreements with the Forest Service and Bureau of Land Management to fence areas and relocate roads to protect several species of plants. These actions have avoided the necessity of listing the plants, thereby avoiding any conflicts that might have arisen on private lands if the plants had been listed. These types of activities will be precluded by the amendment.

The rationale for this amendment is that the Endangered Species Act needs to be fixed, that it stands in the way of economic development, and that no additional species should be listed until the act is amended. That rationale is seriously flawed. The Endangered Species Act works well. In the vast majority of cases it provides for the protection of species in a way that allows development to proceed. Clearly, there are conflicts, and they will never be completely avoided, but they represent a minute fraction of the interactions between development and the Endangered Species Act.

Of the 18,000 projects reviewed by the Fish and Wildlife Service, less than one-tenth of 1 percent were halted as a result of endangered species. Most could proceed with no change, and others were modified—without controversy—to avoid jeopardizing the species that was in trouble.

The business of protecting endangered species has been portrayed as jobs versus endangered species. That is most definitely not the case. Just as the canaries were used in the past to warn coal miners when the mines were filled with poison gases, endangered species warn us when we have degraded ecosystems to the point that we may soon lose our ability to reap economic benefits from them. For example, a third of the fish species in North America are imperiled. If we don't take action to restore their habitats, eventually our pocketbooks will feel it—commercial fish landings will dwindle, and recreational fishermen will go elsewhere, taking tourism dollars with them. The species of fish that find their way on to endangered lists are telling us that we need to protect their habitat before it stops providing the fishery resources that provide thousands upon thousands of jobs. This amendment will shut down that early warning system.

Poll after poll shows us that even in these tough economic times, citizens know that to protect the environment and help endangered species just makes good sense. To delete funding for listing species—as this amendment would do—is to put blinders on, and destroy the environment that supports our livelihoods. I urge Members to vote in opposition to this amendment.

Mr. SMITH of Oregon. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am shocked at this debate, that the spotted owl somehow has nothing to do with this issue, when every member of the Oregon delegation—save this one—has introduced legislation which would set aside at least 6½ million acres in the Pacific Northwest and cost 30,000 to 50,000 jobs. And the gentleman from California, whom I am sure we will hear on this issue, has offered legislation which will set aside 9 million acres and cost more jobs. So the spotted owl has nothing to do with this debate? I see. Nor has the Endangered Species Act, has nothing to do with this debate.

Let us not be fooled about this question. The Endangered Species Act is outdated, outmoded, and it does not fit America anymore. And the reason it does not fit is simply because people and jobs and economic futures are no longer considered. They never were supposed to be. Birds, and fish, and animals take precedence over people.

Should not people have at least equal opportunity with birds, and fish, and animals? At least equal? They do not now.

The gentleman from Washington is merely trying to point out to this Congress that we need an opportunity to look at the Endangered Species Act. We have no other recourse than this one. So let us do it.

I guarantee my colleagues, should we pass this bill before it gets to the Senate, we will have the Endangered Species Act on the floor, as we should, to debate and discuss.

Let me just give my colleagues one example of overendangered species in America to one little county in Oregon, one little county. Oregon used to be a timber State. It is no more. The gentleman is right. There is no harvest of timber on the west side of the State of Oregon, largely because of the Endangered Species Act, largely and as well because of the National Forest Planning Act.

But whatever the reason, we are not a timber State anymore. We have spotted owls. My colleagues do not. We are down. It has cost us thousands of jobs. In fact, the employment rate today in Oregon, listen to this, the employment rate today in Oregon in the timber industry is as low as it was in 1947.

That is longer ago than some of my colleagues were born, 1947.

We have lots of timber, unlike someone I have heard say, "My God, you are going to cut the last tree on the Olympic Peninsula." I think I heard that from a man running for President. Unbelievable what is going on.

In the same country we have the short-nose sucker. What did the short-nose sucker do? He is in danger. A thousand of this friends, we know all about them. We used to throw them out on the bank.

Twelve hundred families in Klamath County cannot get water to irrigate their farms because of the short-nose sucker.

If anything else happens, do my colleagues think the short-nose sucker will not last? Twelve hundred people are going to lose their families and their farms because of him. Do my colleagues think that is fair? Think that is balanced? I do not think it is balanced, and I do not think it is fair.

Here is a chance then to send a message. Here is a chance to give some of us a chance to speak about the Endangered Species Act.

Pass this bill and I guarantee my colleagues, we will hear the Endangered Species Act coming out of committee and on the floor where it ought to be.

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

Mr. SMITH of Oregon. I yield to the gentleman from Washington.

Mr. CHANDLER. Mr. Chairman, the point has been made by some that the Endangered Species Act is not the problem here. The gentleman and I both know that we have also tried to address the timber supply question in the Pacific Northwest with congressional language aimed at Congress simply telling the administration, telling the court through sufficiency language and all the rest of it, have an annual harvest of a certain level. Put people back to work.

What has been the success of that legislation in the gentleman's view?

Mr. SMITH of Oregon. Mr. Chairman, the legislation has not moved in Congress, as the gentleman well knows.

Everybody seems to blame the administration for not acting. What has the Congress done?

I ask the gentleman, of course, rhetorically, because the Congress has done nothing. The bills are stalled around the Congress. We have been working on them 3 years. The Congress has not acted. Now they will not even let us debate the Endangered Species Act, which is the root of all evil.

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

Mr. SMITH of Oregon. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, it was stated a few minutes ago on the other side of the aisle that the Endangered Species Act "is working."

It is working so well that in San Diego County now our carpenters are 40 percent unemployed. And the gentleman hit the nail on the head. Mortgage payments are not considered. The need for working people to send their kids to college is not considered; putting food on the table is not considered. And the species in this country of animals have taken a priority that human beings have never achieved. And we do need to revisit this question.

Mr. GREEN of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today to speak against the amendment to eliminate all funding for the listing of the threatened and endangered species under the Endangered Species Act.

Cutting funding from the listing program will entirely prevent the U.S. Fish and Wildlife Service from fulfilling its statutory responsibilities to protect the fish, wildlife, and plants of our Nation. That would obviously gut the Endangered Species Act and reverse a legislative initiative of this Congress, something we certainly ought not to be doing on an appropriations bill.

I think it is also important to emphasize the point made by the gentleman from Ohio [Mr. REGULA] that this amendment is detrimental because not only does it cut funding for listing activities, but it also cuts funding for prelisting programs aimed at stabilizing candidate species. By delaying the listing of fragile species until we have reformed the act and by delaying these stabilizing programs for candidate species, we are in the end putting ourselves in a situation where we are going to have more plants and more animals in a dangerous situation needing more extreme remedies.

Mr. Chairman, I agree with everyone here that the reauthorization process provides us with the unique opportunity to evaluate the Endangered Spe-

cies Act and to improve its effectiveness. I hope we shall have the opportunity to deal with that reauthorization in a timely fashion. But striking funding for the critical listing and prelisting process is not leading us to that, but simply creating problems along the way which surely will come back to haunt us later on.

□ 1640

Mr. YATES. Mr. Chairman, I ask unanimous consent that all time on this amendment close in 20 minutes.

The CHAIRMAN. Is that also on all amendments thereto?

Mr. YATES. Yes, Mr. Chairman.

Mr. RAVENEL. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would hope that we would reject the Chandler amendment. This amendment will solve none of the problems of which the gentleman has spoken. It will simply create gridlock and create more trouble, more dislocation, in the areas that we are already concerned about.

Let me just inform the Members in the Chamber, and hopefully those that may be listening in their offices, that this is not a problem that is not getting our attention. The members of the Committee on Merchant Marine and Fisheries, the Committee on Agriculture, and the Committee on Interior and Insular Affairs, the chairmen of those other two committees and myself have spent an inordinate amount of hours working with members from the Pacific Northwest, working with outside organizations across the spectrum, trying to design a comprehensive solution to this problem so that we will not be back here on a species-by-species basis, so that we can in fact provide for the timber industry, so we can provide for the recovery of the spotted owl, the other endangered species in the area, so we can look forward and avoid the listing of many of the species of fish that are now threatened. That is how we should handle this problem.

Unfortunately, this has been thrown into the legislative arena because of the mismanagement of these resources by the administration, and we will now have to deal with it. I also happen to believe, and maybe I am more optimistic than most people here, that we will deal with it, and we will deal with it before this Congress ends, and we will deal with it on a comprehensive basis and we will deal with it on a prospective basis so more communities are not thrown into the kind of turmoil that we have already had in the Pacific Northwest.

It is not just about the Pacific Northwest. In my State of California we have the delta smelt that threatens to have the courts take over, the California water project, the Federal water project. In southern California, as the gentleman has already mentioned, we have the gnatcatcher, which has idled many people and prevented projects in southern Los Angeles all the way to San Diego County and Orange County.

We think we have the possibility of coming up with a model to deal with these problems in the future in the legislative arena, maintain the integrity, the purpose, and the benefits of the Endangered Species Act, but also being able to provide for economic activity.

To adopt the Chandler amendment throws all of that by the wayside. To adopt the Chandler amendment puts all of this back into gridlock. To adopt the Chandler amendment polarizes the sides again. We all go back into our respective caves and we start over from there.

The Chandler amendment brings nothing to this debate. The Chandler amendment solves none of the problems that are of concern to our colleagues immediately from the Pacific Northwest, and prospectively those of us in other States that are affected potentially by them. The Chandler amendment is completely destructive of the process set in motion by the Speaker of this House for the committees of jurisdiction to come together, engage in this debate, and come up with this solution. But that is the order, the regular order of the legislative process.

The Chandler amendment is nothing more than a grenade in that process. As I sit here on the floor I can look at this floor and I can see those negotiations taking place right in front of me, because we respect the urgency of this problem.

Either the Members respect this process or they do not, but as the chairman of a committee that is deeply involved in this, I must tell the Members that that is what is happening in the legislative process. That is tedious. As one of my colleagues reminded me the other day, the concept is easy, the devil is in the details, but we are going after the devil in the details in a comprehensive fashion.

The chairman, the gentleman from Texas [Mr. DE LA GARZA], and myself are working on this in the manner in which it needs to be done. Chairman JONES is participating in the negotiations if we do get into the Endangered Species Act.

The point is this, that this amendment is completely destructive of that process. This amendment causes us great heartache in California, where we are on the verge of being engaged in the Endangered Species Act by the courts.

I ask the Members to give their colleagues an opportunity to deal with this problem. I ask the Members to give their colleagues an opportunity to present to them a solution, and not to support the Chandler amendment, because it is destructive of everything that the gentleman from Washington [Mr. CHANDLER] says he wants as a result, it is destructive of what almost every speaker has gotten up here and said they want as part of the result.

I would urge my colleagues not to support this amendment and to recognize that there is another way, much more comprehensive, and will provide relief in a much quicker fashion to those communities that are stressed as a result of the Endangered Species Act.

Mr. DANNEMEYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would ask the gentleman from California [Mr. MILLER] before he leaves the Chamber, may I ask him a question?

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. DANNEMEYER. I yield to the gentleman from California.

Mr. MILLER of California. Yes, Mr. Chairman, I will.

Mr. DANNEMEYER. Would the gentleman be willing to accept an amendment to this amendment which would say that in America humans are more important than animals?

Mr. MILLER of California. I would say to the gentleman, that is already our position, so I thank him.

Mr. DANNEMEYER. Would the gentleman accept that amendment?

Mr. MILLER of California. If the gentleman will continue to yield, the gentleman is being cute and clever, but the gentleman is not addressing the issue.

Mr. DANNEMEYER. No, Mr. Chairman.

Mr. MILLER of California. Mr. Chairman, would the gentleman yield for a response?

Mr. DANNEMEYER. Will the gentleman from California accept my amendment?

Mr. MILLER of California. Would the gentleman from California yield for my response? I would not accept his amendment.

Mr. DANNEMEYER. Then I reclaim my time.

My question to the distinguished chairman of the Committee on the Interior, the gentleman from California [Mr. MILLER], is to put the focus on this debate where it belongs. The reason he is unwilling, in my judgment, to accede to my modest request to affirm what Genesis tells us, that humans are more important than animals in America, is because Congress does amazing things.

When we adopted the Endangered Species Act in 1973, it became the policy of this country, and we should all understand it today. There is absolutely no requirement that in the decision to list one of these critters that we give any consideration to the impact on human beings. If we do not

amend this act to put some balance into the decision, when we decide to list one of these critters, this act has the potential of shutting down the economy of this country.

I rise in support of the modest amendment of my colleague, the gentleman from Washington [Mr. CHANDLER], because when we cut off the money to finance listing, it has a beneficial effect. I have a bill in, H.R. 4058, which requires balance in the decision when we list a critter, that we give equal consideration to the impact on human beings.

I will say again to some of my colleagues that may be in the Chamber or in their offices in this building today, there is nothing in the Federal Endangered Species Act that requires that we give any consideration to the impact on human beings, property, jobs, and businesses when the decision is made to list a critter.

Let me tell the Members what this has done to my State of California. The timber industry that used to flourish in northern California is now just about down the tube because of the concern over the spotted owl. The agricultural industry in the central valley is on the verge of losing tens of thousands of jobs, tens of thousands of jobs, because of the chinook salmon; a subspecies, by the way, not the species of the chinook salmon, that is in abundance off the Golden Gate of California.

In the entire State of California, the construction industry is in danger today because of the possibility that the gnatcatcher may be listed. Now the State of California EPA, bless its heart, concluded that we will not list the gnatcatcher in the State of California, but now what do we see? The Federal Government, the EPA, the friends of my colleague, the gentleman from California [Mr. MILLER], they are sniffing around in my State to find out whether they are going to list the gnatcatcher.

If the gnatcatcher gets listed it is going to delay or cancel projects that have been on the drawing board for months and years; namely, for building freeways and houses for people who want to live in the State of California.

If we want to provide a means for the American people to be reemployed, what we need to do is to adopt this amendment and send a message to our good friend, Manuel Lujan, Secretary of the Interior, to cut out the nonsense of saying as a policy in this country that animals are more important than people.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. DANNEMEYER. I yield to my friend, the gentleman from California.

□ 1650

Mr. MILLER of California. You know, it never says that animals are more important than people. It does not say that anywhere.

Mr. DANNEMEYER. But the law does.

Mr. MILLER of California. If the timber industry is losing jobs it is not because of the spotted owl, it is because of the recession that you guys created that we are now living in and nobody is buying those houses.

I want to see if you guys are awake over there.

But the point is this: If the air is poisoned for the owl or the water is poisoned for the salmon, then people are not going to survive either. It is that simple, and the gentleman knows that. This is about protecting our planet and sustaining human life. And unfortunately, what we find out from time to time is that people like the gentleman are prepared to sacrifice all of the animals, all of the habitat, all of the species, and eventually we get to human life.

Mr. DANNEMEYER. Reclaiming my time, Mr. Chairman, regular order.

(By unanimous consent, Mr. DANNEMEYER was allowed to proceed for 2 additional minutes.)

Mr. DANNEMEYER. Mr. Chairman, last year, and I am not being facetious necessarily, I filed a written request with the Department of Interior under the Endangered Species Act on behalf of the employed and unemployed workers in the State of California, that they be listed under the Endangered Species Act. Do my colleagues know what the response was? It was a formal written response from the folks at the Department of the Interior:

DEAR CONGRESSMAN: The law does not permit us to give consideration to the impact on human beings. Very truly yours.

I will say to my colleague, the gentleman from California [Mr. MILLER], my legislation does not repeal the Endangered Species Act. Some want to do that. I do not think we should do that. But I think we need some balance in the law. If we are going to make a decision to list a critter, we at least ought to know the impact on human beings when the decision is made in terms of jobs that are lost, private property that is taken or businesses that are destroyed. Right now those factors are totally and absolutely irrelevant. They are not taken into consideration.

That is not, in my opinion, with all due respect to my colleagues, sound public policy. It is nonsense.

As I say, if we do not amend this act to put this balance into the law, the act has the potential of shutting down the economy of this country.

There are some, not many, but some in the so-called preservationist movement of this country that want precisely this to happen. They have always envied the capitalistic system whereby capital is used to produce a good standard of living for we Americans, and they envy and deride the reality that that entails capital, and production, and profit. And some in this preservationist movement are using this movement today in the world, the so-called green party, to bring the benefits, in their view, of socialism to this country. Now not many of them, but some of them are of that persuasion. Dixie Lee Ray in her book, "Trashing the Planet," specifically identifies these zealots and the organizations they represent.

I hope we approve the amendment of my colleague from the State of Washington, and I thank him for his wisdom in offering it.

Mr. VENTO. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, I suppose sooner or later when we are debating such an amendment and the impact on the environment, that a Member would get into the conspiracy theories about what really is behind all of this. But what really is pushing and is at work here is the explosion of scientific knowledge in and our understanding of the ecosystem, some very complex ecosystems like the temperate rainforests, grasslands, boreal forests, areas like the Everglades, the tundra, and ecosystems throughout our Nation that are really operating under stress, and really the ecosystems of the Pacific Northwest and other areas that are under development pressure today really are crashing. They are having all sorts of problems because such ecosystems have been under such pressure and abuse. And actions in these areas have run aground with a whole host of different laws. It is not just the Endangered Species Act, which I would suggest to my colleagues if they look at the numbers of species that have been listed as threatened or as endangered, the Endangered Species Act really is working, and it really is only a number of species, a small number that constitute the bulk of the controversy with regard to this law to date.

So I think the effort here is in error, and I rise in opposition to the amendment of my good friend from Washington [Mr. CHANDLER]. I just think it is the wrong solution for the problem that we face.

In fact, the other laws that are also engaged in this, the Clean Water Act, NEPA, the Forest Management Practices Act which was articulated by my good friend from Oregon, Mr. AUCOIN, and of course F.L.P.M.A. the resource management plans under the BLM statute, all of these laws are engaged in managing the public land in the Northwest region. And the reason for gridlock is we have a Bush administration that rather than trying to work with these laws and apply them, in court, in court with judges appointed by the Reagan and Bush administra-

tions, they have reached decisions that they are not implementing the laws, and the Bush administration has been found in violation of implementation of various laws. This administration, the past administration, has been in a state of denial with regards to the nature of the problem in the Northwest. I mean the laws have not failed, but those who are administering and trying to implement them have failed to implement such laws. That is what the courts have told us, courts judges that have been appointed by the same administration.

Before we the Congress vote to trash the law it should be provided the opportunity to function. Do we want to suspend all the laws that are guiding the land use in the Northwest? Of course not.

Now our colleague comes to the floor with an amendment that says let us stop the flow of information, let us cut it off at the source; we do not want to learn anything more because the more we learn the more it interferes with what some have as their projected goals. That really is what is being said. Congress is going to stop this process, stop the flow of information, and somehow that is going to solve the problems, that is going to take us back to the thrilling days of yesterday when we could continue to cut 4 billion board feet out of the Pacific Northwest region 6, or just go about our merry way in terms of subdivision across this country. Business as usual is what this amendment suggests as the policy path. This is not going to work. We should have known and learned a long time ago that you cannot repeal knowledge, you cannot repeal an understanding. If anything, we need to put more resources in to this process.

And yes, I would say to my colleagues, we need a good land practices and management and designation that readdresses and comes to grips with that new information.

Working together, I think the chairman has outlined, Chairman MILLER and others on this floor have outlined the substantial effort to accomplish that. But not by cutting off and trying to destroy the Endangered Species Act which I think is necessary that deals with the complex ecosystems and the problems that exist. I think that is really not an appropriate solution.

I understand the frustration and the confusion that has been represented in my colleague's offering of the amendment and the debate that is going on this floor. But I think we are going to have to come together and try to solve the problem, not simply look for a slam dunk in terms of trashing the Endangered Species Act.

Mr. BURTON of Indiana. Mr. Chairman, I move to strike the requisite number of words.

In just a moment I will yield to my colleague from Washington, but I would just like to make a couple of observations.

Many people from urban areas have become ecological experts, and they are concerned about the spotted owl and a number of different species of fish, and they are concerned about the ecology of the country, and I compliment them for that. But they seem to be so callous, so callous when they think about the people who are losing their jobs in the Northwest and the ancillary industries where people are losing their jobs, and I just do not understand that.

Human beings do count. Human beings pay the taxes, human beings provide the jobs in this country, and we should be concerned about them just a little bit more, a little bit more than the spotted owl.

I just want to ask one question, and the question is this: Until a few years ago I never heard about the spotted owl, but I had heard about the freckle-faced lumberjack, the freckle-faced lumberjack who is now losing his job. Are we going to propose legislation before long to take care of the freckle-faced lumberjack because the freckle-faced lumberjack is an endangered species?

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

Mr. BURTON of Indiana. I yield to the gentleman from Washington.

Mr. CHANDLER. Mr. Chairman, I would just like to point out to my colleagues, and I am sorry to delay this, that neither gentleman from California expresses my point of view. My point of view today is frustration.

The gentleman from California, the chairman of the committee, points out that these processes take time and they are deliberate. Well, tell that to an unemployed mill worker in Forks. Try to address the fear of a farmer who depends upon Snake River water for irrigation. Go back and read the Atlantic Monthly article about the man who wanted to create jobs in the State of Oregon that was blocked from doing so by that butterfly that depended on grass that is disappearing anyway.

My point is what we need to do is amend the Endangered Species Act to address these concerns and bring about balance and concern for human beings.

□ 1700

This is not a proposal on my part to gut anything. It is not irresponsible. It is simply trying to raise a flag, and if the tension on this floor today and the emotions being expressed are any indication of the concern over this law, then I think this exercise was well worth my effort.

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

Mr. BURTON of Indiana. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I think the gentleman's point is well taken about raising the issue, because it is a very important issue, but yet I would like to point out that the gentleman who is chairman of the Committee on Interior and Insular Affairs has said that they have the reissue under very active consideration, and that they bring out a legislative bill before this Congress ends.

Mr. CHANDLER. Mr. Chairman, will the gentleman yield further to me?

Mr. BURTON of Indiana. I am happy to yield to the gentleman from Washington.

Mr. CHANDLER. Mr. Chairman, if I thought the views of the gentleman from California were even remotely related to mine, I would have a great deal more confidence that the outcome would result in jobs for out-of-work timber workers in the State of Washington.

Mr. BURTON of Indiana. Let me just say that I think it is extremely important that legislation be passed that cares about human beings as much as about these endangered species, and the gentleman from California has been messing with legislation dealing with this for years, and all the time that he has been messing with legislation to deal with this, thousands and thousands of people in various industries are losing their jobs. That is unacceptable. That is unacceptable.

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

Mr. BURTON of Indiana. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, we are in favor of voting. I have been trying to get a vote here for the last half hour, but Members have objected.

At any rate, I was going to ask unanimous consent to try to limit further debate on this amendment, and I wondered how many Members wanted to speak.

Mr. Chairman, I ask unanimous consent that all time on this amendment close in 15 minutes.

The CHAIRMAN. Does the gentleman from Indiana yield for this purpose?

Mr. BURTON of Indiana. I am happy to yield for this purpose, Mr. Chairman.

Mr. YATES. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 15 minutes.

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

Mr. RAVENEL. Reserving the right to object, Mr. Chairman, I will not object so long as I speak.

Mr. THOMAS of California. Mr. Chairman, reserving the right to object, I would like to be on the list as well.

Mr. YATES. Mr. Chairman, I withdraw my unanimous-consent request.

The CHAIRMAN. The gentleman from Illinois withdraws his unanimous-consent request.

Mr. BURTON of Indiana. Mr. Chairman, I make a request that we limit debate to 30 minutes.

Mr. YATES. Mr. Chairman, I ask unanimous consent that all time on this amendment close in 30 minutes.

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

Mr. RAVENEL. Reserving the right to object, Mr. Chairman, as long as I know my name is on that list, I would not object.

The CHAIRMAN. The Chair will assure the gentleman his name will be protected on the list.

Mr. RAVENEL. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois [Mr. YATES] to limit debate on this amendment and all amendments thereto to 30 additional minutes?

There was no objection.

The CHAIRMAN. Members standing at the time the unanimous-consent request was agreed to will be recognized for 3 minutes each.

Mr. BURTON of Indiana. Mr. Chairman, my time has not yet expired, and reclaiming my time, let me end by saying this, and that is this: Let us care as much about human beings as we do about endangered species.

The CHAIRMAN. The Chair recognizes the gentleman from Washington [Mr. MCDERMOTT].

Mr. MCDERMOTT. Mr. Chairman, I rise in opposition to the Chandler amendment and submit an editorial about it that appeared recently in the Seattle Times.

This amendment has been presented as a way to fix the Endangered Species Act. But this amendment in no way attempts to make the ESA better or more efficient; nor does it attempt to deal with the real problems that are occurring on our Federal lands over the management of our natural resources. What this amendment really does is further a misguided crusade to destroy the Endangered Species Act and ignore scientific evidence.

A Seattle Times editorial describes this amendment as "a head-in-the-sand approach. Downplaying science will not change the fact that animals and their habitats are in jeopardy. The only effective way to solve the endangered species problem is to manage resource lands before they reach crisis."

Mr. Chairman, what this amendment would really do is create more crises like the one we are facing in the Federal forests of the Pacific Northwest.

This crisis has come about because of the administration's own actions. Harvesting has been stopped in the Northwest by court injunctions issued because of this administration's refusal to comply with the law. That is the determination of a Federal judge nominated by a Republican senator and appointed by a Republican President, Ronald Reagan.

Even if the northern spotted owl had not been listed as an endangered species, the environmental degradation resulting from heavy logging would still be taking place, and yes, jobs in the timber industry would still be on the decline.

I urge my colleagues to reject the head-in-the-sand-approach. Reject the Chandler amendment.

The editorial previously referred to is as follows:

[From the Seattle Times, July 21, 1992]

SOLUTIONS LIE IN SMARTER SCIENCE, BETTER LAND USE

Rep. Rod Chandler has prepared an amendment to cut $8.5 million out of the Interior Department appropriations bill for listing of endangered species. A vote in the House is scheduled for tomorrow.

Chandler doesn't expect to win on this one. The amendment merely gives him an opportunity to challenge the existing Endangered Species Act on the House floor. Congress will not debate the merits of the act this year, but Chandler, a Republican candidate for Senate, has made relaxing the law an issue in his campaign anyway.

His funding cut proposal would stop the U.S. Fish and Wildlife Service from processing plants and animals that have been nominated for federal protection. Pending applications for 130 plant and animal species would be stalled, without regard to scientific findings.

Chandler's amendment to the act itself, released in May, would go much further. In trying to prevent another "spotted owl" situation where the endangered-species law affects land use, Chandler has drafted a plan that would swap biological facts for economic considerations.

Under current law, species are listed for protection on the basis of the best scientific evidence. Chandler would prevent any listing unless all economic impacts have been quantified. He also would require the Attorney General to assess the potential for a "taking" of private property and certify that any regulation minimizes infringement on property interests.

Mixing economics into the initial scientific determination would make new listings extremely difficult. Worse, Chandler's plan would make it easy to deny protection to species that make it through the stringent listing process.

Chandler would transfer the powers of the "God Squad"—the seven-member cabinet-level committee with authority to grant exemptions—to the Interior secretary. In other words, the Interior department would be able to override its own regulations. The God Squad would exist only in a weakened appellate role.

The plan eliminates any requirement that successful applicants for exemptions pay for environmental mitigation. And, federal agencies would be required to apply for an exemption from the Endangered Species Act if the Fish and Wildlife Service determines an agency's action would jeopardize a species.

Protection for "threatened" species—such as the spotted owl—would be severely limited. Harassing or harming a threatened species would be allowed; only hunting or trapping the creatures would be illegal.

Although Chandler tries to sell his plan as a moderate proposal, his is a head-in-the-sand approach. Downplaying science will not change the fact that animals and their habitats are in jeopardy. The only effective way to solve the endangered-species problem is to manage resource lands before they reach crisis. And that requires more and better science, not less.

The CHAIRMAN. The Chair recognizes the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Chairman, I have listened very carefully to this debate today, and I want to compliment the gentleman from Washington [Mr. CHANDLER] for bringing this amendment to the floor.

What we are talking about is a Congress, and I will say it, that that side has been in control for 38 years or longer, 52 years, that has passed laws, and I have voted for the Endangered Species Act, that passed laws not taking into consideration the impact upon the human being.

I challenge you to name one bill after 1974 that this Congress has passed that creates real jobs. But I have seen a lot through the Endangered Species Act, the Clean Air Act, and I can go on and on and on of taking jobs away from existing working Americans, and I want somebody to answer me now, answer me as to one of those bills, one bill that actually has created jobs.

The chairman of the Committee on Interior and Insular Affairs has never passed a bill out of that committee, and I am the ranking member, that created new jobs. There are government jobs. They are government jobs but not real jobs.

Now, as one who voted for the Endangered Species Act, and by the way, we estimated at that time that there would be a few species that would be listed. We have listed 1,500 now, and there are 3,000 potential ones already listed.

We are talking about $8 million, so there will not be any more listed.

I am not talking about the spotted owl or the chinook salmon. They list little types of plants. You cannot build a home if one of those exists in that area, if some scientist says they are endangered. This is the fault of the act itself.

We reward the so-called scientists that go out and look for endangered so-called species without any consideration to the human being, and that is where the act is flawed.

Now, by the way, the act originates in the Committee on Merchant Marine and Fisheries, not the Committee on Interior and Insular Affairs. We will hopefully address that issue.

But this debate today, I have heard my chairman, I have heard from the chairman of the Committee on Merchant Marine and Fisheries, on the subcommittee, I have heard from members of this committee, and when we start debating this issue, you are going to be under tremendous pressure not to change the act at all, to leave it as it is.

The gentleman from California [Mr. DANNEMEYER] caused a great stir on this floor. He brought up a very valid point, and I will guarantee you that if we do not change it to consider the human factor, we will have a revolution in this country.

You wonder why our jobs are going overseas. I listened to the gentleman running for the Presidential nomination on your side of the aisle. He is going to create employment doing what? Educating whom, for what?

The resources of this country are the only way we can create real dollars, and otherwise we have to import.

And if it is the Clean Air Act, the Endangered Species Act, all these other acts that we passed in this body, taking away jobs from Americans, and then we buy that product from overseas, we are doing something that is morally wrong.

If you want to solve that problem, then pass a resolution or a law that says we cannot buy anything from overseas from a third-rate country. We cannot do that as long as we have these laws in place.

But the gentleman from Washington did bring up a good point. We have had the discussion, and if we are going to address this issue, let us do it, because the law is not working. It is going to collapse under its own weight.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. SCHEUER].

□ 1710

Mr. SCHEUER. Mr. Chairman, this is an ill-conceived amendment. First of all, this is not the time or the place to consider changes to the Endangered Species Act. When the time comes, there are well-thought-out and very justified changes to the basic functioning of that act.

We have found over a number of years that from the cost benefit point of view, if you compare the effort and the expense expended over a period of 3, 4, or 5 years before a species is declared endangered that there is a very small number of species that we are really able to save, because in that time where the bureaucratic mill grinds, most of those species that were endangered when the application was first made are gone, are dead, are history, and only a very small number of them have been preserved at a tremendous expense per species saved.

What we need to do is discard the endangered species philosophy and move ahead to preserve endangered ecosystems. If you set out to preserve 10, 25, 50, or 100 acres where there is a rich profusion and great variety and heterogeneity of both plant and animal life, then you can accomplish something, then you can apply preventive medicine and prevent those species, both plant and animal, from becoming history, from disappearing finally and with absolute certitude from our planet. Then you would inject some cost effectiveness into the system because you would save a great many species, both plant and animal; but to proceed along the lines that we have now trying to identify a particular species and going through this horrendous bureaucratic process for 3, 4, or 5 years, and then find out at the end of that time that it has disappeared from terra firma in perpetuity is a big mistake.

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

Mr. SCHEUER. I am happy to yield to my colleague, the gentleman from Washington.

Mr. CHANDLER. Mr. Chairman, I just would like to compliment the gentleman on his statement. I agree with the gentleman. It is further reason why we should consider reauthorization of this act.

Mr. SCHEUER. Mr. Chairman, I thank my colleague.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. THOMAS].

Mr. THOMAS of California. Mr. Chairman, everyone knows why we are trying to delete money in this bill. This is an appropriations bill. If we were trying to legislate on an appropriations bill, there would be a point of order raised against it.

What we are trying to do is to focus on the fact that this act, no matter how well-intentioned it was in is creation in 1973, in its application it is simply berserk.

Let me give you one example that occurred in downtown Bakersfield where Highway 58 and Highway 99 converge. We are building cloverleafs for the freeway interchange in the middle of the city.

Now, along comes a kit fox and decides to spend the night. It has a choice. It can dig in the hard natural dirt, or it can dig in the softer dirt that had been piled up for the freeway. Guess where it dug? In the softer dirt, and guess what happened. They shut down the building of that cloverleaf. For how long? For as long as the kit fox wanted to stay there.

Some people speculated it was a female kit fox and she was building a nesting den, so the newspapers followed on a daily basis, is it a she or is it a he?

Some of us hoped that it would spend a difficult night near the freeway and move on somewhere else; but no, all those workers on the freeway were out of a job until that kit fox decided to leave.

By the way, it was not a female. It was not building a nesting den and it did move on and those people were out of work until it did. That is what is wrong with the Endangered Species Act.

We ought not to appropriate any more money until we get on with the business of amending the act so that it is a realistic act, a realistic response to endangered species and the need to deal with economics.

I, too, want to support the statement of the gentleman from New York [Mr. SCHEUER]. The idea of preserving ecosystems is far more intelligent than placing a label on an animal as endangered and wherever it goes, whatever man is doing he must cease in favor of the animal. Currently that is what the law does. It is wrong and it needs to be changed, and until it is changed there should be no money spent for it.

Mr. Chairman, I compliment the gentleman from Washington on his amendment and urge my colleagues to support it.

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina [Mr. RAVENEL].

Mr. RAVENEL. Mr. Chairman, I yield briefly to the gentlewoman from Nevada [Mrs. VUCANOVICH].

(Mrs. VUCANOVICH asked and was given permission to revise and extend her remarks.)

Mrs. VUCANOVICH. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I rise in support of the Chandler amendment to strike $8.5 million of funds to list more species as threatened or endangered.

However, Mr. Chairman, the Endangered Species Act is due for reauthorization this year. The authorizing committees have seemed to successfully dodge the issue, again, in this election year. The bottom line is that the current law is so far reaching, and so inflexible, that it is contributing to the economic woes of our country.

Since implementation, the act has drawn much criticism from both sides of the issue. Environmentalists claim the act is only a superficial attempt to preserve threatened and endangered species from extinction and are seeking a much stricter reauthorization, while developers and other land users feel the law goes too far and does not take into account the possible economic hardships often caused by implementation.

While I believe in the need to protect each and every species, I question the restrictiveness of a law that does not take into account the human element.

In the 1973 Endangered Species Act, Congress prohibited consideration of socioeconomic factors in listing a species as threatened or endangered.

The absence of any type of constraint has led to considerable restrictions on the use of both public and private land. Curtailment of development has proven to be detrimental to affordable housing, the timber and ranching industries, energy development, mineral development, development of safe transportation systems and water systems, to name just a few.

I urge my colleagues to support the Chandler amendment in order to force the hand of the authorizing committees' chairmen to craft an Endangered Species Act with flexibility; one that would allow economic consequences to be considered in the listing of an endan-

gered species, allow adverse consequences to humans to take precedence over the protection of plants and animals and require that regulatory actions on private property rights minimize encroachments on private property rights whenever possible.

Again, I urge support for the Chandler amendment.

Mr. RAVENEL. Mr. Chairman and fellow Members, I am not mad at anybody. I am not involved with the spotted owl or the ancient forest battle going on out in the Northwest, not at the present time; but I am down there in South Carolina, and I want to tell you that the folks from my district, which is the First Congressional District of South Carolina, we are just absolutely delighted with what has happened as a result of the passage of the Endangered Species Act.

The first thing that was listed down there as threatened was the bald eagle. I wish the gentleman from California [Mr. DANNEMEYER] were here. I know he would not wish that the bald eagle would disappear from the skies of America, but we were down to 12 nesting pairs in 1977. Everybody got involved in the act, the local authorities, the municipal authorities, the State authorities, the EPA, everybody got involved. The public got emotionally involved in saving the eagle, and this year we have had more than 80 nesting pairs. We are getting close to sky high for us, 100 nesting pairs of bald eagles in South Carolina, and when we hit that 100 nesting pairs we are going to have an eagle celebration.

The next thing that came along, we found that the loggerhead turtle, which has been around for 200 million years, was being killed. You all have heard of this battle. I see some folks out there who have been involved in it, not on my coast, but on other coasts. They were getting killed by the thousands, being drowned in shrimpers' trawl nets. It was listed as threatened. Everybody got involved to save the loggerhead turtle.

We developed the turtle excluder devices. There was opposition from our shrimpers. It all calmed down. The technology has been improved and this year the strandings from drownings in trawl nets has just about dropped to nothing and we are having a great nesting year on our coast.

The next thing that came along was a 10th cousin of the spotted owl. It is known, I say to the gentleman from California [Mr. HERGER] as the red cockaded woodpecker. When Hurricane Hugo came along, it devastated the Francis Marion National Park, and everybody said, "Oh, man, the woodpecker is gone." The Forest Service, the Fish and Wildlife Service, everybody cooperated, preserving the red cockaded woodpecker. They did everything they could, with artificial nesting sites and what have you, and this year, 3 years after the great hurricane roared through and destroyed that forest, we got approximately 500 nesting pairs of red cockaded woodpeckers.

All you guys who are up for election this fall, I do not know how it is in your districts, but let me tell you how it is in mine, and I run as a Republican. My district has been demographically speaking a Democrat district. The folks who love the environment and who support the Endangered Species Act, they do not care whether you are Republican, Democrat, Communist, Fascist, or what. It is how you feel about the environment is how they vote. That is why I just want to get up here and say a nice word about the Endangered Species Act.

The CHAIRMAN. The time of the gentleman from South Carolina [Mr. RAVENEL] has expired.

(At the request of Mr. CALLAHAN, and by unanimous consent, Mr. RAVENEL was allowed to proceed for 30 additional seconds.)

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

Mr. RAVENEL. Yes; I yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Chairman, while we are talking about the Kemp Ridley turtle, let us talk about the problem.

Mr. RAVENEL. No. sir. We were not talking about Kemp Ridley. We do not have that.

Mr. CALLAHAN. We were talking about turtle excluding devices that has been imposed on the shrimpers of the Gulf of Mexico and all over this country.

Let us talk about the economic impact of what this has caused to those shrimpers. Let us talk about the fact that the Mexicans are still shrimping in the same waters that our American shrimpers are not permitted to shrimp in without a turtle excluder device and let us recognize that this has caused a great economic detrimental impact to the shrimpers of the United States of America.

The CHAIRMAN. The time of the gentleman from South Carolina has again expired.

(By unanimous consent, Mr. RAVENEL was allowed to proceed for an additional 15 seconds.)

Mr. RAVENEL. Mr. Chairman, I was not talking about Kemp Ridley. I was not talking about the gulf. I am talking about good old Charleston, SC. I am just telling you our experience with the act. We support it and we are happy with it and we do not want to do anything to change it.

Mr. CALLAHAN. Mr. Chairman, if the gentleman will yield further, would the gentleman support removing it from the Gulf of Mexico if we let him keep it off the coast of North Carolina?

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. HERGER].

□ 1720

Mr. HERGER. Mr. Chairman, I rise in strong support of this amendment, which is being offered because of Congress failure to address problems associated with the Endangered Species Act. We must consider reforms which create a balance between the worthy goal of protecting threatened and endangered species but also providing for the well-being of American families and the economy which sustains them.

In recent years, the inflexibility of the Endangered Species Act has taken a significant human toll in terms of jobs and businesses lost. In northern California, it is one of the prime causes of unemployment rates double and even triple the national average. As such, reform of this law is one of the most important legislative issues to the people of my district. Yet, even though the law is up for reauthorization this year, there have been no hearings held in the House.

The problems with the current Endangered Species Act go beyond the adverse impacts on our economy. The act has not been successful in assuring the recovery of the plant and animal species it seeks to protect. The record of implementation shows clearly that the process of listing species, designating critical habitat, and adopting recovery plans has failed to provide for the recovery of truly endangered wildlife. Congress must address this issue before more taxpayer money is wasted in implementing a law which fails to accomplish its intended objectives and adversely impacts millions of workers and private property owners.

I urge my colleagues to support this amendment.

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

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

Mr. CHANDLER. I thank the gentleman for yielding.

Mr. Chairman, I would just like to point out that it has been 3 years that we have been waiting for legislation to address the timber problem in the Northwest. We have obviously seen other Members address other endangered or threatened species and the problems that created.

Mr. Chairman, the Endangered Species Act needs to be authorized and it needs to be amended. What we have done today is take a lot of your time, Mr. Chairman, and I regret that and I apologize, but I will have to tell you it was an act of frustration and an act of desperation to get this issue out here on the floor before the American people where it belongs.

I thank you for your indulgence, and I am glad we did what we did today.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I think the subject has been well discussed and

well debated. You know, in everything that we do on the floor, generally we have at least several interests and invariably we attempt to balance those interests, whether it is the rail dispute with labor and management on the two sides, or a law that affects landlords and tenants, or a criminal law that affects defendants and victims. We balance interests.

I think the frustration that we have had, and those of us who have spoken on the side of the gentleman from Washington [Mr. CHANDLER] with respect to reauthorizing this act, is that there is no balance and there can be no balance because there is no provision for the consideration of human activity and the value of economic actions that ultimately come about as a result of the Endangered Species Act that endanger, in fact, humans.

I think the one basic truth that we would ask the House to consider, and the chairman of the committee to consider, is the fact that this Endangered Species Act does have economic consequences, and we cannot talk around that.

It does have economic consequences.

It has put people out of work, and it is putting people out of work throughout this country. The argument that comes back is that, "It might be worth it." I think the rebuttal to that has to be listened to by the chairman of the committee and members of the committee because in many cases we have had situations where we have spent literally millions and millions of dollars to preserve a minutiae of habitat for endangered species that makes no sense. Even if you are a conservationist, that is.

In San Diego, CA, in one area where we had spent, because we had two birds nests in the way of a proposed highway bed, we built a detour at the cost of many millions of dollars. We could have taken those millions of dollars and bought mitigating habitat, thousands of acres, for the same species and thereby support that species in a much better fashion than simply rerouting the highway around that particular riverbed.

So, what we have done is lost our balance here, and we have to regain it. And if we do not regain it, we are going to see more and more Americans out of work.

In answer to the gentleman who said—he quoted an editorial that says we have to manage resource lands long before they reach crisis, the problem is you have a crisis by definition in many places even though you may have thousands of acres of coastal sage or thousands of acres or millions of acres of mountain land or forests, you have some species which simply are not well populated.

If you start from the point of view that you cannot do anything at all to endanger that species, you are going to absolutely bring working men and women of this country to a grinding halt.

I appreciate the gentleman's efforts. I think the truth of it is he has invoked an excellent debate today.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. MILLER]

Mr. MILLER of California. Mr. Chairman and members of the committee, again I would ask that we reject the Chandler amendment. The Chandler amendment is sort of the last piece in a rather intricate puzzle that has been placed by this administration where they hope to get the Congress to confront the outright repeal of the Endangered Species Act because this administration, where they have had the opportunity to provide remedy to the species, to the communities, to the workers, to the economic interests, have refused to do so at every point.

That is laid out from the Dwyer decision, where they cite time and again the violations of law and the failures of this administration to comply with the laws, the deadlines, and the dates necessary to bring about the proper implementation of the Endangered Species Act.

Finally, let me say those of us who support the Endangered Species Act do not need any lectures on unemployment from the people on the other side of the aisle or from this administration which has unemployed millions of Americans, sat idly by while the recession took hold and became a depression, sat idly by while we tried to provide extended unemployment benefits, vetoed that bill; sat idly by again. We sent them another bill, and they vetoed the unemployment benefits. Now all of a sudden we are terribly concerned about the unemployment on the other side of the aisle, when they think they can use the unemployed to get rid of the Endangered Species Act. It is a disingenuous argument. It will not work. It cannot have any credibility, coming from the other side, because they have watched 9 percent of the people in the State of California become unemployed, not because of the Endangered Species Act but because of the economic policies of this administration.

Finally, let me say, Mr. Chairman, that the Endangered Species Act, the Clean Water Act, the Clean Air Act, they are here to protect human species. They are here to give us warning about the toxic levels of pollution of our waters and our air, about the loss of habitat that sustains life itself on this planet. These endangered species that we have sacrificed, where we have seen millions of salmon in Mr. HERGER'S district, now become 10, 11, 15, 20 salmon, which had provided economic benefits to that district, that are now gone.

He had to tell his motel owners, he had to tell the resort owners, he had to tell the sports fishermen, the people at the hardware store that they do not need those tourist dollars or the sports fishing dollars any longer.

The State of New Jersey wanted to plant California salmon this past week. They thought it would create a $500 million-per-year industry.

The State of Michigan did it because they saw it as a renewable half-a-billion-dollar-per-year industry. That is what the Endangered Species Act is about. You can poke fun at the science, you can poke fun at the little bitty critters, but the fact is it is about sustaining human life and a sustainable environment on this planet.

Mr. Chairman, I would hope we would reject the Chandler amendment. It is destructive to the whole notion that we will be able to negotiate out a comprehensive solution.

Mr. WELDON. Mr. Chairman, I rise in opposition to the Chandler amendment, which would eliminate funding for the listing of species as endangered or threatened. As many of my colleagues are well aware, the Endangered Species Act represents an important national commitment, our children and the world to end the tide of species extinction. The Chandler amendment undermines that commitment.

The problem of species extinction will not disappear simply by ignoring it, yet that is the approach taken by the Chandler amendment. Scientists tell us that we are losing up to 100 species-a-day around the world, and the rate is accelerating. In the United States, more than 3,500 imperiled species are without protection while the U.S. Fish and Wildlife Service determines whether to list them as threatened or endangered species.

According to a recent General Accounting Office report, from 1987 to 1991, only 33 to 53 species-per-year have been added to the endangered species list. Simple math shows that, at that rate, it will take 65 to 100 years to list the species now on the waiting list. Instead of addressing this problem, the Chandler amendment would exacerbate it by halting all listing in the next fiscal year.

The Chandler amendment would also block the U.S. Fish and Wildlife Service from taking recovered species off the list or upgrading their status from endangered to threatened. In my own State of Pennsylvania this would mean that, despite the fact that the number of bald eagle nesting pairs doubled in the 1980's, the U.S. Fish and Wildlife Service could do nothing to determine whether their improved status merits taking them off the list.

Similarly, the Chandler amendment would preclude the U.S. Fish and Wildlife Service from carrying out programs known as prelisting activities, which are designed to prevent species from declining to the point where they must be listed as endangered. Again, rather than addressing the real problem of preventing species from becoming endangered in the first place, the Chandler amendment would actually exacerbate the problem.

Mr. Chairman, the Endangered Species Act is an important law. It is a law that, for 20 years, has successfully balanced the conservation needs of species with the development needs of the Nation. As the Congress

considers the reauthorization of the Endangered Species Act in the coming months, we will look carefully at ways to improve it and make it more effective in solving the difficult problem of species extinction. As we conduct our review, though, we must maintain our existing efforts to solve the extinction problem. Pretending that the problem of extinction does not exist is not a solution. For this reason, I oppose the Chandler amendment.

Mrs. MINK. Mr. Chairman, I rise today in strong opposition to Representative CHANDLER's amendment to delete $8.5 million in funding earmarked for the Fish and Wildlife Service to list species as endangered or threatened under the Endangered Species Act.

The number of endangered species is growing. If we pass this amendment we will hamstring our efforts to get this crisis under control. Today, there are over 3,500 imperiled species awaiting listing. If we pass the Chandler amendment we will not be able to begin protecting them. In addition, the prelisting process, which prevents species from becoming endangered, would also be put on hold. And efforts to remove recovered species from the list, or to upgrade the status of a recovering species from endangered to threatened, will be stymied.

Mr. Chairman, this does not make sense. We may need to make changes in the Endangered Species Act, but it would be foolish to put the entire process on hold until we do. We simply have too much to lose.

The situation in my own State will give you a sense of the seriousness of this issue. No other place on the planet has a greater concentration of rare and endangered plants and animals than Hawaii, but we also have the most alarming concentration of species teetering on the brink of extinction. More than 20 percent of the Nation's endangered birds and plants are from Hawaii alone, and the number is increasing. Twelve endangered forest bird species are down to such low numbers that they may be beyond recovery, and for at least 93 Hawaiian native plant species, fewer than 100 of each survive among the islands.

The loss of these species indicates that something very serious is happening to our islands. In Hawaii, we recognize that we are at a crossroads—we can either move to save these species, or lose them forever. We are doing everything we can to meet this crisis head on, but extinction in Hawaii continues at dangerously high rates.

I think it is important to remember that when we protect endangered species we maintain an important resource for ourselves, and our future generations, because saving a species means saving an ecosystem. The issue is not just endangered species but biodiversity. And declining biodiversity has serious implications for human populations.

In Hawaii we often speak of the interrelationship of every living thing. We believe that each species has an important place in our environment. We must remember how critical it is to protect and preserve the richness of our natural world. These lessons are not just important for us and our islands. They are crucial for our Nation and our world.

Nearly all of our medicines, and most of our pharmaceutical breakthroughs, are derived from plants and animals, many of them rare. When a species becomes extinct we have no way of knowing what medical or genetic secrets it may hold.

Entire ecosystems also provide valuable services such as the recycling of nutrients, purification of water, and the fixation of carbon dioxide. Mr. Chairman, the preservation of the diversity of life on this planet is a wise investment in our future.

The Chandler amendment would halt the progress being made. I would remind you that once endangered species are gone, they are gone forever. I urge my colleagues to vote "no" on this amendment.

The CHAIRMAN. Does the gentleman from Washington seek recognition?

Mr. CHANDLER. Mr. Chairman, I ask unanimous consent that I be allowed to withdraw my amendment.

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

There was no objection.

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

(Mr. SHARP asked and was given permission to revise and extend his remarks.)

□ 1730

Mr. SHARP. Mr. Chairman, I rise in support of H.R. 5503 and commend the chairman, the ranking member, and the committee on a very difficult task with very limited resources. My concern, which I have expressed many times in the Chamber, has to do with the strategic petroleum reserve and trying to make sure we at least spend the money from the sale of oil that we made in January 1991. That that gets back into the reserve, and there was an opportunity under the current law to actually force the movement of oil in the naval petroleum reserve down there, but most of us agree that that is a potentially expensive way to do it. So, I have withheld the possibility of objecting to the waiver of a point of order here, but, Mr. Chairman, I am very pleased that the committee and others have been trying to work out a way to see to it that in conference we are able to continue to fill the reserve, and I appreciate that, and I just want to doublecheck that with our colleagues here.

As I understand it, the Members will be seeking to find a way to pay for the oil for the SPRO, that the amount we hope will be at least that that was transferred from the Desert Storm account, and I would appreciate the chairman's confirmation of that.

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

Mr. SHARP. I yield to the gentleman from Illinois.

Mr. YATES. Yes, I say to the gentleman that I will work in conference to obtain funds to pay for the oil for SPRO.

Mr. SHARP. Mr. Chairman, I thank the gentleman from Illinois [Mr. YATES].

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

Mr. SHARP. I yield to the gentleman from Ohio who was particularly instrumental on this issue.

Mr. REGULA. Mr. Chairman, I would endorse the chairman's remarks and also work with the chairman of the appropriate committee to ensure that there is an adequate SPRO fill.

Mr. SHARP. Mr. Chairman, I appreciate that. This is very important. We have an economic crisis, and this committee has been very dedicated over the years to make sure it is there, and I appreciate it in these very difficult times, their continuing help.

AMENDMENT OFFERED BY MR. DORGAN OF NORTH DAKOTA

Mr. DORGAN of North Dakota. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DORGAN of North Dakota: Page 97, after line 3, insert the following new section:

SEC. 319. The amounts otherwise provided in this Act for the following accounts and activities are hereby reduced by the following amounts:

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

Expenses, $9,754,000.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

Expenses, $12,372,000.

CONSTRUCTION

Expenses, $2,424,422.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

Expenses, $4,646,000.

BUREAU OF MINES

MINES AND MINERALS

Expenses, $2,661,000.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

Expenses, $808,000.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

Expenses, $12,583,000.

CONSTRUCTION

Expenses, $579,000.

RELATED AGENCIES

Department of Energy

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

Expenses, $690,000.

STRATEGIC PETROLEUM RESERVE

Expenses, $805,000.

Other related agencies

NATIONAL GALLERY OF ART

Salaries and expenses, $694,000.

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

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

There was no objection.

Mr. YATES. Mr. Chairman, reserving the right to object, I would like to find

out what the thrust of the amendment is.

Mr. DORGAN of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from North Dakota.

Mr. DORGAN of North Dakota. Mr. Chairman, this is the amendment that would cut $48 million in various accounts in the Interior bill related especially to overhead and related costs.

Mr. YATES. Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

Mr. DORGAN of North Dakota. Mr. Chairman, I offer this on my behalf and on behalf of the gentleman from Texas [Mr. SMITH], on behalf of the gentleman from Minnesota [Mr. PENNY], and the gentlewoman from Missouri [Ms. HORN], and I will explain it as well, but let me first yield to the gentleman from Texas [Mr. SMITH] who has done a fair amount of work on this issue of indirect expenses and overhead costs.

Mr. SMITH of Texas. Mr. Chairman, I offer this amendment for myself, Mr. DORGAN of North Dakota, Mr. PENNY of Minnesota, and a clear majority of our colleagues who have supported one or more similar amendments in recent weeks.

My thanks to each, but in particular, to Mr. DORGAN and Mr. PENNY for their unceasing efforts.

Together, we seek our colleagues' support to better control Government overhead spending.

We have a choice.

Either cut programs and people, or control overhead costs.

Government overhead costs for travel, utilities, communications, supplies, and materials today exceed the entire Defense budget at its height—more than $300 billion a year.

We must manage those costs.

Reduce them by 10 percent.

Then hold those costs to no more than the rate of inflation for 4 more years and we can realize savings approaching $150 billion.

In the process, we make Government more efficient, more effective, more responsive.

Our amendment is a practical, commonsense first step down the path of bringing Government costs under better control.

In offering this amendment, we seek to join in being a part of the solution.

The chairman and members of the Interior Appropriations Subcommittee have led the way.

Their bill makes numerous difficult choices and cuts.

For example, in addressing the costs of the Forest Service to administer the National Forest System the committee reduced headquarters and regional office funding by $14 million.

Our amendment does not duplicate the committee's reductions.

The amendment makes overhead reductions agency-by-agency based on actual overhead spending for travel, transporting things, utilities, communications, and other overhead items in agency budgets.

Overall, these reductions total $48 million or less than one-half of 1 percent of the bill's total funding of $12.7 billion.

In no case do the reductions exceed 2 percent of an agency budget.

The amendment carefully exempts accounts dealing with public health and safety, education, and environmental protection.

None of the committee bill's funding for programs or people is reduced by a single dollar.

Responding to committee staff concerns that programs might in some instances be indirectly impacted if agency funds to contract for services were to be reduced, such reductions are not included in the amendment.

In business, it is a rule of thumb that overhead always can be cut by 10 percent.

Across America, families and businesses have been meeting the challenge to control their costs.

On behalf of citizens, Congress must now take the lead to see that the Federal Government does the same thing.

This is an amendment all Members may support.

It picks no favorites.

It only asks of one agency what it asks of every other.

It is flexible.

Overhead reductions are taken according to each agency's overhead spending.

There are no personnel cuts.

Rather, this amendment empowers Federal managers.

They are challenged to reduce their overhead costs and then allowed to decide how best to achieve those savings on behalf of the American people.

There are no program cuts.

Rather, this amendment challenges managers to discover new ways to make programs more efficient and effective.

To citizens that means better service and a more responsive Government.

It defies common sense to believe that Federal managers will not be able to find less than one-half of 1 percent in overhead savings.

To summarize, the amendment's overhead reductions: Are based on each agency's spending; do not exceed more than 2 percent of an agency's total funding; are less than one-half of 1 percent of the bill's total funding; cut no program dollars; and do not reduce funding for personnel.

This amendment is endorsed by Citizens Against Government Waste and the National Taxpayers Union.

Mr. Chairman, I urge adoption of the amendment.

Mr. DORGAN of North Dakota. Mr. Chairman, reclaiming my time, I want to say that I think the subcommittee chairman, the gentleman from Illinois [Mr. YATES], is someone who does the finest job in this Chamber on these issues, and he has a difficult job. In many respects he has affected significant budget cuts already, and this amendment is not aimed at his leadership or at deficiencies on the part of the committee or subcommittee. It is a feeling by some of us that we think we need to take a special look at overhead costs of the Government for this reason:

In the private sector, Mr. Chairman, the first thing they cut when they run into some trouble is overhead. It is the first thing.

The CHAIRMAN. The time of the gentleman from North Dakota [Mr. DORGAN] has expired.

(By unanimous consent, Mr. DORGAN of North Dakota was allowed to proceed for 1 additional minute.)

Mr. DORGAN of North Dakota. In the Federal Government by and large it has always been: "What did you spend last year? Add a little inflation to it. That's what you spend next year."

Many of us feel in the area of overhead or indirect costs, not program costs, but indirect costs, the bureaucracy, that it is time to tighten the belt on legislative appropriations, a 6-percent reduction, I believe, on budget authority and 1-percent reduction on outlays. We believe we ought to impose the same discipline Governmentwide with respect to overhead and indirect costs. That is what our attempt is with respect to this amendment.

Mr. Chairman, it will save about $48 million. It deals with issues such as travel, communications, printing, and those kinds of overhead costs where we think there is plenty of opportunity for administrators in the Government to make decisions to begin to cut.

We have an enormous Federal deficit of $470 billion, this year. We must start cutting. The first obvious place is to cut more in overhead and indirect costs.

The gentleman from Texas [Mr. SMITH] has done a lot of good work in this area, along with the gentleman from Minnesota [Mr. PENNY], the gentlewoman from Missouri [Ms. HORN], the gentlewoman from California [Mrs. BOXER] and others.

Today I rise to invite you to join me and my colleagues TIM PENNY and LAMAR SMITH In supporting our amendment to the Interior appropriations bill. This amendment focuses on a key deficit-fighting strategy: Reducing overhead costs in Government. This amendment would cut approximately $48 million from overhead accounts in the Interior bill—less than one-half of 1 percent of the overall bill total.

In no case do the proposed cuts exceed 2 percent of an agency budget. The amendment exempts accounts dealing with public health and safety, education, and environmental protection, such as the Indian Health Service, and firefighting. The amendment is specifically targeted and is responsible legislation.

The Federal Government spends about $270 to $300 billion annually for services such as printing and copying, travel, rent, communications, utilities, supplies, and other overhead. One of every $5 spent by the Federal Government goes for overhead costs—not for programs, benefits and services. These overhead costs are a source of significant savings if even small percentage savings can be realized.

This amendment cuts spending similar to those passed during the Agriculture, military construction, and Treasury-Postal Service appropriations debates. As before, this amendment is not directed at people, programs or service, but only at the overhead costs involved in delivering those services. We firmly believe the Federal Government needs to do some belt-tightening as so many families and businesses have had to do during the difficult recession.

This amendment challenges managers to find additional savings in their overhead budgets. This amendment makes overhead reductions agency-by-agency, based on actual overhead spending for travel, transporting things, utilities, communications, and other overhead items in agency budgets.

This is a practical, common sense, first step in bringing Government costs under control. Congress should take the lead in bringing the deficit under control. We enlist your support to trim overhead spending from the Interior appropriations bill. I hope it will have your support today.

In closing, I want to add that this amendment enjoys wide bipartisan support. Joining Mr. SMITH, Mr. PENNY, and me are our colleagues Mrs. BOXER, Mr. GRANDY, Mr. GLICKMAN, Mr. MCCOLLUM, Mr. GOSS, Mr. UPTON, and Ms. HORN. We join in urging support for the amendment.

□ 1740

Mr. YATES. Mr. Chairman, I ask unanimous consent that debate on this amendment and all amendments thereto be limited to 10 minutes.

Mr. PENNY. Mr. Chairman, reserving the right to object, I just want to make sure that the gentlewoman from Missouri [Ms. HORN] and myself have time within that.

The CHAIRMAN. The Chair will note all Members standing on this amendment.

Mr. PENNY. Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

The CHAIRMAN. Members standing at the time the unanimous consent request was agreed to will be recognized for 2 minutes each.

The Chair recognizes the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Chairman, I rise in support of the Dorgan amendment. As described by the gentleman from North Dakota [Mr. DORGAN], this is a simple amendment. It is an amendment that is focused solely on overhead costs within the Department of Interior, and it would call on the agency to reduce by 10 percent in various accounts the administrative costs of the Department.

Getting control of overhead costs is becoming a central issue to the debate about Government efficiency. We tightened our own belts here with the legislative appropriations bill just a few weeks back, and we have applied the same belt tightening policy to several other departments and agencies in the last few weeks, and today this amendment would apply the same approach to the Department of the Interior.

The campaign of Governor Clinton has also indicated strong interest in refocusing the Federal Government and in tightening the budget of departments and agencies, with an eye toward reorganizing the work of those agencies.

We have also seen in this morning's newspaper a detailed account of proposals put together by former candidate Ross Perot, in which he suggested as much as a 10-percent cut in the administrative accounts of the Federal Government.

So it is clear from a variety of sources that this approach to reining in spending has been suggested, and we believe it is an approach that ought to be adhered to by this Congress.

Just for example of where we can find these savings, the Department of Interior's own inspector general released a study of the Bureau of Land Management in January of this year. That report stated that the Bureau of Land Management organization is duplicative, inefficient, and embedded with redundancy, and that as much as $49 million is being wasted on the current organization.

Keep in mind that that is just one of the functions affected by our amendment, and $49 million was suggested to be cut there by the inspector general. We are only suggesting $48 million in the entire bill.

I would urge adoption of the amendment.

Mr. CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Mr. Chairman, this is a seductive amendment. Let me point out that the increase in these accounts is 1 percent over last year. What are we talking about? We are talking about the materials, we are talking about the U.S. Geological Survey's need to manage the earthquake problem. We are talking about travel money for volunteers.

One of the great programs in the Park Service is that of getting volunteers. We pay them travel money. This will cut that travel money. For every dollar you save you are going to lose $36 or more worth of volunteer time.

It means that the firefighters may not have hose. It means that the brochures that tell the visitors about the dangers of Lyme disease may not get printed.

Mr. Chairman, it sounds easy to take this kind of a cut, but I want to say from my own experience in visiting park facilities, forest facilities, the USGS, that they are very careful in the management of overhead dollars.

I think that what we are going to do here is penalize the public by not allowing them to have the quality experience, by reducing the safety factor in the park or public lands, by increasing the risk, and not being able to provide the necessary information to allow the visitor to interpret the experience that that visitor would have.

Mr. Chairman, I want to say to my colleagues, be cautious on this one. While it sounds good on the surface, the penalties in terms of the public enjoyment of public lands will be serious.

One last comment, and that is that the housing facilities in our public lands are in many places deplorable. I wonder how we attract people to work in many of these areas, given the housing that they have. It is only because of the great esprit de corps that is part of the services that people do serve.

Mr. Chairman, again, this amendment penalizes people who are willing to give freely in making the public land experience a quality one.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Chairman, I rise in strong support of this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. SMITH].

Mr. SMITH of Texas. Mr. Chairman, this amendment basically comes down to a choice. If we are going to control Government spending and if we are going to make a real effort to reduce the Government deficit, we are going to have to make the choices that we face today. Either we can increase taxes, we can cut programs and people, or we can target Government overhead spending, which is exactly what this amendment does.

Mr. Chairman, let me give my colleagues an example of why we should be targeting this overhead spending. If you just take travel as an example, interestingly enough in the last month of the fiscal year travel expenditures suddenly go up 50 percent. Very clearly Federal managers are simply trying to use up their travel allotment.

That is an example of why Government overhead spending has now ballooned to the point where it approaches $300 billion of our Federal budget and is now one-quarter of our Federal budget. The amendment today that we have proposed targets Government overhead spending. It amounts to less than one-half of 1 percent of the bill's total of $12.7 billion in spending, and in my judgment, Mr. Chairman, it amounts to common sense cuts.

Mr. Chairman, we can no longer put off the tough choices. It does come down to a choice. We raise taxes, we cut personnel and people or we cut Government overhead costs such as supplies and spending, and that is exactly what this amendment does.

Mr. Chairman, I urge my colleagues to support this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. YATES], the chairman of the subcommittee.

Mr. YATES. Mr. Chairman, I oppose this amendment. The form of the amendment itself militates against the explanation that was given by the gentleman from North Dakota [Mr. DORGAN]. As one looks at the amendment, one sees all of the various departments listed, but then it says "expenses."

What does "expenses" mean? It does not necessarily refer to the overhead expenses of the various agencies.

When I asked the gentleman from North Dakota [Mr. DORGAN] why he did not identify the items that make up overhead more precisely, he said that they could not do it. Well, what is going to happen?

Mr. DORGAN of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from North Dakota.

Mr. DORGAN of North Dakota. Mr. Chairman, I said we could not do it because it would be subject to a point of order on the floor. We could certainly do it if it would not be subject to a point of order.

Mr. YATES. Mr. Chairman, that is another matter. The point that I am making is that every operating account in the department could qualify for expenses, and the departments could take these cuts from wherever they wanted to take the cuts.

For example, let us take the Bureau of Indian Affairs, which is of some importance in the gentleman's State.

Under the amendment of the gentleman from North Dakota [Mr. DORGAN], the reduction for the Bureau of Indian Affairs would be $12 million. Although it is stated that it is only to come from nonpersonnel expenses and is not to affect programs, the truth is that programs benefiting the Indian people will be affected because the central operations account of the bureau is only $53 million. Since the entire amount of reduction cannot be taken against this amount, it will have to come from reservation-based programs.

In addition, applying reductions to expense accounts such as transportation will likely have an impact on Bureau of Indian Affairs schools since a large part of this item is for transporting students to and from school.

□ 1750

GSA sets the bus lease rates. There is no flexibility on the amounts required. In construction, the reduction of $579,000 would come directly from projects which are provided mainly to build or rehabilitate schools for Indian children.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. YATES] has expired.

(By unanimous consent, Mr. YATES was allowed to proceed for 15 additional seconds.)

Mr. YATES. Mr. Chairman, I just want to say in conclusion that I think this is an amendment which is harmful. I want to point out that in the Park Service, this amendment would cut $12 million from the operating program and $2 million from the construction program.

Our committee has already cut $34 million from the Park Service account, and this amendment would cut another $14 million from the Park Service account.

I think that is overkill. I hope the amendment is defeated.

Mr. SMITH of Texas. Mr. Chairman, I ask unanimous consent to proceed for 20 additional seconds.

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

Mr. YATES. Mr. Chairman, reserving the right to object, I will not object at this time. I did not object before.

I hope that we do not do it in the future. We have 10 more amendments before the 6:30 deadline.

Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

Mr. SMITH of Texas. Mr. Chairman, I appreciate what my colleague said. I will be brief.

A couple of points in response. First of all, in regard to the amendment's impact upon the Bureau of Indian Affairs, it still allows a 5-percent increase above 1992 levels for an additional $67 million in regard to the National Park System. It still allows a 3-percent increase above 1992 levels.

The point of all of our discussion today is to make clear through legislative history what the intent of the amendment is. And again, the intent of the amendment is to cut Government overhead spending, not programs or personnel.

Mr. UPTON. Mr. Chairman. I rise in strong support of our amendment to reduce the cost of running the Department of the Interior by $48 million. This amendment would cut from overhead accounts primarily from the agencies in the Department of the Interior.

Overhead is what agencies call spending on travel, transportion, phones, and office supplies, and other everyday materials. Simply stated, the case for this amendment and others like it in other funding bills for other Federal departments is that Federal office managers simply have not done enough to reduce the costs of runing their offices. The standard budgetary approach has been to take whatever was spent last year and add the cost of inflation to reach the starting point for next year's overhead budget. This obviously has no cost saving incentives whatsoever.

One of every $5 spent by the Federal Government goes to overhead costs, not toward providing services to the American people. In fact, Federal travel expenditures alone total more than is spent on college student aid grants and four times more than on Head Start.

Everyone talks about reducing Federal bureaucracy, here is your chance do something about it.

Everyone talks about reducing Federal spending, here is your chance to cut.

Everyone talks about making difficult choices, here is your chance to choose.

Everyone talks about tightening our belts, here is your chance to buckle up.

If we can't start restraining the growth of Federal spending by cutting the number of paperclips and photocopies that Federal Government uses, we will never be able to balance the budget.

In addition to requesting Member's support for this amendment, I would also call everyone's attention to an example of budget gimmickry used in this year's Interior Appropriation bill.

Last year, Mr. PENNY and I exposed the Interior Appropriation Committee's fraudulent use of emergency spending clause of the 1990 budget agreement in the firefighting account. Instead of appropriating the firefighting funds in the amount of what can annually be expected to occur, the committee approved less than what is needed. It then called the rest of the spending an emergency. This proposal clearly abused the emergency criteria. It created a false emergency where one didn't exist, exempting those funds from the budget caps, giving the false opportunity to permit additional spending in other programs. In effect, this attempt to cook the books put a loophole in the budget caps big enough to drive a firetruck through.

I am pleased to report that the committee rectified that mistake did not resort to that gimmick this year—in the firefighting account. However, the committee clearly did not learn its lesson and has turned pesky.

This year it repeated the same budget trick not for firefighting but for pest fighting. Forest Pest Management Program costs, like forest firefighting costs, can be reasonably anticipated and funded in advance without resorting to designating the funds an emergency. My advice to the Interior Appropriations Committee is to quit bugging us with this previously rejected and fraudulent approach to budgeting.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Dakota [Mr. DORGAN].

The question was taken; and the Chairman being in doubt, the Committee divided, and there were—ayes 15, noes 16.

RECORDED VOTE

Mr. PENNY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 257, noes 162, not voting 15, as follows:

[Roll No. 296]

AYES—257

Allard
Allen
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Archer
Armey
Aspin
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bentley
Bereuter
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boxer
Brewster
Broomfield
Bryant
Bunning
Burton
Callahan
Camp
Campbell (CA)
Campbell (CO)
Carper
Chandler
Chapman
Clement
Clinger
Coble
Coleman (MO)
Combest
Condit
Cooper
Cox (IL)
Cramer
Crane
Cunningham
Dannemeyer
de la Garza
DeFazio
DeLauro
DeLay
Derrick
Dickinson
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Evans
Ewing
Fawell
Fields
Fish
Flake
Franks (CT)
Frost
Gallegly
Gallo
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Goodling
Goss
Gradison
Grandy
Guarini
Hamilton
Hancock
Hastert
Hayes (IL)
Hayes (LA)
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Horn
Hubbard
Huckaby
Hughes
Hunter
Hutto
Inhofe
Jacobs
James
Jenkins
Johnson (CT)
Johnson (TX)
Johnston
Jones (GA)
Jones (NC)
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kleczka
Klug
Kolbe
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lent
Levin (MI)
Lewis (FL)
Lightfoot
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Machtley
Martin
Matsui
Mazzoli
McCandless
McCollum
McCrery
McCurdy
McEwen
McGrath
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Molinari
Montgomery
Moody
Moorhead
Neal (NC)
Nichols
Nowak
Nussle
Olin
Olver
Orton
Owens (UT)
Oxley
Packard
Pallone
Parker
Patterson
Paxon
Penny
Peterson (MN)
Petri
Porter
Price
Pursell
Ramstad
Rangel
Ravenel
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rostenkowski
Roth
Roukema
Rowland
Russo
Sanders
Sangmeister
Santorum
Sarpalius
Saxton
Schaefer
Schroeder
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Sikorski
Skelton
Slattery
Slaughter
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stump
Sundquist
Swett
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Upton
Valentine
Vander Jagt
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Weldon
Williams
Wise
Wyden
Wylie
Yatron
Young (FL)
Zeliff
Zimmer

NOES—162

Abercrombie
Ackerman
Alexander
Anderson
Anthony
Applegate
Atkins
AuCoin
Bateman
Beilenson
Bennett
Berman
Bevill
Blackwell
Boucher
Brooks
Browder
Brown
Bruce
Bustamante
Byron
Cardin
Carr
Clay
Coleman (TX)
Collins (IL)
Conyers
Costello
Coyne
Darden
Davis
Dellums
Dicks
Dingell
Dixon
Donnelly
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Espy
Fascell
Fazio
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Gaydos
Gejdenson
Gonzalez
Gordon
Green
Gunderson
Hall (OH)
Hall (TX)
Hammerschmidt
Hansen
Harris
Hefner
Hertel
Hoagland
Hochbrueckner
Horton
Houghton
Hoyer
Jefferson
Johnson (SD)
Jontz
Kildee
Kopetski
Kostmayer
Lehman (FL)
Levine (CA)
Lewis (CA)
Lewis (GA)
Livingston
Lowery (CA)
Manton
Markey
Marlenee
Martinez
Mavroules
McCloskey
McDade
McDermott
McHugh
McNulty
Mineta
Mink
Moakley
Mollohan
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Oakar
Oberstar
Obey
Ortiz
Owens (NY)
Panetta
Pastor
Payne (NJ)
Payne (VA)
Pease
Pelosi
Perkins
Pickett
Pickle
Poshard
Quillen
Rahall
Reed
Regula
Richardson
Roe
Rose
Roybal
Sabo
Savage
Sawyer
Scheuer
Schiff
Serrano
Sisisky
Skaggs
Skeen
Smith (FL)
Smith (IA)
Solarz
Stokes
Studds
Swift
Synar
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Vento
Washington
Waxman
Weiss
Wheat
Whitten
Wilson
Wolf
Wolpe
Yates
Young (AK)

NOT VOTING—15

Collins (MI)
Coughlin
Cox (CA)
Feighan
Gephardt
Gingrich
Hatcher
Hyde
Ireland
Kolter
Peterson (FL)
Ray
Tallon
Thomas (GA)
Weber

□ 1814

Mr. GUNDERSON and Mr. ECKART changed their vote from "aye" to "no."

Mr. GALLO, Mr. SCHUMER, Mrs. LLOYD, Mr. SPENCE, and Ms. WATERS changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

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

Mr. Chairman, I rise for the purpose of a colloquy with the gentleman from Illinois [Mr. YATES], the distinguished chairman of the Appropriations Subcommittee on the Interior, regarding the $5 million included in this appropriation bill for the acquisition of Sterling Forest, under the Forest Legacy Program.

It has come to my attention that the appropriation is predicated on matching funds from the State of New York and/or New Jersey. Furthermore, it has come to my attention that Governor Cuomo, in a letter to Representative KOSTMAYER, stated:

Given the current fiscal situation of New York, and the uncertainty of a funding source not yet approved by the State Legislature, we may not be able to provide a timely State match for the federal funds you proposed.

Accordingly, I would like to ask the distinguished subcommittee chairman whether or not the Appropriations Committee has received any assurances to the contrary from New York State?

Mr. YATES. If the gentleman will yield, the committee has not received any assurance of funding from New York State.

Mr. GILMAN. In addition, I would like to inquire of the chairman as to whether the State of New Jersey has given any assurances of funding?

Mr. YATES. No assurances have been received to date.

Mr. GILMAN. It is my understanding that the Forest Legacy Program prohibits the use of Federal funds for condemnation of private property and that in fact the Forest Legacy Program requires a willing seller if land is to be acquired. Is that a correct interpretation of the existing law?

Mr. YATES. The gentleman from New York is correct in stating that under the Forest Legacy Program Federal funds are prohibited from being used to condemn private property and that a willing seller must exist.

Mr. GILMAN. I would like to thank Chairman YATES and I would like to point out that the Sterling Forest Corp. has expressed in testimony before the House Subcommittee on Energy and the Environment and in communication to the Appropriations Subcommittee on Interior that the corporation is a willing seller under the following circumstances:

First, that full funding to acquire the property at a realistic price, which in its view is six to eight times greater than Representative KOSTMAYER's original request of $25 million to the subcommittee, be available;

Second, that whatever public acquisition is to be made, it must be made at one time and not on a piecemeal basis; and

Third, that the decision to fund such a taxpayer acquisition be made in this budget year.

I want to thank the chairman for this colloquy, clarifying the Forest Legacy Program with regard to this appropriation.

Furthermore, I would like to point out that over the years, the Sterling Forest Corp. has proved itself to be a responsible corporate citizen and a keen steward of the environment. In fact, the Sterling Forest Co. has been cited on a number of occasions for its deep commitment to environmental protection, and this commitment is reflected in the company's comprehen-

sive plan for further development of its property in Sterling Forest. The company's development plan was written over the course of 2½ years with over 1,000 people participating. It embodies the company's concern for the environment, as well as local community interests and the expertise of an impressive team of environmental scientists and fiscal experts.

Moreover, the Sterling Forest Corp.'s plan proposes to set aside over 2,500 acres for improved trail linkages and buffers along the Appalachian Trail and will leave 76 percent of the Sterling Forest parcel as open space. In the end, only 4 to 6 percent of Sterling Forest would be covered with structures or pavement. Furthermore, the plan complies with all Federal, State, and local water quality standards and, in fact, goes beyond these standards in order to insure the protection of New Jersey's watershed.

Accordingly, Mr. Chairman, I am confident that this plan makes environmental sense, and that an appropriation of Federal funds such as the one proposed today is nothing more than a waste of taxpayer money.

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

Mr. GILMAN. I am pleased to yield to the gentleman from New Jersey.

Mr. TORRICELLI. Mr. Chairman, I thank the gentleman for yielding. I too would like to engage in a colloquy with the distinguished chairman of the committee.

Before proceeding with remarks that we have prepared I would like to inquire of the chairman, I assume a bi-State agency of the State of New York and the State of New Jersey, if it indeed were to be the contributing agency, would be sufficient for purposes of matching funds even though the individual State governments might, as the gentleman from New York [Mr. GILMAN] has indicated, not be in a position to provide the money, but a bi-State commission could provide the money?

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

Mr. GILMAN. I am happy to yield to the gentleman from Illinois.

Mr. YATES. The gentleman is correct.

Mr. TORRICELLI. I also would like to comment, if the gentleman will continue to yield, that indeed the gentleman is correct. The Sterling Forest Corp. would have to be a willing seller, although it was not the intention of this gentleman or I believe members of the committee that in fact this appropriation be available for the entire purchase, but indeed that portion of the land which might be appropriate under the program. The entire purchase would not have to be required.

Further, if the gentleman will yield, I would like to ask the gentleman from Illinois to clarify that it is the committee's intent that the Forest Service study entitled "New York-New Jersey Highlands Regional Study" constitutes a needs assessment for the purposes of the Forest Legacy Program as it relates to expenditure of funds for the Sterling Forest.

Mr. YATES. If the gentleman from New York will yield, to the best of my information the answer is yes.

Mr. TORRICELLI. I thank the distinguished chairman, and I thank the gentleman from New York for yielding.

□ 1820

AMENDMENT OFFERED BY MR. TRAFICANT

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

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: At the end of the bill, add the following new section (and conform the table of contents accordingly):

**SEC. . BUY AMERICAN REQUIREMENTS.**

(a) COMPLIANCE WITH BUY AMERICAN ACT.—No funds appropriated or transferred pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act").

(b) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—

(1) IN GENERAL.—In the case of any equipment or product that may be authorized to be purchased with financed assistance provided under this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

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

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

There was no objection.

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

Mr. TRAFICANT. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, on our side, we have examined the amendment, and we are willing to accept it.

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

Mr. TRAFICANT. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, we have also examined the amendment on this side, and we are perfectly happy to accept it. I think it is a good amendment.

Mr. TRAFICANT. Mr. Chairman, I appreciate that.

Mr. Chairman, I would just like to say that we have just talked about snail darters and rock pocket mussels. This is America's laboris economis mortis, and I am glad to see that we have all accepted it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CRANE

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

The Clerk read as follows:

Amendment offered by Mr. CRANE: Page 85, strike lines 3 through 26.

Mr. YATES. Mr. Chairman, I ask unanimous consent that all time on this amendment close in 10 minutes, 5 minutes for the gentleman from Illinois and 5 minutes for myself.

Mr. CRANE. Mr. Chairman, reserving the right to object, may I ask the distinguished chairman if he will reserve at least a couple of minutes of his time for one of the colleagues on our side? We spoke about this earlier.

Mr. YATES. Mr. Chairman, may I make that 12 minutes, and I will include the 2 minutes for whomever the gentleman has in mind.

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

There was no objection.

Mr. CRANE. Mr. Chairman, while much of the discussion regarding the NEA has been focused on determining what should and should not be funded, I feel it is more appropriate to address the question of whether the Federal Government ought to be involved in the promotion of art at all. No doubt, many of my colleagues now feel that under the leadership of a new NEA chairman, there may no longer be a need to abolish the NEA. However, the fact that Chairman Radice has been both lauded and booed by conservatives and liberals solidifies the argument that there can be no harmonious unity of the Government and the arts. Regardless of which grants are approved and which are rejected, the premise of my argument against the NEA remains unchanged. Funding arts and artists is not a Federal responsibility.

This very issue was addressed by the framers of our sacred Constitution and was overwhelmingly rejected as outside the purview of the Federal Government. Whether or not the NEA becomes more sensitive and attentive to mainstream values and tastes is moot. The motivation behind my amendment lies in constitutional fundamentals and there can be no question that the authors of the Constitution did not intend for Government funding of the arts.

Some of my colleagues may fear that discontinuing the NEA will result in the demise of American art. I contend the contrary: American art has, does, and will flourish without government support. For example, two of the greatest periods in American literature occurred when not one penny of either Federal or State money was spent in support of the arts. In the middle of the 19th century, American literature

boasted such giants as Mark Twain, Edgar Allen Poe, Walt Whitman, Nathaniel Hawthorne, Emily Dickinson, Henry and William James, Henry Wadsworth Longfellow, and Ralph Waldo Emerson. Moreover, in the period between World War I and World War II American writers such as William Faulkner, Ernest Hemingway, John dos Passos, Thomas Wolfe, F. Scott Fitzgerald, Sinclair Lewis, and Theodore Dreiser became world renown—again, without one cent from the government.

Today, the arts community benefits from a $7.9 billion private pool of capital dedicated to arts advancement and supported solely by American individuals, requests, foundations, and corporations. Compared with the $175 million appropriated for the NEA last year, it is evident that private support of the arts is robust and growing and that my amendment will in no way threaten the future of art in this country.

Furthermore, unless Congress can guarantee a grant to every American artist, it is inherently impossible to have an art environment free of government intervention. A $179 million authorization necessitates selectivity which, in turn, requires standards. Therefore, with or without content restrictions, the government will continue to leave its imprint on art as long as there remains an NEA.

Last year, for example, the endowment received 17,337 applications for funding but could award only 4,239 grants. These awards were considered highly important money by the arts community because they imply a Government seal of approval. This seal can attract additional financial attention to their recipients, and as a result, private sponsorship is drawn away from those 13,098 who did not receive NEA recognition. So by advancing the career of one artist, the Government automatically suppresses the futures of three others.

Mr. Chairman, promoting the arts is respectable, commendable, and, indeed, profitable. It is not, however, compatible with the workings of our Government. I urge my colleagues to support my amendment to get the Government out of art.

□ 1830

PARLIAMENTARY INQUIRY

Mr. VOLKMER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. VOLKMER. Mr. Chairman, it is now past 6:30. How much more time is on this amendment?

The CHAIRMAN. This amendment has 6 additional minutes. Then after this amendment——

Mr. YATES. Seven, Mr. Chairman. I thought it was 7. I asked for 12 minutes, Mr. Chairman.

The CHAIRMAN. The gentleman spoke for 6 minutes. The Chair understood it was divided 6 and 6. That is the way the Chair understood it.

After this amendment is completed, since this unanimous-consent request was done prior to 6:30, then all amendments that will be offered will be protected with at least 10 minutes, 5 minutes on each side, except the two amendments that were protected in the rule, the Stenholm amendment and the Yates amendment that have the amount of time protected under the rule.

Mr. VOLKMER. I thank the Chair.

Mr. YATES. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. WEISS].

Mr. WEISS. Mr. Chairman, I thank the distinguished gentleman for yielding me this time.

The distinguished gentleman who just spoke presents an interesting historical survey. The way he interprets his numbers, though, is slightly askew. Listen to what he says.

The Federal Government provides $175 million to the National Endowment for the Arts, and that $175 million generates from the private sector over $9 billion of money, because the private sector looks for some guidance and the people on the National Endowment Council are in fact people within the arts communities. They know what they are talking about.

Since the Endowment has been created, we have had a burgeoning of arts in this country, not just in New York or San Francisco, but across the country. The number of orchestras, the number of theater companies, the number of ballet companies, the number of operas has multiplied by 10; all across the country.

Let us keep that going. America deserves it. Vote against the amendment.

Once again, the gentleman seeks to do away with the Federal cultural funding which reaches every corner of the country. This amendment attempts to abolish an agency which has transformed the artistic and cultural life of our Nation.

Mr. Chairman, for more than 25 years, the National Endowment for the Arts [NEA] has funded the breadth and diversity of American arts—from local symphonies to our Nation's greatest jazz artists to folk artists preserving aspects of our cultural heritage. The NEA is an agency of which we should be proud. Most recently, the NEA has implemented exceptional programs in rural art funding, arts programs in inner cities and other underserved areas, and arts education projects.

Mr. CRANE is simply wrong on each of the rationales he gives for ending Federal arts support. While he claims that our history argues against Federal funding of the arts, the fact of the matter is that our Nation—as every civilized nation in world history—has recognized the importance of the development of our Nation's cultural life. President John Adams wrote:

> I must engage in war in order that my sons may engage in commerce, industry, agriculture and science; in order that their children might engage in painting, ceramics, porcelain, tapestry * * * and the arts.

In 1891, the first National Conservatory of Music was established, while Congress first proposed a National Office of the Arts in 1897. In 1910, President Taft established the National Fine Arts Commission with a peer panel to "advise generally upon questions of art when required to do so by the President, or by Congress." Since then, every Presidential administration has offered support for arts programs, from President Franklin Delano Roosevelt's WPA programs to President Eisenhower's advocacy of a Federal Advisory Commission on the Arts, from President Kennedy's proposal for a Federal Advisory Council on the Arts to President Johnson's work in creating the current Federal arts agencies.

Mr. CRANE then argues that Federal arts funding is unnecessary, that private funding alone will sustain our Nation's artists and arts groups. That again is false. While the NEA funding is tiny—representing just one one-hundredth of 1 percent of the Bush administration's total proposed budget—the funds are a catalytic part of a public/private partnership through which public arts funding helps to generate tenfold the amount in non-Federal funds. This small Federal funding cannot be taken for granted, particularly at a time of difficult economic times, when many local theater groups have had to cease operations due to financial reasons, museums have shortened their hours, and every arts group has been forced to evaluate their artistic offerings to meet fiscal realities.

Finally, Mr. CRANE makes the argument that by merely choosing some grant applications over others, the NEA practices censorship. Surely, choices must be made in arts funding, just as they are made in funding science and technological research. With a limited amount of funds, the Federal Government simply cannot fund every person or group that applies for a grant.

In fact, the NEA's peer review process is remarkably democratic, with decisions made by grant review panels composed of professional artists and experienced lay people and in tandem with the Presidentially appointed National Council on the Arts.

While we are debating the funding of the NEA, I must urge that the NEA not only be funded—and, ideally, at a higher level—but that it also seek to foster the greatest climate of free expression and creativity. The best method of judging artistic excellence is through the process currently in place. It must not be compromised by any administration or any administrator. Artistic excellence must be the true and real goal of endowment grants and, certainly, must never be a smoke screen for political considerations.

I urge my colleagues to support the continued funding of the NEA and also to support an NEA that fosters the greatest climate of freedom of expression, so that the NEA can continue its vital work, so that works of creativity are judged for excellence and not safety, and so that our artists are in fact encouraged to let their imaginations and their talents soar.

I urge defeat of the Crane amendments.

Mr. YATES. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Mr. Chairman and members of the committee, I think a very important point here, and the gentleman from New York made it, is that there is a great leveraging effect. Many corporations, many patrons of the arts use the NEA as a measuring stick to determine what their contribution will be if any.

I would suggest that it is probably about 10 private to 1 Federal.

Our Nation, as compared to most nations, contributes substantially less, because of the Tax Code, and I am sure that the gentleman who sponsored the amendment supports the deductions in the Tax Code for contributions to museums, art works and so on. Because of the Tax Code art support is largely private. I would emphasize again that the many private donors look to the NEA for guidance in making their judgment, so it has a great value there.

The constitutional question has been raised. The Constitution is silent on the arts, but it is silent on education, and yet we do a lot of education programs under the Federal aegis.

I think the gentleman from Illinois made one important point and that is that there has not been enough disbursement of grants. I think he would find that under the authorizing act that was passed a couple years ago more money is going to the States, there is a greater geographic diversity of people on the panels in the present mode, and that we are getting a lot greater expansion of the grants into many regions of the country.

I would point out that certainly in my area, and I am sure this is true of many areas, it is the grants that make possible symphonies, make possible string ensembles to go out into the schools. NEA has become a very strong education program, and I do not think it is something we want to abandon.

Presidents from George Washington to Ronald Reagan have given strong support to the need for some Federal involvement in the arts program.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

(By unanimous consent, Mr. REGULA was allowed to proceed for 30 additional seconds.)

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

Mr. REGULA. Yes; I yield to the gentleman from Illinois.

Mr. CRANE. Mr. Chairman, will the gentleman cite the example of George Washington invoking Government support of the arts?

Mr. REGULA. Well, I can only quote from George Washington. He said:

> The arts and sciences essential to the prosperity of the state and the happiness of human life have a primary claim to the encouragement of every lover of his country and mankind.

Mr. CRANE. To be sure, but that was exclusive of Government involvement and he, too, was at that Philadelphia Convention and participated in that overwhelming condemnation of the idea that the National Government had a function in this area.

Mr. YATES. Mr. Chairman, I yield such time as he may consume to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Chairman, I rise in opposition to the gentleman's amendment and simply say that while no one of us supports every grant made by the NEA, under the new leadership of Anne Imelda Radice, it has done excellent work around the Nation and in the State of Kentucky and in Louisville.

Mr. Chairman, I rise in opposition to the gentleman's amendment.

Mr. YATES. Mr. Chairman, my friend and colleague, the gentleman from Illinois [Mr. CRANE] filed this same amendment last year, and advanced exactly the same arguments as he did last year. I would not be a bit surprised to find that the same words were used that he used last year.

□ 1840

This amendment was resoundingly defeated last year, and I hope and trust that this year it will meet the same fate.

I believe it will because his arguments are ill-founded. He asked the gentleman from Ohio about George Washington. I have the same quote in the data that I have, but I go further and I cite what Thomas Jefferson wrote to James Madison in 1785. I quote:

> You see, I am an enthusiast on the subject of the arts, as its object is to improve the taste of my countrymen, to increase their reputation, to reconcile them to the respect of the world and procure them its praise.

Thomas Jefferson was a strong supporter of the arts.

Mr. Chairman, the National Endowment for the Arts has led—has led the arts in this country to a preeminent position in the world. American symphonies are among the greatest in the world. Our dancers are among the best. Our theater is played everywhere in the world, under the leadership of NEA. But this is just a small part of NEA's activities.

Witness after witness appeared before our committee and told us how NEA had brought joy and grace to their communities, such as Wally Richardson in a farm community in Nebraska. There have been others from farm communities who have told us how NEA has helped raise the happiness of the people who live in their community. Or the people from the hills of North Carolina, with their folk music; NEA has sponsored that also.

Central cities of the country have been helped by NEA grants.

The amendment of the gentleman from Illinois [Mr. CRANE] proposes to kill NEA and to kill its activities all over the country. If you believe that arts and humanities are important to the lives of your constituents, you will vote down this amendment.

Mr. Chairman, this amendment will kill the dream of many people throughout the country who now look toward NEA for the opportunity to bring light to their lives.

I hope you will kill this amendment instead of killing NEA.

Mr. HOUGHTON. Mr. Chairman, I rise in opposition to the Crane amendment. It would bring an end to a program which has helped many Americans.

We have heard a persuasive response to Mr. CRANE's reasons for offering the amendment. I will not address that here.

What I do want to talk about today, however, is the impact that repeal of the National Endowment for the Arts would have on the 34th District of New York. Let me explain. As I was growing up in this mostly rural area, there was no opportunity to view great art exhibits, hear outstanding music or see a show. Thanks to the NEA, these opportunities are now possible—either live or by means of public broadcasting.

Virtually all NEA funding goes to mainstream institutions which carry forward the kind of arts projects and programs that the communities themselves support. The 34th district has received $255,500 for such projects over the past 2 years. This money has gone for projects like helping the city of Alfred—located in one of the state's poorest and least populated counties—prepare for growth associated with several technology centers. A small press in Fredonia—White Pine, Inc.—over the past 2 years has been awarded $55,000 for publishing books on trade and original fiction. Chautauqua Institution and a puppet theater in Westfield have also been recipients of NEA grants.

At the New York State level, the Council of Arts received a grant to support emerging local arts agencies serving rural communities.

"American Playhouse" and "Live from Lincoln Center" are other endowment-supported projects that reach every American with access to public television.

Investment in the arts makes sense financially. To repeat some well-known facts: Every dollar the NEA invests in the arts attracts $11 from other sources; and every dollar the NEA invests in communities realizes a twenty-fold return in jobs, services and contracts.

Mr. Chairman, at a time when State government is cutting back on arts funding—I just learned that the Adams Art Gallery in Dunkirk, NY, will close during the summer months because of those cutbacks—it is important that we at least maintain the current level of such funding here in Washington.

A recent Harris poll indicates that 91 percent of Americans think that it is important to involve children in the arts—a majority said the arts are as important to education as learning to read and write well. I agree.

The NEA budget is less than two one-hundredths of 1 percent of the Federal budget. To balance the budget is not to cut the NEA. Annually, each American pays taxes of $1,137 for the military, $201 for education, and 68 cents for the arts. Those who would abolish or

cut back on NEA need only look at places like the 34th district to learn that in most cases the endowment does its job quietly, sensitively, and in the process bring arts and a greater application for a better and decent world to our children.

To quote columnist David Broder,

A nation that cannot afford to finance its arts * * * is a nation that has lost its perspective, its self-confidence and probably its soul.

Let us vote down this amendment.

Mr. GREEN of New York. Mr. Chairman, I should like to express my strong opposition to two amendments under consideration today that would seriously erode one of the Federal Government's most worthwhile investments, namely funding for the arts through the National Endowment for the Arts [NEA].

The amendment offered by the gentleman from Florida [Mr. STEARNS] would deny the NEA its modest increase of approximately $3 million contained in the Interior appropriations bill for fiscal year 1993. The other amendment, offered by the gentleman from Illinois [Mr. CRANE], would eliminate all funding for the NEA. As we consider these amendments, I should like to remind my colleagues that investment in the arts contributes not only to the cultural life of this country but also to its economy. In New York City, for example, nonprofit theaters, many of which depend on modest NEA grants for their survival, infuse up to $102 million each year into the local economy in direct expenditure, for a total economic impact of over $400 million per annum. Those same theaters channel approximately $55 million toward salaries, fees, and other personnel costs and provide full- and part-time employment for 1,014 administrators.

Throughout the country, in just as significant if perhaps smaller numbers, there exists similar evidence of cultural enhancement, job creation, and economic growth that result from NEA funding. I believe it would be unwise to walk away from our longstanding commitment to a program that produces such positive benefits to the people of this country and urge my colleagues to oppose both amendments.

The CHAIRMAN. All time has expired.

Mr. CRANE. Mr. Chairman, I ask unanimous consent to speak for 1 minute in response to the gentleman from Illinois.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois [Mr. CRANE]?

Mr. YATES. Mr. Chairman, I am compelled to object. I told the House a few moments ago that we have these time limitations and we find the time limitations being abused by Members who want to take extra time.

Mr. Chairman, with due deference and respect for my friend, the gentleman from Illinois, I must object.

The CHAIRMAN. Objection is heard.

All time has expired on the amendment.

The question is on the amendment offered by the gentleman from Illinois [Mr. CRANE].

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. CRANE. Mr. Chairman, I demand a recorded vote, and pending that, make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Ninety-one Members are present, not a quorum.

Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question.

Members will record their presence by electronic device.

The call was taken by electronic device.

[Roll No. 297]

| | | |
|---|---|---|
| Abercrombie | Crane | Hansen |
| Ackerman | Cunningham | Harris |
| Alexander | Dannemeyer | Hastert |
| Allard | Darden | Hayes (IL) |
| Allen | Davis | Hayes (LA) |
| Andrews (ME) | de la Garza | Hefley |
| Andrews (NJ) | DeFazio | Hefner |
| Andrews (TX) | DeLauro | Henry |
| Annunzio | DeLay | Herger |
| Anthony | Dellums | Hertel |
| Applegate | Derrick | Hoagland |
| Archer | Dickinson | Hobson |
| Aspin | Dicks | Hochbrueckner |
| Atkins | Dingell | Holloway |
| AuCoin | Dixon | Hopkins |
| Bacchus | Donnelly | Horn |
| Baker | Dooley | Horton |
| Ballenger | Doolittle | Houghton |
| Barnard | Dorgan (ND) | Hubbard |
| Barrett | Dornan (CA) | Huckaby |
| Barton | Downey | Hughes |
| Bateman | Dreier | Hunter |
| Beilenson | Duncan | Hutto |
| Bennett | Durbin | Inhofe |
| Bentley | Dwyer | Ireland |
| Bereuter | Early | Jacobs |
| Bevill | Edwards (CA) | James |
| Bilbray | Edwards (OK) | Jefferson |
| Bilirakis | Edwards (TX) | Jenkins |
| Blackwell | Emerson | Johnson (CT) |
| Bliley | Engel | Johnson (SD) |
| Boehlert | English | Johnson (TX) |
| Boehner | Erdreich | Johnston |
| Bonior | Espy | Jones (GA) |
| Borski | Evans | Jones (NC) |
| Boucher | Ewing | Jontz |
| Boxer | Fascell | Kanjorski |
| Brewster | Fawell | Kaptur |
| Brooks | Fazio | Kasich |
| Broomfield | Fields | Kennedy |
| Browder | Fish | Kennelly |
| Brown | Flake | Kildee |
| Bruce | Foglietta | Kleczka |
| Bryant | Ford (MI) | Klug |
| Bunning | Ford (TN) | Kolbe |
| Burton | Franks (CT) | Kopetski |
| Bustamante | Gallegly | Kostmayer |
| Byron | Gallo | Kyl |
| Callahan | Gaydos | LaFalce |
| Camp | Gejdenson | Lagomarsino |
| Campbell (CA) | Gekas | Lancaster |
| Campbell (CO) | Geren | Lantos |
| Cardin | Gibbons | LaRocco |
| Carper | Gilchrest | Laughlin |
| Carr | Gillmor | Leach |
| Chandler | Gilman | Lehman (CA) |
| Chapman | Glickman | Lent |
| Clay | Gonzalez | Levin (MI) |
| Clement | Goodling | Levine (CA) |
| Clinger | Gordon | Lewis (CA) |
| Coble | Goss | Lewis (FL) |
| Coleman (MO) | Gradison | Lewis (GA) |
| Coleman (TX) | Grandy | Lightfoot |
| Collins (IL) | Green | Lipinski |
| Combest | Guarini | Livingston |
| Condit | Gunderson | Lloyd |
| Conyers | Hall (OH) | Long |
| Cooper | Hall (TX) | Lowery (CA) |
| Costello | Hamilton | Lowey (NY) |
| Cox (IL) | Hammerschmidt | Luken |
| Coyne | Hancock | Machtley |
| Manton | Paxon | Slattery |
| Markey | Payne (NJ) | Slaughter |
| Marlenee | Payne (VA) | Smith (FL) |
| Martin | Pease | Smith (IA) |
| Martinez | Pelosi | Smith (NJ) |
| Matsui | Penny | Smith (OR) |
| Mavroules | Perkins | Smith (TX) |
| Mazzoli | Peterson (MN) | Snowe |
| McCandless | Petri | Solarz |
| McCloskey | Pickett | Solomon |
| McCollum | Pickle | Spence |
| McCrery | Porter | Spratt |
| McCurdy | Poshard | Staggers |
| McDade | Pursell | Stallings |
| McDermott | Quillen | Stark |
| McEwen | Rahall | Stearns |
| McGrath | Ramstad | Stenholm |
| McHugh | Rangel | Stokes |
| McMillan (NC) | Ravenel | Stump |
| McMillen (MD) | Reed | Sundquist |
| McNulty | Regula | Swett |
| Meyers | Rhodes | Swift |
| Mfume | Richardson | Synar |
| Michel | Ridge | Tanner |
| Miller (CA) | Rinaldo | Tauzin |
| Miller (OH) | Ritter | Taylor (MS) |
| Miller (WA) | Roberts | Taylor (NC) |
| Mineta | Roe | Thomas (CA) |
| Mink | Roemer | Thomas (WY) |
| Moakley | Rogers | Thornton |
| Molinari | Rohrabacher | Torres |
| Mollohan | Ros-Lehtinen | Torricelli |
| Montgomery | Rose | Towns |
| Moody | Rostenkowski | Traficant |
| Moorhead | Roth | Unsoeld |
| Moran | Roukema | Upton |
| Morella | Rowland | Valentine |
| Morrison | Roybal | Vander Jagt |
| Mrazek | Russo | Vento |
| Murphy | Sabo | Visclosky |
| Murtha | Sanders | Volkmer |
| Myers | Sangmeister | Vucanovich |
| Nagle | Santorum | Walker |
| Natcher | Sarpalius | Walsh |
| Neal (MA) | Savage | Waters |
| Neal (NC) | Sawyer | Waxman |
| Nichols | Saxton | Weber |
| Nowak | Schaefer | Weiss |
| Nussle | Scheuer | Weldon |
| Oakar | Schiff | Wheat |
| Oberstar | Schroeder | Williams |
| Obey | Schulze | Wilson |
| Olin | Schumer | Wise |
| Olver | Sensenbrenner | Wolf |
| Ortiz | Serrano | Wolpe |
| Orton | Sharp | Wyden |
| Owens (UT) | Shaw | Wylie |
| Oxley | Shays | Yates |
| Packard | Shuster | Yatron |
| Pallone | Sikorski | Young (AK) |
| Panetta | Sisisky | Young (FL) |
| Parker | Skaggs | Zeliff |
| Pastor | Skeen | Zimmer |
| Patterson | Skelton | |

□ 1903

The CHAIRMAN. Four hundred four Members having answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Illinois [Mr. CRANE] for a recorded vote. Five minutes will be allowed for the vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 85, noes 329, not voting 20, as follows:

[Roll No. 298]

AYES—85

| | | |
|---|---|---|
| Allen | Bunning | Cunningham |
| Archer | Burton | Dannemeyer |
| Armey | Callahan | DeLay |
| Baker | Campbell (CA) | Dickinson |
| Barton | Coble | Doolittle |
| Bennett | Combest | Dornan (CA) |
| Bliley | Condit | Dreier |
| Boehner | Crane | Duncan |

Edwards (OK)
Emerson
Ewing
Fawell
Fields
Gallegly
Gekas
Gibbons
Goodling
Hall (TX)
Hancock
Hansen
Hastert
Herger
Holloway
Hunter
Hutto
Inhofe
James
Johnson (TX)
Kyl
Lagomarsino
Laughlin
Lent
Lewis (FL)
Lightfoot
Livingston
Marlenee
McCandless
McGrath
Miller (OH)
Moorhead
Nichols
Orton
Oxley
Packard
Petri
Quillen
Riggs
Roberts
Rohrabacher
Roth
Sarpalius
Schulze
Sensenbrenner
Shuster
Skelton
Smith (OR)
Solomon
Stearns
Stenholm
Stump
Sundquist
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Vucanovich
Walker
Young (AK)

NOES—329

Abercrombie
Ackerman
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bacchus
Ballenger
Barnard
Barrett
Bateman
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Blackwell
Boehlert
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Camp
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coleman (MO)
Coleman (TX)
Collins (IL)
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallo
Gaydos
Gejdenson
Geren
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Goss
Gradison
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hamilton
Hammerschmidt
Harris
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Hertel
Hoagland
Hobson
Hochbrueckner
Hopkins
Horn
Horton
Houghton
Hubbard
Huckaby
Hughes
Ireland
Jacobs
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Leach
Lehman (CA)
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (GA)
Lipinski
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Montgomery
Moody
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Pastor
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (MN)
Pickett
Pickle
Porter
Poshard
Price
Pursell
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roe
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schumer
Serrano
Sharp
Shaw
Shays
Sikorski
Sisisky
Skaggs
Skeen
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (TX)
Snowe
Solarz
Spence
Spratt
Staggers
Stallings
Stark
Stokes
Studds
Swett
Swift
Synar
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walsh
Washington
Waters
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (FL)
Zeliff
Zimmer

NOT VOTING—20

Collins (MI)
Coughlin
Cox (CA)
Dymally
Feighan
Gephardt
Gingrich
Hatcher
Hoyer
Hyde
Johnson (CT)
Kolter
Lehman (FL)
McEwen
Mollohan
Peterson (FL)
Ray
Tallon
Thomas (GA)
Traxler

□ 1909

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1910

AMENDMENT OFFERED BY MR. BREWSTER

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

The Clerk read as follows:

Amendment offered by Mr. BREWSTER: Page 92, beginning on line 1, strike "and the Mason Neck National Wildlife Refuge".

The CHAIRMAN. Under the 5-minute rule, the gentleman from Oklahoma [Mr. BREWSTER] will be recognized for 5 minutes, and the gentleman from Illinois [Mr. YATES] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Oklahoma [Mr. BREWSTER].

Mr. BREWSTER. Mr. Chairman, I am offering this amendment today for several reasons. My amendment will protect the mission of the U.S. Fish and Wildlife Service. This amendment will protect the rights of hunters. And this amendment will protect the future of our Nation's wildlife refuges through the use of sound wildlife management programs.

Language was included in the fiscal year 1993 Interior appropriations bill because of concern for the safety of residents near Mason Neck National Wildlife Refuge. However, the basis of this concern is not well founded. It has been suggested that a child might accidentally be shot—or a hunter might wander from the refuge and into a nearby homeowner's backyard. It has also been stated that the eagle population of Mason Neck would be disturbed by a hunt. I will tell you today that none of these concerns have any real basis for support.

The U.S. Fish and Wildlife Service has conducted this hunt for 3 years. During this time, refuge officials have not received one single complaint of a stray hunter. Not one single report of injury. And not one single report of disturbed eagles.

Management officials for the Fish and Wildlife Service have constructed a very safe controlled hunt. They require the hunters participating to meet or fulfill many regulations that are actually more stringent than those of the State of Virginia. For example, hunters are required to:

Meet all standards for Virginia hunting regulations.

Attend and receive safety certification which is given in lecture format.

Receive certification on a firing range, by placing five out of eight buckshot pellets in a 20-inch circle.

Wear 400 inches of orange as opposed to the normal Virginia regulation of 100 square inches.

Use only 20-gauge or larger shotguns loaded only with buckshot.

The refuge allows only 42 hunters to be on the refuge at any one time. The Fish and Wildlife Service also allows only those hunters who are selected by lottery to participate in the hunt.

Refuge officials have also taken every precaution for the safety of nearby residents. All boundaries of the refuge contain a 100-yard-wide no hunting zone. In addition, any road adjacent to or through the refuge contains a 100-yard-wide no hunting zone on each side. These zones are marked with fluorescent pink plastic sheets that refuge rangers hang from trees at 20-foot intervals. Along the short part of the boundary that adjoins house lots there is a 275- to 400-yard no hunting zone. This area is marked with green sheets of plastic. This zone encloses a tree stand hunting area only. These precautions insure that all shots are at a downward angle.

The eagle nesting site is also protected by a no hunting buffer zone of one-half to three-fourths of a mile. Refuge officials have recorded no change in the behavioral patterns of the eagles during or after the hunt. Biologists believe this hunt has no effect on the nesting habits of the eagle. In fact, last year the refuge produced three eaglets. This is an all-time record for Mason Neck.

There are many problems that could occur if the deer population of Mason Neck is not brought under control. The deer have already completely killed an important zone of forest undergrowth

through overbrowsing. Deer do not graze, they browse. If this overpopulation is allowed to continue there wil not be sufficient numbers of young trees to replenish the old trees that die. These are the same trees that the resident bald eagles will use for nesting in the future. Overpopulation also causes the deer to eat forage that would provide food for other forms of wildlife. An overpopulation also increases the possibility of deer/vehicle collisions. Between the years of 1980 and 1990, the Virginia State Police statistics show 10 people were killed and 1,733 people were injured in accidents involving deer. Another 22,709 accidents occurred in which only property damage occurred. These accidents caused $27,225,463 of damage, and these numbers are just from Virginia roads.

In addition to the local problems imposed on Mason Neck by this legislation, we should also consider the nationwide implications of this legislation. We, in Congress, would be preempting the mission of the U.S. Fish and Wildlife Service. Their mission charges USFWS with expert management of the national wildlife and refuges. Management that is developed by professional biologists, ecologists, and environmentalists. For Congress to tell these professionals how to do their complex job would be much like us trying to tell a nuclear physicist how to build an atomic bomb.

They are the experts, we are not. I strongly believe we should let them continue to do their job in the professional and successful way they have done in the past.

In closing I would like to reiterate that the Fish and Wildlife Service knows their business. They conduct safe hunts. They practice sound management techniques. And we should let them continue to do so. I ask my colleagues to vote "yes" for this amendment.

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

Mr. BREWSTER. I yield to the gentleman from Pennsylvania.

Mr. SCHULZE. Mr. Chairman, I rise in strong support of the Brewster amendment to strike language contained in the bill which would prohibit the Fish and Wildlife Service from conducting a safe and controlled deer hunt on the Mason Neck Refuge.

Mason Neck Refuge was established in 1969 as a refuge for our Nation's symbol, the bald eagle.

The refuge has been successful in retaining a breeding pair of eagles, who have produced young eaglets the past 2 years. Indeed, three new eagle nests have recently been found in nearby areas.

However, the refuge faces an environmental disaster because of the overpopulation of the whitetail deer herd. The deer herd has stripped the refuge of most trees less than 7 years old. Without reducing the herd size now, the ecological damage will continue and we will lose habitat for other species.

The opponents of a controlled deer hunt state that deer hunting bothers the eagles, is a threat to the safety of the residents of the area, and is ineffective in reducing the size of the deer herd. Let me address these issues one at a time.

First, eagles are not overly sensitive to loud noises or human presence. Not only is this clear from the fact that the eagles in Mason Neck are still at the refuge, but they have produced and continue to produce offspring. Furthermore, eagles are plentiful at Aberdeen Proving Grounds. Yes, APG where the army fires ordnance virtually every day of the year. Last year 990,000 rounds were fired, everything from small caliber handguns to 155 millimeter cannons. And with all this activity Aberdeen is home to five breeding pairs of eagles and, last January, 112 bald eagles were using the area.

It is clear that shotgun fire at Mason Neck does not and will not cause eagles stress.

Second, safety of the residents of the area. The refuge manager and the Fish and Wildlife Service have taken great steps to ensure the safety of the residents and the hunters on the refuge. All hunters must pass a gun safety test as well as prove their marksmanship by placing five buckshot pellets at 20 yards in a 20-inch circle. In addition, only buckshot is allowed and it has an effective range of only 40 yards.

The Fish and Wildlife Service has placed a 100-yard buffer zone around the refuge and has set aside 500 acres around the eagles nest as off limits to hunters. Fish and Wildlife requires hunters to wear four times the amount of blaze orange required by other hunters in Virginia.

Finally, the opponents of the hunt state that hunting is not an effective way of reducing herd size. This simply is not the case. During last year's hunt, of the 137 deer removed, 86 were does and 51 were bucks.

If you assume that one doe gives birth to an average of two fawns per year, the deer population was reduced by an additional 172 deer.

The best way of reducing the deer herd is to take more does. To achieve this reduction, antlerless deer taken from the refuge will not count toward the Virginia bag limit, encouraging more hunters to take does.

In conclusion, Mr. Chairman, hunters and sportsmen have contributed billions of dollars to enhance our wildlife resources. We must not allow political considerations to get in the way of professional wildlife management.

The professionals at the Fish and Wildlife Service and the wildlife biologist on the refuge support the hunt as the best and most effective way to protect the deer herd and the ecological balance of the refuge.

I strongly urge my colleagues to support our environment by voting "yes" on the Brewster amendment to strike.

Mr. BREWSTER. Mr. Chairman, I ask unanimous consent to reserve the balance of my time.

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

There was no objection.

Mr. YATES. Mr. Chairman, I yield to the gentleman from Florida [Mr. JOHNSTON].

Mr. JOHNSTON of Florida asked and was given permission to revise and extend his remarks.)

Mr. JOHNSTON of Florida. Mr. Chairman, I strongly oppose the Brewster amendment.

Mr. Chairman, I urge defeat of the Brewster amendment which would strip H.R. 5503 of language prohibiting an open deer hunt on the Mason Neck National Wildlife Refuge. As a member of the Interior Committee, I strongly support the original intent of national wildlife refuges. Mason Neck is a particularly important refuge because its primary purpose is to protect the endangered bald eagle. Not only is our national bird very sensitive to and greatly affected by any human activity, the eagles are also threatened by the lead poisoning from the ingestion of buck shot pellets when feeding on deer carcasses.

This amendment is all the more negligible given the fact that the hunt would take place adjacent to two densely populated residential neighborhoods. The residents of Mason Neck are particularly concerned about their children who often use the outskirts of the wildlife refuge as a playground. The refuge is separated only by a small buffer zone which park authorities stated in public hearings they did not have sufficient staff to enforce. Numerous incidents of hunters within range of neighborhood homes have been reported.

It is unfortunate that the wildlife we seek to protect on our national wildlife refuges are being considered open game for hunters. The safety of the residents of Mason Neck are at stake as well as our entire system of wildlife protection. Hunting must never be permitted on wildlife refuges. I am a cosponsor of the Refuge Wildlife Protection Act which would prohibit the sport hunting and commercial trapping of wildlife in our National Wildlife Refuge System. Hunting on land reserved for the preservation of wildlife is an inconsistency that must be amended. Unfortunately, for the residents of Mason Neck, the term sanctuary has lost its true meaning.

I urge defeat of the amendment.

Mr. YATES. Mr. Chairman, I yield to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Chairman, we have heard from the gentleman from Oklahoma [Mr. BREWSTER], the author of this amendment, that he went into my congressional district last Sunday. He did go last Sunday, and he decided, because he was with someone in favor of this deer hunt, that there ought to be a deer hunt. He was there one Sunday afternoon.

Mr. Chairman, I represent this area. The gentleman from Oklahoma [Mr. BREWSTER] did not talk to any of the people in the PTA. All of the PTA members have opposed this deer hunting at Mason Neck in Fairfax County. He did not talk to any of the civic association leaders. Every single civic association opposes this deer hunt.

Why would they oppose the deer hunt? Because it is near two very densely populated residential neighborhoods. This refuge is one-tenth the size of the average refuge in this country.

There are 608 schoolchildren who attend school near by. There are dozens of school children who wait at the bus stop next to this refuge.

When the PTA took the refuge manager and asked him to explain why deer hunting was necessary, that refuge manager suggested at the PTA meeting that the children ought to wear blaze orange and carry pots and pans with them to the bus stop.

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

Mr. MORAN. I yield to the gentleman from Pennsylvania.

Mr. SCHULZE. Mr. Chairman, I talked to the refuge manager, and he said he absolutely did not say that and he resents being quoted in that manner. He says he did not even infer that.

Mr. MORAN. Mr. Chairman, I would say to the gentleman from Pennsylvania [Mr. SCHULZE], if he would talk to some of the PTA members, he would hear quite the opposite.

I have heard from dozens of PTA members who have told me that.

The point is, this is a populous area. This is Fairfax County. There are 800,000 people living in Fairfax County.

This was set up as a bald eagle sanctuary. It was set up in 1969 by Mo Udall and many of the other Members here. It was solely for the purpose of sanctuary for bald eagles.

In fact, it was said at the time, the urgent need to prohibit hunting was necessary to protect the eagles.

In 1983, the Fish and Wildlife Service came to the Federal Government and asked to be able to purchase another 350 acres because they feared that it was private property and that they might allow hunting, which was detrimental to the purpose of that bald eagle sanctuary.

We went ahead. We bought their argument. We purchased that land.

My colleagues, this is an accident waiting to happen. The speakers today are going to tell my colleagues no one has been shot or killed. That is correct.

The reason I am here is because I do not want anybody to be shot or killed. I tell my colleagues, with all the young children in this area who regularly use this sanctuary to play in, their backyards buttress up to the wildlife refuge, they go into the woods to play. The only way to distinguish the sanctuary is some painting on some of the trees.

□ 1920

The children play in those woods. One day there is going to be an accident that all of us will deeply regret who vote for this to allow deer hunting in such a populous area.

Colleagues, please do the right thing. I am not against deer hunting. The point is there are places appropriate to deer hunting and there are places that are not appropriate. This is not appropriate.

Mr. BREWSTER. Mr. Chairman, I yield to our distinguished colleague, the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Chairman, years ago I was the chairman of the Subcommittee on Fisheries and Wildlife Conservation to set up this area. It was understood that this area was going to be administered under the Refuge Administration Act for the protection of the habitat and for the protection of the animals there. It was fully expected that hunting would be permitted.

The gentleman is all wet on what he has said. He indicated it was Mo Udall who said it. It was not Mo Udall, it was JOHN DINGELL, on the Committee on Merchant Marine and Fisheries, that did it. The idea was that this hunting could take place under safe circumstances, under safe conditions, it should be permitted to be done, and the Fish and Wildlife Service should be permitted to administer the refuge for the good of the species, which includes controlling excessive numbers of some populations.

Mr. BREWSTER. Mr. Chairman, I yield to my distinguished colleague, the gentleman from West Virginia [Mr. MOLLOHAN].

Mr. MOLLOHAN. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Oklahoma.

I would first like to dispel the notion that the Mason Neck Wildlife Refuge deer hunt endangers residents of nearby communities.

Every aspect of this hunt is carefully regulated. Based upon extensive ballistic testing, the Fish and Wildlife Service has established safety zones around the margins of the Mason Neck refuge to prohibit any hunting activity in proximity to homes, roads, or habitat of the bald eagle. These safety zones are far larger than the buffers in place in other refuges throughout the Northeast.

The hunters who participate must attend safety lectures in order to receive proper certification and must be skilled enough to pass difficult accuracy standards. These hunters are also encouraged to walk the refuge prior to the hunt in order to gain an understanding of the terrain.

The Fish and Wildlife Service has taken every step possible to make this a safe hunt. The fact is that the deer hunt on the Mason Neck Wildlife Refuge is strictly supervised and is not a hazard to residents of the area.

Rather the hunt is needed to preserve the ecosystem of the refuge and protect the habitat of the bald eagle.

The professional wildlife managers of the Fish and Wildlife Service have concluded that uncontrolled growth of the deer population threatens the vegetative cover of the refuge, and imperils the ecosystem upon which the endangered bald eagle depends. Our Government's wildlife managers have determined that a short, supervised hunt of the deer population is the most effective and proper wildlife management tool to bring this deer population under control.

Opponents of this amendment want to second guess our wildlife managers and they suggest that professional marksmen should conduct this hunt instead of the trained, tested, and limited number of public hunters. Implied in this argument is the dubious assumption that professional marksmen will not make as much noise as public hunters, will disturb the bald eagles less, and will be less prone to accident than experienced public hunters.

Mr. Chairman, Members of the House should not be fooled. Opponents of this amendment cannot mask the fact that they have a policy dispute with the Fish and Wildlife Service that is far more general than the specifics of the Mason Neck Wildlife Refuge.

The Fish and Wildlife Service recognizes hunting as a legitimate recreational activity on our national wildlife refuges, but the opponents of this amendment do not.

The Fish and Wildlife Service believes that regulated hunts represent an effective wildlife management technique, but the opponents of this amendment do not.

The U.S. district courts have upheld the judgment of the Fish and Wildlife Service in this respect, but the opponents of this amendment want to overturn these court decisions.

The opponents of this amendment would like to use this opportunity to continue their assault on the rights of the recreational public hunter to utilize our national wildlife refuges. The House should overwhelmingly approve the amendment offered by the gentlemen from Oklahoma and support the rights of the hunting public.

The CHAIRMAN. The gentleman from Oklahoma [Mr. BREWSTER] has consumed all of his time, and the gentleman from Illinois [Mr. YATES] has 2 minutes remaining.

Mr. YATES. Mr. Chairman, I yield the balance of my time to the gentleman from Florida [Mr. SMITH].

Mr. SMITH of Florida. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong opposition to this amendment. On this

amendment we are faced with a rather special choice, do we wish to respond to the fears of the local residents who live next to the Mason Neck Refuge year round or do we cater to the pleasures of only weekend hunters who force the residents to worry every time their children go outside to play. I have decided to stand with the residents who can hear the gunshots from their porches and see the hunters from their windows.

I want to stand with the residents who see this endangered bald eagle sanctuary and see the bald eagles flee from the gunshots, fearing for their own safety, seeing bald eagles die from eating buckshot left in dead deer. I want to stand with the residents who have seen the hunt fail to control the deer population and who would prefer Fairfax County department methods to try to control the herd.

For several years now language has been included in this Interior bill that protects the Loxahatchee National Wildlife Refuge in south Florida from deer hunting. The refuge manager has found other methods for effectively controlling the deer population, which was the argument that was used when the Loxahatchee restriction first came up on this floor. That was 10 years ago. They have effectively controlled it without any problem. I believe the deer population in Mason Neck can be controlled using similar methods that would not endanger the local population.

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

Mr. SMITH of Florida. I am happy to yield to the gentleman from Virginia.

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

In fact, Mr. Chairman, the Fairfax County Department of Animal Control has offered to use professional marksmen to cull the heard, to shoot the sick and the lame, and they have offered that for 2 years. It has been rejected by the Fish and Wildlife Service. That is the way to do it. There are two refuges on either side. They have determined, the State and local government has determined, that there is not an excessive deer population, and in fact it would be too dangerous to the residential neighborhoods to have deer hunting. We are overriding the State and local government to do this.

Mr. SMITH of Florida. Mr. Chairman, I have great respect for the gentleman from Michigan [Mr. DINGELL], but when this refuge was established there were not always the million people living in Fairfax County that there are now. The people are more important on this issue.

The CHAIRMAN. All time has expired on the amendment.

The question is on the amendment offered by the gentleman from Oklahoma [Mr. BREWSTER].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MORAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 255, noes 160, not voting 19, as follows:

[Roll No. 299]

AYES—255

| | | |
|---|---|---|
| Alexander | Grandy | Olver |
| Allard | Guarini | Ortiz |
| Allen | Gunderson | Orton |
| Andrews (TX) | Hall (OH) | Owens (UT) |
| Applegate | Hall (TX) | Oxley |
| Archer | Hamilton | Packard |
| Armey | Hammerschmidt | Pallone |
| Baker | Hancock | Panetta |
| Ballenger | Hansen | Parker |
| Barrett | Harris | Pastor |
| Barton | Hastert | Paxon |
| Bentley | Hayes (LA) | Penny |
| Bereuter | Hefley | Perkins |
| Bevill | Hefner | Peterson (MN) |
| Bilirakis | Henry | Petri |
| Boehlert | Herger | Pickett |
| Boehner | Hobson | Pickle |
| Boucher | Holloway | Poshard |
| Brewster | Hopkins | Pursell |
| Brooks | Horton | Quillen |
| Browder | Houghton | Rahall |
| Bruce | Hubbard | Ramstad |
| Bryant | Huckaby | Ravenel |
| Bunning | Hughes | Rhodes |
| Burton | Hunter | Ridge |
| Bustamante | Hutto | Ritter |
| Byron | Inhofe | Roberts |
| Callahan | Ireland | Roemer |
| Camp | James | Rogers |
| Campbell (CA) | Jenkins | Rohrabacher |
| Campbell (CO) | Johnson (CT) | Rose |
| Carr | Johnson (TX) | Roth |
| Chandler | Jones (NC) | Rowland |
| Chapman | Jontz | Santorum |
| Clement | Kanjorski | Sarpalius |
| Clinger | Kaptur | Saxton |
| Coble | Kildee | Schaefer |
| Coleman (TX) | Klug | Schiff |
| Combest | Kolbe | Schulze |
| Condit | Kopetski | Sensenbrenner |
| Costello | Kostmayer | Sharp |
| Cramer | Kyl | Shaw |
| Crane | Lagomarsino | Shuster |
| Cunningham | Lancaster | Sisisky |
| Dannemeyer | LaRocco | Skeen |
| Darden | Laughlin | Skelton |
| Davis | Leach | Slattery |
| de la Garza | Lehman (CA) | Smith (NJ) |
| DeFazio | Lent | Smith (OR) |
| DeLay | Lewis (CA) | Smith (TX) |
| Dickinson | Lewis (FL) | Snowe |
| Dicks | Lightfoot | Solomon |
| Dingell | Lipinski | Spence |
| Donnelly | Livingston | Spratt |
| Doolittle | Lloyd | Staggers |
| Dorgan (ND) | Lowery (CA) | Stallings |
| Dornan (CA) | Marlenee | Stearns |
| Dreier | Martin | Stenholm |
| Eckart | Martinez | Stump |
| Edwards (OK) | McCandless | Sundquist |
| Edwards (TX) | McCollum | Swett |
| Emerson | McCrery | Swift |
| English | McCurdy | Tanner |
| Erdreich | McDade | Tauzin |
| Espy | McEwen | Taylor (MS) |
| Ewing | McGrath | Taylor (NC) |
| Fazio | McMillan (NC) | Thomas (CA) |
| Fields | McMillen (MD) | Thomas (WY) |
| Fish | McNulty | Thornton |
| Franks (CT) | Michel | Unsoeld |
| Frost | Miller (OH) | Upton |
| Gallegly | Molinari | Valentine |
| Gallo | Mollohan | Vander Jagt |
| Gaydos | Montgomery | Volkmer |
| Gekas | Moorhead | Vucanovich |
| Geren | Morrison | Walsh |
| Gillmor | Murphy | Weber |
| Gilman | Murtha | Weldon |
| Glickman | Myers | Whitten |
| Goodling | Neal (NC) | Williams |
| Gordon | Nichols | Wilson |
| Goss | Nussle | Wise |
| Gradison | Oberstar | Wolf |
| Wyden | Young (AK) | Zeliff |
| Yatron | Young (FL) | Zimmer |

NOES—160

| | | |
|---|---|---|
| Abercrombie | Gilchrest | Owens (NY) |
| Ackerman | Gonzalez | Patterson |
| Anderson | Green | Payne (NJ) |
| Andrews (ME) | Hayes (IL) | Payne (VA) |
| Andrews (NJ) | Hertel | Pease |
| Annunzio | Hoagland | Pelosi |
| Anthony | Hochbrueckner | Porter |
| Aspin | Horn | Price |
| Atkins | Hoyer | Rangel |
| AuCoin | Jacobs | Reed |
| Bacchus | Jefferson | Regula |
| Barnard | Johnson (SD) | Richardson |
| Bateman | Johnston | Rinaldo |
| Beilenson | Jones (GA) | Roe |
| Bennett | Kasich | Ros-Lehtinen |
| Berman | Kennedy | Rostenkowski |
| Bilbray | Kennelly | Roukema |
| Blackwell | Kleczka | Roybal |
| Bliley | LaFalce | Russo |
| Bonior | Lantos | Sabo |
| Borski | Lehman (FL) | Sanders |
| Boxer | Levin (MI) | Sangmeister |
| Broomfield | Levine (CA) | Sawyer |
| Brown | Lewis (GA) | Scheuer |
| Cardin | Long | Schroeder |
| Carper | Lowey (NY) | Schumer |
| Clay | Luken | Serrano |
| Coleman (MO) | Machtley | Shays |
| Collins (IL) | Manton | Sikorski |
| Conyers | Markey | Skaggs |
| Cooper | Matsui | Slaughter |
| Cox (IL) | Mavroules | Smith (FL) |
| Coyne | Mazzoli | Smith (IA) |
| DeLauro | McCloskey | Solarz |
| Dellums | McDermott | Stark |
| Derrick | McHugh | Stokes |
| Dixon | Meyers | Studds |
| Dooley | Mfume | Synar |
| Downey | Miller (CA) | Torres |
| Duncan | Miller (WA) | Torricelli |
| Durbin | Mineta | Towns |
| Dwyer | Mink | Traficant |
| Early | Moakley | Vento |
| Edwards (CA) | Moody | Visclosky |
| Engel | Moran | Washington |
| Evans | Morella | Waters |
| Fascell | Mrazek | Waxman |
| Fawell | Nagle | Weiss |
| Flake | Natcher | Wheat |
| Foglietta | Neal (MA) | Wolpe |
| Ford (TN) | Nowak | Wylie |
| Frank (MA) | Oakar | Yates |
| Gejdenson | Obey | |
| Gibbons | Olin | |

NOT VOTING—19

| | | |
|---|---|---|
| Collins (MI) | Gingrich | Savage |
| Coughlin | Hatcher | Tallon |
| Cox (CA) | Hyde | Thomas (GA) |
| Dymally | Kolter | Traxler |
| Feighan | Peterson (FL) | Walker |
| Ford (MI) | Ray | |
| Gephardt | Riggs | |

□ 1943

Mr. COOPER and Mr. NAGLE changed their vote from "aye" to "no."

Messrs. DICKS, WHITTEN, and DICKINSON changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Chair would note that a 15-minute vote has taken about 24 minutes apiece tonight, and the Chair is going to begin to honor the rules of the House very carefully; when the Chair says 15 minutes, it means 15 minutes.

PARLIAMENTARY INQUIRY

Mr. ROBERTS. Mr. Chairman, I have parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. ROBERTS. Mr. Chairman, I think your watch and my watch were exactly the same. We discussed this, and it was 27 minutes on a 15-minute vote.

Is it within the discretion of the Chair to limit the time after the 15 minutes has expired? Is that the discretion of the Chair?

The CHAIRMAN. The rule provides a minimum of 15 minutes, so the Chair could end the vote at any time after that that the Chair deemed appropriate.

Mr. ROBERTS. I applaud the Chair's timely decision.

AMENDMENT OFFERED BY MR. STENHOLM

Mr. STENHOLM. Mr. Chairman, pursuant to the rule, I am the designee of the gentleman from Texas [Mr. DE LA GARZA], and I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STENHOLM: Beginning on page 92, line 20, strike all through page 95, line 7.

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

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

There was no objection.

The CHAIRMAN. The gentleman from Texas [Mr. STENHOLM] will be recognized for 20 minutes, and the gentleman from Oklahoma [Mr. SYNAR] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. STENHOLM].

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

Mr. Chairman, this amendment would strike section 312 from H.R. 5503. Section 312 would raise Federal grazing fees. By striking it, we permit the authorizing committee to address this important issue.

Mr. Chairman, I yield 2 minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, I thank the gentleman for yielding me this time.

I am pleased to join the gentleman as a cosponsor of this amendment.

My colleagues, there are a couple of myths that need correcting. One is that the West is populated by millionaire cattle barons who run hundreds of thousands of cattle on tens of thousands of acres of land, Federal land. The fact is that about 90 percent of the cattle people who run cattle on BLM land are family-sized operations. They have incomes, most of them, less than $30,000 a year.

We are talking about clobbering the little cattle operators, small business people of the West.

There is a myth that the grazing-fee increase in this bill is moderate. This is a more than 33-percent increase in grazing fees. It is significant. It is going to drive marginal cattle operations off of the land.

There is a myth that this is going to create a windfall in money, in Federal receipts. The fact is that the bill that is before us that I and the gentleman from Texas are trying to amend, if left as is, will only mean an additional $5 million in Federal receipts, but those $5 million having to be paid for by small business folks running cattle and sheep out in Montana and other States is going to be enough to drive some of them off the land.

The thing to recognize, my colleagues, is that this is not being done through the authorization process, because the authorizors recognized that this is a complex issue. We are in negotiations in Interior and Agriculture. We are in negotiations with the Senate. We are in negotiations with the administration trying to find a fair level for grazing fees which may, of course, include an increase in grazing fees. But this is a slam dunk of more than 33-percent increase to small operators out West, and they cannot afford it. You are going to drive them off of the land.

Mr. SYNAR. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Mr. Chairman, I would point out in view of a statement that just preceded mine that the amount of increase proposed in this bill would increase to $2.56 per animal unit.

Last year this body passed an increase to $4.35, very substantially more than we propose in this bill. It is a modest increase that we are talking about.

But let me also point out that we spend about $100 million to manage these lands. We get back in grazing fees $27 million.

□ 1950

We would be better off not to graze them, not to do anything with them because we are having a net loss of about $75 million.

Now, I understand part of that is management for wildlife, but of that $27 million, $13 million of the collected fees goes to range improvement. We put it back into the land. So we have $13 million left, even though we spent $100 million at the top end. Of the $13 million that is left, $6.7 million goes to local government. This is to the counties for schools, for local purposes, and what would happen is if the grazing fees are increased, there would be more money go to local governments.

Eight million dollars out of this $27 million when it is all said and done goes to the U.S. Treasury, to the taxpayer who owns the land, pays the bills of $100 million, has $8 million left to put into the Treasury. That does not make very much economic sense.

I recognize that we need to have these lands grazed, but I think it is a matter of what is fair. Our grazing fees are substantially lower than is the case in the private sector.

I would also point out that on an animal unit basis it is much less.

The Federal Land Policy and Management Act requires that the Government receive fair market value for its public lands.

We are trying to approach fair market value here, and yet people say, well, this is too much money. Very little has changed.

As a matter of fact, because of the formula, it is less now than it has been in some of the preceding years.

Therefore I think it is important that we get a fair return on our investment.

Now, of course, it has been stated that there will be hopefully some permanent legislation dealing with grazing fees, and that would be fine, but I have heard that siren song for a number of years now and I have yet to see the bill that would address the question of making basic change in the grazing law.

What we are trying to do here is simply say that what is fair is fair and make a modest increase in the grazing fees.

Now, we have also heard that this is going to hurt the small rancher. Ten percent of the BLM permittees had over 500 head of cattle and controlled 47 percent of the grazed land. People with less than 100 head controlled 16 percent of the AUM's. So I think to say that this is penalizing the small rancher begs the question, because from the statistics presented to us by the Forest Service and by BLM, it is quite clear that the large ranchers dominate.

One last comment, and that is that only 2 percent of the cattle are produced on public lands with grazing fees, so that 98 percent of cattle are produced entirely on private sector lands.

Mr. STENHOLM. Mr. Chairman, I ask unanimous consent that my 20 minutes be divided equally, 10 minutes to myself and 10 minutes to the gentleman from New Mexico [Mr. SKEEN]

The CHAIRMAN pro tempore (Mr. BARNARD). The gentleman from Texas [Mr. STENHOLM] has 8 minutes remaining.

Mr. STENHOLM. Mr. Chairman, I ask unanimous consent that 10 minutes be allotted to the gentleman from New Mexico [Mr. SKEEN].

The CHAIRMAN pro tempore. And 8 minutes to the gentleman himself?

Mr. STENHOLM. Eight minutes to myself, Mr. Chairman.

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

There was no objection.

Mr. SKEEN. Mr. Chairman, I thank the gentleman for yielding me the time. I yield myself 1 minute.

Mr. Chairman, here we go again, grazing fees from people who know ab-

solutely nothing about the grazing-fee base, where it came from and so forth.

The return from the fees, as stated by my friend, the gentleman from Ohio, to be $27 million and $13 million goes back. This comes out of the tax base that will normally belong to each of these States, but because of the public lands situation it is taken out of circulation and out of the tax base in that State, so the PILK money, the payment in lieu of taxes, comes back to them.

The other statement was that it does not make any economic sense. If it does not make any economic sense for those people who are the stewards of this land, taking care of it and paying a fee for the use of it while it is mixed in with theirs, then how come we do not apply the same logic and economic sense to the lighthouses in Gloucester Bay where the fishermen are not paying anything for the use of those lighthouses?

Mr. SYNAR. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts [Mr. ATKINS].

Mr. ATKINS. Mr. Chairman, I rise in opposition to the Stenholm amendment. This is an amendment which would cost taxpayers $5½ million. What it would essentially do is continue an obscene subsidy that goes to some of the wealthiest individuals and the wealthiest corporations in this country.

We can talk all we want about the small cattlemen, the small ranchers, but the facts are the facts in terms of who benefits.

Ranchers who had over 500 head of cattle made up just 10 percent of the permittees under this program, but they controlled fully half of the total animal unit months. The small ranchers with under 100 head of cattle controlled just 16 percent of the animal unit months.

It is the big operators who are the ones who are getting the vast bulk of the subsidy, and it is a huge subsidy. This year it will cost $52 million to give people the privilege to graze their cattle on public lands, to increase problems of erosion, to increase problems in our stream banks.

And who is it that we are benefiting? If you look down the list, Union Oil Co., Getty Oil Co., Texaco, Zenchiku Land Corp. of Tokyo, major insurance companies. Massachusetts even has a piece of this action with the John Hancock Mutual Life Insurance Co.

But the granddaddy of them all is a fellow by the name of Daniel Russell, a real estate developer from Santa Barbara who controls 5.2 million acres of public range lands, a small little cattleman, an area that is larger than the size of the State of Massachusetts.

Mr. Chairman, let us get real. There is no reason to provide a subsidy to these folks. We want to cut the budget, we want to balance the budget. Let us start with the subsidies for large corporations, the subsidies for wealthy individuals. Let us return to common sense, make the program. If people want to graze on public lands, the program ought to at least pay for the cost to the Government of administering the public lands themselves.

This amendment would cost taxpayers $5½ million. It is the kind of thing that people just scratch their heads about. How can you support and be aggressively for a balanced budget amendment, but then want the big subsidies for the big operators in your district?

Mr. STENHOLM. Mr. Chairman, I yield 1 minute to the gentleman from North Dakota [Mr. DORGAN].

Mr. DORGAN of North Dakota. Mr. Chairman, I do not come to the well to support Union Oil or Getty Oil. I come to the well to support those in my district who now pay a reasonable grazing fee on public lands for the purpose of using those public lands. Those are ranching families in North Dakota.

We in this Chamber have many critical matters to conclude by October.

We are here tonight again faced with a policy matter on Federal grazing fees that properly belongs in the Interior Committee, but we are again trying to decide this complex matter with one-liners and 60-second spots on the floor. This is not the proper procedure of the House of Representatives; it is not a responsible way to legislate, and we already know that it will not end in a change in the grazing fees.

On the other hand, this body did clearly express its will on grazing fees in the proper legislative vehicle—the Bureau of Land management reauthorization bill. The other body is now considering that bill, and is, in fact, is conducting a hearing on Federal grazing fees today in an effort to set a grazing fee that is fair to both our ranchers and the taxpayers, who own the land.

So, the provisions on grazing fees does nothing for our legislative work except to delay our agenda of serious matters. It provides an arena for proponents of these rent increases to again make their case in half-truths and gross distortions of the way our ranchers rent our Federal range lands.

The proponents try to point to the cost of managing our Federal lands as a fault of the ranchers who rent the lands. They say the Federal Government's cost of managing the land is $52 million greater than the rental receipts, and, therefore, the rent must be excessively low. They forget to consider that perhaps the way Federal lands are managed is too costly, rather than that rent is too low.

Let me tell you that the State of North Dakota also owns public lands, and rents the land out to ranchers at rates that are a little higher, but quite comparable, to Federal rates in my State. And the State not only makes good money on those rangelands, but its agents make sure the land is kept in good condition by the renters.

The picture you will get from the proponents of this excessive increase in grazing fees is that the U.S. Treasury's shortfall is the fault of our ranchers when it is mostly a problem of cumbersome Federal regulation and bloated bureaucratic management. In these little soundbite-sized arguments we have here today, however, you will not get a reasonable perspective on the issue, and we will not be provided the kind of information we need to make a fair decision.

Please let the proper legislative process proceed, as it now is through the authorizing process, and please vote to remove this superfluous language from the appropriations bill.

Mr. SYNAR. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia [Mr. DARDEN].

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Mr. DARDEN. Mr. Chairman, I rise in strong opposition to this amendment and in support of the provisions in H.R. 5503 relating to fees charged for livestock grazing on public lands. In the past several years, I have joined several of our colleagues in introducing legislation to gradually increase Federal grazing fees to fair market value. This body has approved measures increasing the Federal grazing fee at least three times in the last 2 years.

Mr. Chairman, reform of the current rangelands management system is badly needed. The BLM and the U.S. Forest Service rangeland programs managing over 250 million acres of public land had a combined operating deficit of over $52 million dollars in 1990 alone. In addition to this operating loss, the American taxpayer is losing millions of dollars in grazing fee revenues every year as the result of the current Federal grazing fee that is one-fifth of the market value in some locations and one-third of the average market value in the Western United States.

Mr. Chairman, in a time when the Federal deficit is approaching $400 billion and the American people and economy are suffering, responsible management of public resources alone is reason enough to defeat this amendment and retain the grazing fee provisions in H.R. 5503.

But, Mr. Chairman, there are other reasons to support the rangeland management reforms included in H.R. 5503. The current program is fundamentally unfair to the vast majority of our Nation's livestock ranchers. Nationally, only 3 percent of all ranchers have access to this federally subsidized grazing land. In the Western States, only 10 percent of the ranchers have access to this below-cost services. The majority of ranchers, large and small, who do not have access to Federal grazing land

are placed at a competitive disadvantage by the current policy. The Federal Government should not penalize the vast majority of this Nation's ranchers by subsidizing their competition.

Mr. Chairman, the grazing fee provisions in this bill would also restore thousands of acres of rangeland damaged by overgrazing and poor management by requiring that all grazing fees collected be utilized for restoration and management purposes only. In a number of reports issued over the past several years, the GAO has described the environmental risks created by declining allotment conditions, insufficient monitoring, and generally inadequate management of large sections of BLM and Forest Service rangeland. H.R. 5503 would apply grazing fee receipts to restoration of fish and wildlife habitat, restoration and management of riparian areas, and implementation of land management and allotment plans. This use of grazing fee receipts not only is environmentally responsible, but it protects the value and utility of an important public resource.

Mr. Chairman, many of those receiving the grazing fee subsidy are large ranching businesses and not the small mon-and-pop ranchers that some would have us believe. In fact, a recent combined report issued by BLM and the Forest Service showed that as of 1990 almost one-half—47 percent—of the total available grazing forage managed by BLM was controlled by only 10 percent of the total permittees. One permittee controls over 5 million acres of grazing land, an area larger than six of our Nation's States.

Mr. Chairman, I commend the chairman and members of the Appropriations Committee for addressing this issue, and I urge the Members of this body to cast a vote for fair and responsible management of taxpayer's property by defeating this amendment.

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. I thank the gentleman for yielding to me.

Mr. Chairman, it is interesting to hear our cotton and peanut expert from Georgia talk about grazing on public lands, talk about subsidies.

Let me talk a little bit about land ownership patterns.

We are talking here about land that, in many cases, takes 70 to 100 acres per animal unit.

So you are not talking about the same kind of land you are talking about in Georgia. We are talking here about land that was homesteaded. The homesteaders took the water and the feed, the winter feed, and the rest is residual land that is not useful by itself. That is what we are talking about.

We are talking about the land that is in checkerboards, where every other section belongs to a private owner and the other is Government. How are you going to fence that?

You are not talking about using these as individual units. These units go together. We are talking also, when you talk about acres, grazing associations; 80 families in the Red Desert Grazing Association. You list them as one lessee.

That is one kind of thing we are talking about. I think we ought to talk about utilizing these lands in multiple-use optimum, getting winter feed, getting water, so that you can use wildlife. Wildlife is more abundant in Wyoming today on Federal lands then it was before the grazers came.

Mr. STENHOLM. Mr. Chairman, I yield 1 minute to the gentleman from Colorado [Mr. CAMPBELL].

Mr. CAMPBELL of Colorado. I thank the gentleman for yielding time to me.

Mr. Chairman, I appreciate the opportunity to speak in support of the Stenholm amendment. We have fought these arbitrary fee increases many times in the past; I continue to believe that it is poor public policy to drive families of the West out of the land.

Many of the proponents of increasing grazing fees believe they are voting to protect our environment. My colleagues should know that that argument couldn't be further from the truth.

Mr. Chairman, there is no argument that it has been the Taylor Grazing Act, passed in 1934, and the BLM's sensible use of livestock grazing that has allowed western lands to be in a better condition today than at any other time in this century.

Like most ranchers, Mr. Chairman, I wake up each morning on my ranch in southwestern Colorado. There, I know I must live with the environmental consequences of my actions. Ranchers can see, feel, and hear their impacts on the Earth. We know from firsthand experience that public lands grazing has an unquestionable positive impact on our rangeland environment. Although I do not have any grazing permits, Mr. Chairman, thousands of my constituents do.

Mr. Chairman, by supporting the Stenholm amendment, my colleagues will be voting to protect an important rangeland management tool. I urge a "yes" vote on the Stenholm amendment.

Mr. SYNAR. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. I thank the gentleman for yielding this time to me.

Mr. Chairman, what the Appropriations Committee has done is simply try to provide a little bit of equity on behalf of the taxpayers that we represent. They tried to provide an increase in these fees because these people can afford this increase in the fees and the taxpayers are entitled to it.

So far, this debate is around whether big people or little people are getting the benefits of this program. Our committee has addressed BLM lands and grazing fees, reforms, numerous times. But the Western Senators have blocked it each and every time. They fought very hard in the Committee on Appropriations on the subsidy, so that the subsidy to these individuals continues to grow.

At some point you have an obligation to the taxpayers you represent to treat them fairly, because what we have now is nothing more than corporate welfare for a few cows.

People talk about the family farmer and this amendment moving the family farmer off the farms. What are the names of those family farms? A family like the Cooke family, which just won the Americas Cup, spent $60 million, and it is worth several billions of dollars.

But they get a subsidy every year from the Federal Government for their cattle operations.

The Hewlett-Packard family, Hewlett and Packard run their ranches, and they get a subsidy.

The Metropolitan Life Insurance Co., nice, small, family operation, they get a massive subsidy from this operation.

The John Hancock family, the Chevron family, the Texaco family, it goes on and on, ladies and gentlemen. What you have here is a charade. You have people who run ranches, 26,000 people, 300 million acres, but the fact is, and I have said it time and again, the small people own a very small percentage—run a very small percentage of the cattle on the lands. It is the very largest.

I speak to you out of experience. We used to have Western water subsidies that went to everyone. One day we had to tell those farmers, "If you are small and are farming 960 acres out in the West, we will provide you subsidized water. But after that, you are on your own. Get your hand out of the taxpayers' pocket.

"This is big business, big operations, big land holdings and large numbers of cattle.

"Someday, folks, get your hands out of our pockets."

Now, mind you, these are the same companies that will come and tell you to let this system work, let the market price work in natural gas and in energy and in health insurance and in defense contracts, let the market work. "But don't let the market work" when it comes to their federally subsidized entitlement for the cows that they are babysitting on an annual basis.

The time has come to stop this.

This appropriations bill does not go nearly far enough in its reforms or the price changes. as Mr. REGULA pointed out, it is a modest increase. We are asking everybody in this Nation, millions of people who have lost their jobs, millions of people contributing to the welfare of this Nation, "How about the largest and the richest families and

corporations in America just giving up their subsidy?" Just let us break even. We will give you back the land, just let us break even.

"Get your hands out of our pockets. Get your hands out of working people's pockets. Get your hands out of the taxpayers' pockets."

I say to my colleagues, do a favor for the taxpayers you represent. This amendment will bank-upt no one, it will bankrupt no one. If you need a small-farm exemption. come see us. We can discuss that. But that is not what is going on here.

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in strong support of the Stenholm amendment to strike section 312, which would establish a new grazing fee formula. This section is a blatant circumvention of both the House and Senate authorizing committee's ability to oversee programs within its purview.

Section 312 flies in the face of past arguments made by proponents of an increase in grazing fees. In past years, they have argued that a gridlock in the authorizing committees has successfully frustrated their efforts resulting in a need for this circumvention. However, contrary to this line of debate, the House Interior Subcommittee on National Parks and Public Lands held hearings on grazing fees.

Subsequently, in July 1991, the House considered and passed H.R. 1096, BLM authorization legislation which included a grazing fee formula as proposed by Mr. REGULA. Further, less than 2 weeks ago the Senate Energy and Natural Resources Subcommittee on Public Lands, National Parks and Forests held hearings on H.R. 1096.

In addition to the House and Senate actions, however, to allay environmental concerns, the BLM has empaneled a blue ribbon commission to craft a performance based fee. The commission is made up of a cross-section of interests; from environmentalists to ranchers, to range scientists, this working group is charged with drafting a formula acceptable to all.

Last, there is an abundance of new information. The limited debate here on the House floor makes it impossible to fully consider the matter. The information must be given a chance to be reviewed in its improper forum.

The bottom line is this, negotiations are ongoing. New formulas are being crafted. Section 312 is nothing short of simple and blatant harassment by those of the "cattle free by 1993" mindset.

This issue needs to be fully debated and investigated in the authorizing committees. Section 312 will only frustrate continuing efforts.

I urge my colleagues to vote for the Stenholm amendment to strike section 312.

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Mr. STENHOLM. Mr. Chairman, I yield 1 minute to the gentleman from Idaho [Mr. LAROCCO].

Mr. LAROCCO. Mr. Chairman, last year I argued against increasing the grazing fee in the Interior appropriations bill. I asked Members to give the authorizing committees the opportunity to consider this issue.

We have done that job. Earlier this year, hearings were held by the House Interior and Senate Energy Committees. We are searching for a solution that will give us certainty and fairness. The process is underway.

Unfortunately, many Members think this process does not matter.

Well, Mr. Chairman, I think it does matter. It matters to me as a member of the Interior Committee; it matters to the public lands States like Idaho; and it matters to the ranchers in my district.

Many Members may believe a 33-percent increase in grazing fees will not hurt. But family farmers and ranchers in Idaho have something in common with factor workers in Ohio and Michigan—the economic recovery that has been promised has not arrived.

The farmers, and ranchers, and bankers in my district are waiting—and praying—toughing it out through one bad year after another. They want to believe that economic recovery is just around the corner as claimed by some. Unfortunately, Mr. Chairman, it is difficult for my neighbors to keep hope alive when faced with such a drastic increase in the cost of doing business.

The chairman of my committee and the Committee on Interior and Insular Affairs makes my point. They did not deal with the subsidies on the reclamation projects here on the floor, tacking it on to an authorization bill. We did it in the authorizing committee.

I urge my colleagues to support the Stenholm amendment.

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. HERGER].

Mr. HERGER. Mr. Chairman, I rise in strong support of this amendment. Fair and predictably priced livestock grazing on public lands is essential to rural economies in the West. Failure to adopt this amendment will result in arbitrarily pricing many ranchers off of Federal lands, thus forcing thousands of family ranchers out of business and increasing unemployment in areas in my North Carolina district already struggling with double digit unemployment rates.

The current grazing fee formula is an equitable way of indexing fees to market conditions. The total cost of using public rangelands is often much higher than the total costs of using private land. If in fact a change in the grazing fee formula is warranted, it must be legislated in a reasoned, comprehensive manner through the authorizing process. An arbitrary change contained in an appropriations bill is not the answer.

I urge my colleagues to support this amendment.

Mr. STENHOLM. Mr. Chairman, I yield 1 minute to the gentleman from Utah [Mr. OWENS].

Mr. OWENS of Utah. Mr. Chairman, today, the House is once again taking up the divisive and controversial question of raising grazing fees on the public lands. I will once again fight against the proposed increase and urge my colleagues to do the same. I've made the usual strong arguments against this increase before: First, that it is too steep, doubling the grazing fee in less than 3 years. Second, that an issue this critical to the survival of family ranching in the West should only be addressed through the normal committee process and not be dealt with summarily on the floor of the House of Representatives. This is nothing more than an attempt to circumvent the normal legislative process in the Interior Committee on which I serve. And third, that cattle on the public lands cost the grazer more to raise than cattle on private lands. But as someone who came from a strong environmental background, I would like to introduce a new argument into the debate.

There is an environmental reason for not passing laws or setting fees which drive ranchers off the public lands. Environmentalists and ranchers should join together to preserve the open spaces of the West. Like wildlife, open space is a commodity that will only survive as long as it is a valued part of an economic system with many supporters. Open space will gradually disappear without its traditional economic and cultural underpinnings. As ranchers go out of business or sell their ranches because of economic difficulties, they are rapidly being replaced by an influx of ranchettes, condominiums, subdivisions, and development. The choice may turn out to be between cows and condos.

Making life more difficult for ranchers is counterproductive from the environmental perspective. Winning this unnecessary war against grazers could lead to the loss of the West we all know and love. For my part, I would much prefer to see cows graze on the public lands than to see pristine open space fill with new subdivisions. The unintended result of our understandable attempts at preserving western resources may be the "Aspen-ization" of the region. To preserve the open spaces of the West, we should preserve responsible traditional uses, or the economic vacuum may be filled with something alien to the land, something unfamil-

iar, and something ultimately much more destructive to the spirit of the West.

Support the Stenholm amendment. Preserve the open spaces.

If cattle or sheep are overgrazing the land in certain places—and they undoubtedly are—it is intellectually more honest, not to mention better legislative process, it address the problem through more determined enforcement of existing law and the enactment of additional protective laws if necessary. We have taken steps in that direction already in the Interior Committee with our work on the Bureau of Land Management reauthorization bill. We do not need to price ranchers off the land in order to protect it.

There is a new paradigm of environmental protection developing which must logically include an alliance between ranchers and environmentalists. I will do my best to see it happen. We are all in this together, and one thing that binds us all, environmentalists, ranchers, and all Americans, is our deep and abiding love of the land. None of us wants to see the character and beauty of the traditional open spaces of the West changed forever. For that reason, there is a very strong environmental argument to be made for continued, responsible ranching on the public lands.

Mr. SYNAR. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I rise in opposition to the amendment, which would delete from the bill the provisions amending existing law related to grazing fees.

Under the rules of the House, the part of the bill that the amendment would strike in fact should not be part of an appropriations bill. For that reason, I joined Chairman MILLER in asking the Rules Committee not to waive a point of order against this part of the bill.

However, the Rules Committee has protected this part of the bill against a point of order. Therefore, the question before us is not about the rules, but about the substance of the grazing fee issue. That being the case, I support the language in the bill and oppose the amendment.

The House last debated this subject a year ago, when the same language related to grazing fees was adopted as an amendment to the BLM reauthorization bill which I managed on the floor. I voted for that amendment and helped to work through the details of it with Mr. REGULA, the author, because I believe that it is sound policy.

Since then, the Interior Committee—which is the committee of jurisdiction—has continued to review this matter, and in May of this year, the Subcommittee on National Parks and Public Lands, which I chair, held an oversight hearing on the latest report on grazing fees by the Interior and Agriculture Departments, at which we also heard from those opposing increases in grazing fees.

So, this is an instance in which the authorizing committee has scrutinized the question of increasing grazing fees. We have reviewed grazing fees, and other rangeland management issues, over and over again in recent years—I know, because as the subcommittee chairman I have listened to all the testimony and have reviewed numerous studies and reports. Those who oppose a change from the generous subsidized fee today are in error when they carp about lack of committee oversight or deliberation.

Therefore, although I would prefer that the grazing fee issue be resolved in an authorization bill—like H.R. 1096, the BLM reauthorization bill passed by the House last year and still pending in the Senate—since the issue today is the policy and not the vehicle, I must oppose the Stenholm amendment and support the reform of the grazing fee and the improvements in range management provided for in this appropriation bill.

Mr. Chairman, there is no doubt that the suppressed, subsidized low grazing fees and permits have resulted in the use and abuse of the public domain by pushing the land to the point of environmental degradation. Recent reports from the GAO and testimony continue to document the harm to the land. Hot desert areas which it takes 2,700 acres to graze a cow/calf A.U.M. for 1 month.

Mr. Chairman, the opposition to change grazing fees have a simple answer—postpone the action when objective information is proposed by the GAO. Blame the messenger. When the Agriculture and Interior Department professions do a study, lobby the political operators to undercut the plain facts.

The question of grazing fees is far from a new subject. The forest service has been charging fees for grazing on national forest lands since 1906. Fees for grazing on public lands now managed by the Bureau of Land Management date from enactment of the Taylor Grazing Act in 1934. There never has been complete agreement about how these fees should be set.

At least since the late 1950's some have argued that the Government should attempt to realize the fair market value of the forage consumed by grazing on Federal lands. And in fact fees are set that way now in certain places.

Debates over grazing fees threatened to prevent the enactment of the Federal Land Policy and Management Act of 1976. As a compromise, section 401 of that act called for a joint study of the issue by the Agriculture and Interior Departments, and froze grazing fees for the 1977 grazing year pending that study.

After the study was completed, a further moratorium on changes was imposed by Public Law 95-321, signed by President Carter in July 1978. That was followed by enactment of the Public Rangelands Improvements Act in October, 1978.

The Public Rangelands Improvement Act [PRIA], established a formula for setting grazing fees, to be used during a 7-year trial period, and mandated a further study of alternatives and a report to Congress, with recommendations, by December 31, 1985.

The expectation was that the 99th Congress then would act on this subject.

The study was done and the report was submitted, but the Reagan administration did not make any recommendations about how grazing fees should be established once the PRIA formula expired.

Despite extensive discussions involving members of the Interior Committee and also Members of the other body, the 99th Congress did not complete action on grazing fees, and the PRIA fee formula expired with no legislation in place to govern grazing fees in 1986 and subsequent years.

After the expiration of the PRIA formula, President Reagan in February 1986, issued an Executive order which called for continued use of that formula, with a "floor" fee of $1.35 per animal unit month, which was the fee at that time. That Executive order is still in effect.

In both the last Congress and this one, competing bills have been introduced—some, to statutorily enact the Reagan Executive order and some to replace it with a new statutory basis for setting grazing fees. The Subcommittee on National Parks and Public Lands has held hearings on them, but has not acted. Instead, the matter has been debated and acted on by the House as a whole.

The grazing fee provision in the bill before us is based squarely on the 1986 report from the Interior and Agriculture Departments. It would put into effect one of the alternatives—known as the "modified market value fee system"—identified in that report, but limit the extent to which grazing fees could be increased or decreased in any one year.

Mr. Chairman, I am convinced that the present formula for setting grazing fees is fatally flawed.

It inevitably results in keeping fees at levels that do not enable the land-managing agencies even to recover the costs of managing the range.

It keeps grazing fees lower than the prices private parties are able to obtain, through the open market, for forage.

It has resulted in fees that are far below what many States or other governmental bodies receive for grazing on their lands—lands which in many cases

are indistinguishable in character and quality from the Federal lands with which they are intermixed.

As the General Accounting Office noted last year, the present fee formula begins with an intentionally very low base. That base is then adjusted in ways that double-count factors related to ranchers' costs and that so magnify those factors that they dominate the outcome of calculations under the formula.

The result of this is to artificially depress the fees, as shown by GAO's calculation that in constant dollars last year's Federal grazing fee—which was higher than this year's—had decreased by 15 percent over the last 10 years while private grazing prices had increased by 17 percent.

The current formula should have been allowed to die at the end of 1985, as originally provided by PRIA, and Congress should have enacted a formula producing fees more equitable as compared with prices paid for grazing on other lands, and more fair to the taxpayers who are the owners of the public lands.

Unfortunately, by issuing his Executive order on Valentine's Day, 1986, President Reagan gave artificial respiration to the formula, and allowed it to outlive its time.

Certainly, the time has come to give it a decent burial and to replace it with something better, as this amendment would do.

Of course, the provision in this bill is not the only possible way to replace the current fee formula with a better one. The report by the General Accounting Office identified several other alternatives, any one of which would be better than the present formula as embodied in President Reagan's 1986 Executive order. But the provision in this bill—and the identical provision in the BLM reauthorization bill pending in the Senate—is certainly better than the current formula.

Furthermore, the language in the bill would make some other desirable changes in the current situation. It would abolish the grazing advisory boards, and transfer their functions to the existing multiple-use advisory councils provided for by the Federal Land Policy and Management Act of 1976, or FLPMA, which is BLM's Organic Act.

The grazing advisory boards were first established to assist with the implementation of the Taylor Grazing Act shortly after its enactment in 1934. FLPMA provided for them to continue in existence until December 31, 1985, when they were to end along with the PRIA fee formula. However, again the executive branch took it upon itself to thwart congressional intent, this time by issuance of secretarial orders continuing the boards.

Unlike the multiple-use advisory councils mandated by law, these grazing boards represent only one user group, namely grazers. They have been the embodiment of the excessive political influence that this user group has too often been able to exert over decisions about public rangeland management.

Furthermore, these boards have been provided with funding derived from a share of the very grazing fees that their members pay. Ostensibly, these are to be used for bettering range conditions—to the benefit of the grazers, among others—but in fact at least some of these funds have gone for other purposes, including for lobbying Congress about grazing fees. Yes, some of the money the grazers pay the government for the taxpayers' forage goes to lobby us to keep down the price.

Further, under current law the part of the grazing-fee receipts that the National Government keeps is earmarked for funding "range improvements"—that is, things like fencing or stock-watering ponds that are for the direct benefit primarily of the grazers.

The language in this bill would broaden the purposes for which these receipts could be used, to include restoration and enhancement of fish and wildlife habitat, for restoration and improved management of riparian areas, and for better grazing management through implementation of applicable land-management plans and such activities as range monitoring and enforcement of grazing allotment requirements.

In these areas, there is an acute need for increases in agency resources and for investments to benefit all parties, including grazers. For example, better management of riparian areas often means increases in grazable forage, as well as in fish and wildlife resources and water quantity and quality. This bill would assist this.

Mr. Chairman, there are serious problems on the range and in the management of the public lands generally. The GAO and others have documented these problems repeatedly. Inadequate funding and personnel has hampered the BLM in particular, and the Forest Service as well, in their efforts to solve these problems.

To their credit, the Appropriations Committee has worked hard to provide the needed resources. But in this area, as in so many others, the realities of the budget have put serious limits on what can be made available.

As a result, this appropriation bill does not include all the funds that are really needed for proper management of the public lands and for improvement of the riparian areas and other sensitive parts of those lands. Both an increase in grazing fees and the other changes that this bill would make are essential if we are to have any chance to make such improvements.

The best way to resolve the grazing fee and related issues would be for the Senate to pass H.R. 1096, and renew BLM's authorization bill. But it is imperative that the grazing fee formula be changed, that the special status of the grazing advisory boards be ended, and that the uses of grazing fee receipts be broadened. The appropriations bill before us would make those changes, and so I support it and I urge defeat of this amendment.

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from Montana [Mr. MARLENEE].

Mr. MARLENEE. Mr. Chairman, like the B-1/B-2 bomber, this thing keeps coming back, and back and back to bomb our ranchers and small operators in the West. This is an amendment that could well be termed the corporate ranching opportunity of the decade because what it will do is force the small operator off and force larger and larger operations on the West. It is big operations that can afford the consolidation and the spreading of costs throughout their operation so that they can pay a higher fee. We are not subsidizing the ranchers out there. This fee was established in 1978, if my colleagues believe that. The 1978 formula was devised to set the fee. It was devised by a Democrat chairman of the committee, Teno Roncalio, in the Public Lands Subcommittee.

I would urge my colleagues to consider that, and consider the fact that range management specialists set the number, not the grazing fee. They set the number of livestock that is going to be on the range. Those are people that understand how many acres a cow needs.

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from Arizona [Mr. RHODES].

Mr. RHODES. Mr. Chairman, in a State the size of Arizona, about 3.6 million people, Arizona's cattle industry sends enough beef to the supermarkets to feed 4.6 million people a year.

Many rural parts of Arizona continue to rely on the cattle industry even as high technology, real estate, financial and service industries continue to grow in the Phoenix and Tucson areas.

A report done by the ASU School of Agriculture and Environmental Resources shows that Arizona cattle ranching has an annual economic impact of $302 million in our state.

These dollars include the impact of large purchases made by ranchers within their communities as well as supplies, wages, taxes, and improvements to rangeland and water sources.

In addition, ranchers contribute substantially to the retail and service sectors of rural Arizona, such as tack and feed stores, clothing stores, gas stations, restaurants, local banks and health care facilities.

The additional value of property, along with the inventory of livestock, buildings, corrals, machinery and equipment provides a strong economic base in rural Arizona.

The tax revenue generated from the cattle industry also serves as a major supporter of rural schools and government services.

The ASU study revealed the economic impact of rancher improvements on Arizona's rangeland amounts to about $18.5 million a year.

The cost of creating and maintaining water sources, roads, habitat, and daily care of the land would have to be borne by the taxpayer on millions of acres of public lands if ranchers did not fill this role.

That's why public land grazing fees in and of themselves are lower than private land fees—the Federal Government does not provide all the added costs of doing business—the ranchers do.

The net effect of substantially increasing grazing fees is to either impose more costs on the Federal land management agencies to provide the extra services which private land lessors provide, or drive cattle off the public rangeland.

The fact is, when all is said and done, the latter is in fact the agenda of those who are pushing this large grazing fee increase—to drive western cattle off the public range. They should just admit that, and get on with the direct destruction of yet another way of life in the West.

If the Congress does that, they also drive away productive direct and indirect livestock jobs in Arizona and elsewhere in the West; they drive away the economic base of many rural communities; they drive away individuals and families.

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Mr. SKEEN. Mr. Chairman, I yield such time as he may consume to the gentleman from Arizona [Mr. STUMP].

Mr. STUMP. Mr. Chairman, I rise in strong support of the amendment to strike the grazing fee hike language from the fiscal year 1993 Interior appropriations bill.

Increasing the fees charged for grazing on public lands by 33 percent, as recommended in the House Appropriations Committee report, or by any other amount randomly drawn out of a hat, would be devastating to ranchers in the West who depend on public grazing lands.

More than 80 percent of all grazing fee permittees are small family operators, earning less than $28,000 each year. Out of the earnings, a permittee must not only make a living, but also absorb the cost of range conservation and management improvements such as erosion control, fences, and the development of water catchments.

An arbitrary hike in grazing fees will have the effect of driving cattle off of our public lands, an act that goes directly against the principle of multiple use for which public lands were taken into the Federal domain in the first place. Additionally, increasing grazing fees goes against the grain of good economic sense.

Grazing fee receipts make a substantial contribution to Federal range budgets, for purposes such as administration of wildlife funds, archeological site preservation and watershed enhancement, all free to the taxpayer. Where would the money come from to pay for the cost of increased fees? More importantly, where would the money come from to pay for the cost of range management activities paid for by the permittees at no cost to the American taxpayer?

The current grazing fee formula, established in the Public Rangelands Improvement Act [PRIA], is fair and equitable. Any proposed changes to the current formula should rightfully be considered by the authorizing committee, and not be pushed through attached to an appropriations measure.

I urge my colleagues to support the PRIA formula, and support the amendment to strike the grazing fee increase language from the fiscal year 1993 Interior appropriations bill.

Mr. SKEEN. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon [Mr. SMITH].

Mr. SMITH of Oregon. Mr. Chairman, this issue should not be here, we know that, under the propriety of the rules of this House. But it is.

I want to take the issue head on and debate the question of whether or not this is a subsidy. I am going to prove to Members, if they have at least an open mind, that there is no subsidy, there is no giveaway, there never has been, and ranchers in America are paying their fair share to the Federal Government. They do not want a handout and they ought not have a handout. Let me give the numbers.

First of all, if this is a subsidy, then it ought to cost less, should it not, to run on public lands than private lands. Here in front of me is a study done by Arizona State University which indicates it costs $15.04 per animal unit month to run on the Federal Government land, and $10.41 to run on private land.

Why would not all the people running on public land then take private land, because it is cheaper. Simply because it is not available. So they are destined to pay a higher price, even at $2.56, which is a 33 percent increase offered by the gentleman from Ohio [Mr. REGULA]. The point is that in his offering, it is also changing the prior formula, which means in the long run it is a 244 percent increase to $4.68.

Now, is this a subsidy? If it is a subsidy it ought to cost the Government and the taxpayers money. The 1990 cost to the Federal Government per animal unit month of the Bureau of Land Management was $1.47; the Forest Service, $1.78; but ranchers pay $1.92 per animal unit month day. They are paying more than it costs the Federal Government to manage the program.

Finally, they say we are destroying the land, the public land in America, because we are grazing cattle on it.

Since 1960, from Fish and Wildlife Service records, antelope have increased 112 percent on public lands, bighorn sheep, 435 percent, deer, 30 percent, elk, 782 percent, and moose, 476 percent. That is how your decimated public lands have been treating wildlife, and there is competition, obviously, between wildlife and livestock.

So the point remains there is no subsidy. There ought to not be an increase. If there is a 33-percent increase, it is a tax. I have heard Members who have spoken on this floor suggest that we ought to tax the rich and give it to the middle class. The same Members stood here and said we ought to tax 5,000 families out of business. And who do you think is going to survive? The big guys.

So if you want the big guys, do not do it this way. You are getting the little guys. Five thousand families on public lands will be out of work.

Mr. Chairman, there is no purpose nor reason for this. Vote with this gentleman from Texas [Mr. STENHOLM] and strike this unfair, unreal increase in grazing fees.

Mr. SKEEN. Mr. Chairman, I yield my remaining 1 minute to the gentleman from Texas [Mr. STENHOLM].

The CHAIRMAN. The gentleman from Texas [Mr. STENHOLM] now has 5 minutes remaining, and the gentleman from Oklahoma [Mr. SYNAR] has 5 minutes remaining.

Mr. STENHOLM. Mr. Chairman, I yield such time as he may consume to the gentleman from Idaho [Mr. STALLINGS].

Mr. STALLINGS. Mr. Chairman, I rise in support of the Stenholm-Williams amendment, and in opposition to the provisions in the bill which would increase Federal grazing fees by more than 30 percent. I support this amendment for two reasons.

First, I believe this appropriations bill represents an end-run around the authorizing process. The National Parks and Public Lands Subcommittee has held a number of hearings on this issue over the last few years. It has not passed this legislation and the full House should not do so now by leaving this provision in the bill. Second, this kind of an increase in grazing fees would be an onerous burden to Western permittees, and would force a number of them off public lands.

I have long maintained that the current fee system that was first mandated by Congress as part of the Public Rangelands Improvement Act of 1978 is fair to both the grazing permittees and the Federal Government. The Federal grazing fee is determined by a formula set by Congress in 1978 with bipartisan support. It was originally put into law by the Carter administration. The formula was later extended by President Reagan by Executive order and has since been upheld in Federal court.

The current fee is based on market conditions, and goes up or down depending on three market variables that are measured by the government each year: Private lease rates, beef cattle prices, and production costs in 11 Western States. It is a reflection of market value because of the additional costs incurred by a producer in running cattle on public lands. Federal permittees must bear many additional nonfee costs not borne by private

lessees. Public rangeland are less productive for feed, allowing lower carrying capacities. Transportation costs are greater, water hauling, fence repair, doctoring of sick animals, and protection from predators all are costs paid by the producer and must be recognized in any comparison of fees for public versus private grazing costs.

Recent studies show that when these additional costs are added to the Federal grazing fee, the cost of grazing on public lands equals or surpasses private lease rates.

Western States, including my own State of Idaho, can offer substantial proof that the public grazing system is a vital part of their economic vitality, as well as being an organized program to manage public lands.

Mr. Chairman, the vast majority of the 31,000 ranchers who graze cattle and sheep on Western public lands run small, family owned operations. They simply cannot afford this kind of increase. These are not corporations, these are ranches which have been in the family for generations, and this amendment will put them out of business. Let's keep that in mind when we vote to put ranchers and family farmers out of business.

Mr. Chairman, I appreciate this opportunity to speak today and I encourage my colleagues to support this amendment, and oppose putting thousands of ranchers out of work.

Mr. STENHOLM. Mr. Chairman, I yield 2½ minutes to the gentleman from Texas [Mr. DE LA GARZA], the chairman of the Committee on Agriculture.

Mr. DE LA GARZA. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Texas [Mr. STENHOLM] to strike the language included in the fiscal 1993 Interior appropriations bill to increase the grazing fee for public lands in the West.

This is a very controversial and complex issue, with strongly held views on both sides. I realize the grazing fee increases in the bill was included with the best of intentions. Regardless of the intent, however, I must oppose this attempt to legislate on an appropriations bill. The grazing fee issue is a matter that should be dealt with, and resolved by the authorizing committees, and not on an appropriations bill.

Let me make clear that I share the interest of many Members of this body of the need to develop a grazing fee formula and Federal grazing program that will provide a long-term policy direction for the Federal agencies that administer this program.

A long-term policy is needed to provide stability for the program. A long-term policy is needed to sustain the use of these natural resources. And a long-term policy is needed to provide financial certainty for the ranchers and the rural communities who are directly affected. This should be done by the authorizing committees.

My colleagues, an appropriations bill is simply not the vehicle on which to try to legislate a long-term policy on this important issue.

Members of the House Agriculture Committee have been reviewing this issue. Our Subcommittee on Livestock, Dairy, and Poultry—which Mr. STENHOLM chairs—has held hearings. The subcommittee has been recently to Oregon and Idaho where the effect of changes in the grazing fee formula will be directly felt.

I stand ready to work with my colleagues to address this issue. But today I must oppose the provision in the Interior appropriations bill. Support the Stenholm amendment to strike.

Mr. Chairman, this is a very controversial and complex issue with strongly held views on both sides of the issue. It is a well-intended amendment. But regardless of the good intentions, I must oppose this amendment.

Mr. Chairman, let me address myself to the members of the authorizing committees, the committee chairmen, and let me make it perfectly clear that the issue may well be discussed, but the fact is that this is the wrong legislation and the wrong bill at the wrong time.

We in the Committee on Agriculture have been studying this issue. The subcommittee led by the gentleman from Texas [Mr. STENHOLM] has been recently to Idaho and to Oregon.

Yes, a long-time policy is needed, there is no denying that. We need it to provide stability for the program. A long-term policy is needed to sustain the use of our national resources and a long-term policy is needed to provide financial certainty for the ranchers and the rural communities that depend on this program.

But this should be done by the authorizing committees, not in an appropriations bill, where you do not look at all the issues, where no hearings have been held, where no one has gone out into the field.

Even though the distinguished chairman of one of the authorizing committees, my good friend and dear friend, the gentleman from California [Mr. MILLER], spoke, he has a personal issue, and this I have to respect.

But let me tell the authorizing committees, this is no way to legislate. We do not know yet. This is a 1-year appropriations bill, but this part may be permanent. I do not know. But the issue is that it has to be done, and it should be done in the proper manner by the authorizing committees, and not here at 8:30 at night by the Committee on Appropriations that under the rule does not have the authority to legislate.

Mr. Chairman, they are doing it only because they were given a waiver on the rule. That is why we are here. The rule gave them a waiver, and then, to make amends, they gave me the right to offer an amendment.

This is no way to legislate, I assure Members, and I urge an "aye" vote on the Stenholm amendment.

Mr. SYNAR. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I want to agree with the gentleman from Texas [Mr. DE LA GARZA] who just preceded me, who I think probably had the best statement, which is that this is a highly charged and emotional issue.

What I would like to do in the time remaining is to try to get us back to the basic facts.

Fact No. 1: only 2 to 3 percent of the 932,000 cattlemen in this country enjoy a grazing opportunity, and that is a fact.

It has been suggested by a number my colleagues that if we raise these grazing fees as we suggest today, that we will run the marginal and small cowboys out of business.

That is not what the Forest Service and the Bureau of Land Management told the gentleman from Ohio [Mr. REGULA] a year ago. It was during that debate a year ago that we offered to listen during the expiring year for one scintilla piece of evidence to justify the statement that marginal or small farmers would be run off the land.

As we speak tonight, not one piece of evidence has been provided.

It has been argued by some of those who have debated tonight that these are unreasonable fees. One of our colleagues said it was an arbitrary fee. Another one of our colleagues said the fees that are presently in existence are fair and predictable.

Finally, the gentleman from Oregon [Mr. SMITH] tries to make an argument that this is not a subsidy at all. Yet the two charts which the gentleman uses, one the chart listing the cost of operating livestock on private land, excludes the cost of feeding cattle.

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An amazing feat, that it does not cost a penny to feed cattle on private land.

The second chart which he points to, which shows the cost of administration, fails to use the cost of detecting and preventing trespass, the cost of monitoring and reporting ecological range conditions, two of the major costs which have to be recovered.

Fact No. 2 is very simple, that during the last 6 years the taxpayers of this country have lost $884 million because these fees which we charge these 2 percent of the cattlemen in this country are way below fair market value.

In 1992 alone, we will lose $150 million, and the failure to adopt the amendment, which was within the committee bill, will cost us $160 million additional over the next 4 years.

Fact No. 3, 10 percent of the grazers control 50 percent of the land in this country.

The top 500 grazers in this country, which is 2 percent of the cattlemen, literally control half the land of the grazing land in this country. And who are they? Are they the small operator, as they would suggest in the debate? No. They are insurance companies, oil companies, churches, foreign interests, et cetera.

Fact No. 4, according to the BLM, not some ecoterrorist group, 60 percent of the public lands in this country are in poor or unsatisfactory condition.

According to the Bureau of Land Management, controlled for the last 12 years by a Republican administration, the biological productivity of Western lands has been reduced to one-tenth, one-tenth of its former levels.

My colleagues, 7 years ago we began this debate. In that 7 years, as a Member who comes from a ranching family four generations deep, who is a two-time national 4-H winner, I have implored my colleagues who have opposed this position to bring me the facts that would support their position.

In those succeeding 7 years, we have these many reports from objective third sources that do not support one statement made by the opposition tonight and support everything that we have said. Not one fact that we have argued in 7 years has ever been refuted by the Members who would argue that these grazing fees should not be raised.

Let me conclude. The gentleman from Illinois [Mr. YATES] has done an excellent job in really taking into account the House's position. Four times over the last 4 years this House has overwhelmingly said that it is time to protect the taxpayers. It is time to protect the environment. And that is why this is in there tonight.

I ask my colleagues to do something which is long overdue, which is to give these Western whiney welfare cowboys a good dose of free enterprise.

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

Mr. STENHOLM. Mr. Chairman, I yield myself the balance of my time.

First time that I have spoken on this issue in those 7 years. With all due respect to my colleague from Oklahoma, I want to quote another well-known Oklahoman who once said, and his name was Will Rogers, "It ain't people's ignorance that bothers me so much. It's them knowing so much that ain't so is the problem."

This year in the 1992 version of the U.S. Department of Interior regarding all of the big ranchers that are being subsidized, they say that 90 percent of the Bureau of Land Management permittees and 81 percent of the Forest Service permittees remain medium to small size. It is true all of the big ones that were mentioned are true. But it is also true, in my opinion, after conducting field hearings in Idaho and in Oregon regarding this subject tonight, it is also true that if the gentleman's formula is so magic, that has been put together would go into effect, would have, at least in the opinion of this economist from Oregon State University, this result, as testified in Burns, OR: That this particular formula that is being advocated in the appropriations bill would cause displacement of two-thirds of the existing Western livestock industry in 4 years and extinction of the industry in 6 years, a reduction to zero in Federal Treasury receipts at the end of this formula that is so magic tonight.

That is one opinion that is refuting what the gentleman from Oklahoma said.

Let me give another one because I, too, know a little bit about ranching and leasing and property values because of my own experience. I ask a simple question to my colleagues: If this is such a good deal, why are 20 percent of the available permits left unused? If it is such a great deal, why is there not more clamor for the 20 percent that are unused?

One of the problems we have with this is most of us talking about it do not understand really what we are talking about. Unless one is out there in the country, I could make the same speech my colleague from Georgia did. I do not have any in my district. My participation in this debate tonight is not something that I am protecting for my home district. My participation in this is because I have looked at it from my committee, the Subcommittee on Livestock, Dairy, and Poultry, and believe that we ought to take a little different look at this question than the formula that is being suggested in the Committee on Appropriations.

Many times Members overlook that there is a big difference between leases and Government leases. There is a big difference between the value.

I conclude my remarks by saying to my colleagues tonight, I, after my study, agree that the fees should go up. There is no question in my mind that the fees as currently paid are too low. But not, but not so low that they should be increased 33 percent this year, 33 percent next year, 33 percent next year in the pursuit of some formula that has not been researched by people that know anything about the particular issue we are talking about.

My colleagues, support this amendment. Let the authorizing committees, which are moving, the gentleman from Oklahoma has accomplished one thing. That is, he has got the authorizing committees moving. Let us let them finish their work.

Let us not take that away from them tonight.

Mr. FAZIO. Mr. Chairman, I rise in support of the amendment, and I do so with the greatest respect and admiration for my good friend from Oklahoma, Mr. SYNAR.

As you know, I supported an amendment similar to section 312 last year because on the surface, the difference between public grazing fees and private grazing fees sounded unfair and disproportionate. I believed at the time that public grazing fees should be increased, and I supported the formula that we are discussing today.

However, since that earlier vote, I have had an opportunity to explore this issue in greater detail. I have found that the formula offered in this legislation, and which I previously supported, is based on erroneous data, is arbitrary, and does not include all of the costs associated with use of public grazing lands.

The formula in question is based on conclusions drawn in a 1986 report prepared by the Departments of Agriculture and the Interior. Unfortunately, this 1986 report has been refuted as grossly inaccurate by both Departments as well as by an independent analysis conducted by Pepperdine University. The Pepperdine study, completed in May 1992, concludes that the data and methodology used in the 1986 report provide less than a 1-percent chance of accuracy in determining Federal grazing fees which reflect market value.

This information leads me to believe that the formula used in the Interior appropriations bill and BLM authorization bill is unfair and ill-conceived.

This said, I also believe that the current grazing fee formula, developed in the Public Rangelands Improvement Act of 1978 [PRIA], needs to be reformed and a grazing fee increase may be warranted. Among other things, the new formula should be market based to reflect prevailing economic conditons, similar to private sector leases. The new formula should include production costs like fencing, water improvement, roads, and predator control. These costs are included in private leases, but are not included in the formula being considered today. And, the new formula should include the forage value which has been the one constant factor throughout the grazing fee debate.

The Bureau of Land Management [BLM] is currently in the process of developing an incentive-based fee system to resolve some of the deficiencies of the PRIA formula highlighted by the U.S. General Accounting Office. I would strongly encourage my colleagues to let this process unfold before initiating a more arbitrary increase in the current grazing fee.

Clearly, Congress has the responsibility to protect public lands and to require users of these lands to pay their fair share for its use. Yet, we also have the responsibility to ensure that the policies we enact to achieve this end are based on sound data. The formula outlined in section 312 of H.R. 5503 does not meet this last criteria, and I think we would be ill-advised to give it our approval.

Reform the grazing fee formula—yes. But, today, in this bill with this formula—no. I urge my colleagues to support the Stenholm amendment. Let's send this issue back to the authorizing committees where a real and sound compromise can be reached that will protect public lands and protect a currently fragile livestock industry which uses these lands.

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

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SYNAR. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 164, noes 245, not voting 25, as follows:

[Roll No. 300]

AYES—164

| | | |
|---|---|---|
| Allard | Andrews (NJ) | AuCoin |
| Allen | Armey | Baker |

Ballenger
Barnard
Barrett
Barton
Bateman
Bentley
Bilbray
Bliley
Boehner
Brewster
Bruce
Bunning
Bustamante
Byron
Callahan
Camp
Campbell (CO)
Carr
Chandler
Chapman
Coble
Coleman (MO)
Combest
Condit
Crane
Cunningham
Dannemeyer
Davis
de la Garza
DeFazio
DeLay
Dickinson
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Dreier
Dwyer
Edwards (OK)
Edwards (TX)
Emerson
English
Espy
Ewing
Fazio
Fields
Frost
Gallegly
Geren
Gillmor
Goodling
Grandy
Gunderson
Hall (OH)
Hall (TX)
Hammerschmidt
Hancock
Hansen
Hayes (LA)
Hefley
Herger
Holloway
Hopkins
Houghton
Hubbard
Hunter
Hutto
Inhofe
Johnson (SD)
Johnson (TX)
Kolbe
Kopetski
Kyl
Lagomarsino
Lancaster
LaRocco
Laughlin
Lehman (CA)
Lent
Levine (CA)
Lewis (CA)
Lightfoot
Livingston
Long
Lowery (CA)
Marlenee
Martin
Matsui
McCandless
McCurdy
McEwen
McGrath
Michel
Miller (OH)
Mineta
Montgomery
Moorhead
Morrison
Nagle
Nichols
Nussle
Olin
Ortiz
Orton
Owens (UT)
Oxley
Packard
Panetta
Parker
Pastor
Paxon
Perkins
Peterson (MN)
Pickett
Pickle
Pursell
Quillen
Rhodes
Richardson
Riggs
Roberts
Rogers
Roth
Rowland
Sangmeister
Sarpalius
Schaefer
Schiff
Schulze
Shaw
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (OR)
Spence
Staggers
Stallings
Stenholm
Stump
Sundquist
Swift
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Thornton
Valentine
Vander Jagt
Volkmer
Vucanovich
Walsh
Weber
Whitten
Williams
Wolf
Young (AK)

NOES—245

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (TX)
Anthony
Applegate
Archer
Aspin
Atkins
Bacchus
Beilenson
Bennett
Bereuter
Berman
Bilirakis
Blackwell
Boehlert
Bonior
Borski
Boucher
Boxer
Brooks
Broomfield
Browder
Brown
Bryant
Burton
Campbell (CA)
Cardin
Carper
Clay
Clement
Clinger
Coleman (TX)
Collins (IL)
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Downey
Duncan
Durbin
Early
Eckart
Edwards (CA)
Engel
Erdreich
Evans
Fascell
Fawell
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Gallo
Gejdenson
Gekas
Gibbons
Gilchrest
Gilman
Glickman
Gonzalez
Gordon
Goss
Gradison
Green
Guarini
Hamilton
Harris
Hastert
Hayes (IL)
Hefner
Henry
Hertel
Hoagland
Hobson
Hochbrueckner
Horn
Horton
Hoyer
Huckaby
Hughes
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kostmayer
LaFalce
Lantos
Leach
Lehman (FL)
Levin (MI)
Lewis (FL)
Lewis (GA)
Lipinski
Lloyd
Lowey (NY)
Luken
Machtley
Manton
Markey
Martinez
Mavroules
Mazzoli
McCloskey
McCollum
McCrery
McDade
McDermott
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Miller (WA)
Mink
Moakley
Molinari
Mollohan
Moody
Morella
Mrazek
Murphy
Murtha
Myers
Natcher
Neal (MA)
Neal (NC)
Nowak
Oberstar
Obey
Olver
Owens (NY)
Pallone
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Petri
Porter
Poshard
Price
Rahall
Ramstad
Ravenel
Reed
Regula
Ridge
Rinaldo
Ritter
Roe
Roemer
Rohrabacher
Ros-Lehtinen
Rose
Roukema
Roybal
Sabo
Sanders
Santorum
Savage
Sawyer
Saxton
Scheuer
Schroeder
Schumer
Sensenbrenner
Serrano
Sharp
Shays
Sikorski
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (TX)
Snowe
Solomon
Spratt
Stark
Stearns
Stokes
Studds
Swett
Synar
Tanner
Tauzin
Torres
Towns
Traficant
Unsoeld
Upton
Vento
Visclosky
Walker
Washington
Waters
Waxman
Weiss
Weldon
Wheat
Wilson
Wise
Wolpe
Wyden
Wylie
Yates
Yatron
Young (FL)
Zeliff
Zimmer

NOT VOTING—25

Annunzio
Bevill
Collins (MI)
Coughlin
Cox (CA)
Dymally
Feighan
Gaydos
Gephardt
Gingrich
Hatcher
Hyde
Kolter
Moran
Oakar
Peterson (FL)
Rangel
Ray
Rostenkowski
Russo
Solarz
Tallon
Thomas (GA)
Torricelli
Traxler

□ 2056

Messrs. McCOLLUM, POSHARD, BURTON of Indiana, CLAY, NOWAK, MOLLOHAN, DUNCAN, and COSTELLO changed their vote from "aye" to "no."

Mr. LEWIS of California changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

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

Mr. Chairman, this is the last vote this evening. The Committee intends to rise to allow the Rules Committee to file a rule. The Committee will resume its sitting this evening without any further rollcall votes.

We intend to dispose of as many noncontroversial votes this evening without any record votes.

It is my understanding that the House will convene at 9 a.m. tomorrow when we will complete consideration of our bill.

I have been informed the Committee on Appropriations will delay the full committee meeting until after the final passage of the bill.

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

Mr. YATES. I yield to the gentleman from Missouri.

Mr. EMERSON. Mr. Chairman, I wonder if the gentleman could tell me, you are going to debate some amendments this evening but they are going to be purely noncontroversial?

Mr. YATES. I do not know how controversial they are. We will take up one amendment that I know is noncontroversial, and then move on to another amendment, which if a rollcall is demanded will cause the Committee to rise.

Mr. EMERSON. Does the gentleman intend to debate the Jontz amendment this evening?

Mr. YATES. No, we do not, unless it is noncontroversial.

Mr. EMERSON. I thank the gentleman.

Mr. YATES. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. ENGEL) having assumed the chair, Mr. GLICKMAN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5503) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1993, and for other purposes, had come to no resolution thereon.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4312, VOTING RIGHTS IMPROVEMENT ACT OF 1992

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 102-686) on the resolution (H. Res. 522) providing for the consideration of the bill (H.R. 4312) to amend the Voting Rights Act of 1965 with respect to bilingual election requirements, which was referred to the House Calendar and ordered to be printed.

□ 2100

## REPORT PROVIDING FOR CONSIDERATION OF H.R. 4850, CABLE TELEVISION CONSUMER PROTECTION AND COMPETITIVENESS ACT OF 1992

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 102-687) on the resolution (H. Res. 523) providing for consideration of the bill (H.R. 4850) to amend the Communications Act of 1934 to provide increased consumer protection and to promote increased competition in the cable television and related markets, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## HOUR OF MEETING ON TOMORROW

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent that when the

House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

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

There was no objection.

## ANNOUNCEMENT REGARDING SUBMISSION OF AMENDMENTS TO H.R. 5236, THE VOTING RIGHTS EXTENSION ACT OF 1992

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

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

Mr. SOLOMON. Mr. Speaker, reserving the right to object, and I would not object, I yield to the gentleman from Massachusetts [Mr. MOAKLEY], my good chairman, for an explanation.

Mr. MOAKLEY. Mr. Speaker, the Rules Committee is planning on meeting on Wednesday, July 29, 1992, on H.R. 5236, the Voting Rights Extension Act of 1992. In order to provide for an orderly process in the consideration of this matter, the Rules Committee is requesting that Members submit 55 copies of their amendments to the bill, together with a brief explanation of the amendment, to the Rules Committee office at H-312, the Capitol, by 12 noon, Tuesday, July 28, 1992.

Copies of the text of the bill are available in the House Document Room. Again, the committee would urge Members to submit any amendments to the Rules Committee at the earliest possible time but in no case later than 12 noon on July 28, 1992.

Mr. SOLOMON. Mr. Speaker, further reserving the right to object, if I just engage in a brief colloquy with my good chairman, the gentleman from Massachusetts [Mr. MOAKLEY]; earlier today, our Committee on Rules met to consider two Voting Rights Act bills. One was a voting rights language assistance act which, incidentally, the administration supports, and we did put out a rule on that.

After we had heard testimony at length from a number of people including the chairman, the gentleman from Texas [Mr. BROOKS], who had appeared before our committee and had requested an open rule on both of those bills including the one that the gentleman now is announcing that we will have to have prefiled amendments by, I believe he said, noon on Tuesday.

Mr. MOAKLEY. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the committee chairman.

Mr. MOAKLEY. Mr. Speaker, the gentleman is correct.

Mr. SOLOMON. Mr. Speaker, I would just point out that all of the Members that appeared before the committee were told by you and by also the acting chairman in your absence that they would expect an open rule and that Members could proceed under that understanding, and now it looks like that has been changed, and it might not be an open rule.

Could the gentleman clarify that for the Members? Because I am sure they are confused.

Mr. MOAKLEY. If the gentleman will yield further, at no time did I say there would be an open rule. I asked the chairman what he expected. He said he would like an open rule. He said, you know, maybe with the closing of a couple of titles here and there, but all I can tell the gentleman, we do not know what we are going to do on this rule, and that is why we are asking for the amendments. We have got plenty of work, so we do not have to rush this to the floor, because we have got plenty of work for tomorrow and plenty of work for the beginning of the week.

Mr. SOLOMON. Further reserving the right to object, certainly I do not mean to take exception with what the gentleman says, because I have great respect for the gentleman, but I do not know that the Members were told that were testifying to expect an open rule, and I specifically recall once the gentleman from South Carolina [Mr. DERRICK] saying that specifically, because the question was we were involved in a colloquy at the time, and I would just point out that, you know, in all of the civil rights bills and these voting rights bills that deal with this issue up until just the last year or two, we have always had open rules, and we have had open and good clear debate on the issues.

I would just hope that the gentleman is not going to close down that rule particularly after the Members had the understanding that we would be operating under an open rule.

Mr. MOAKLEY. If the gentleman will yield further, Mr. Speaker, as I say, I never gave anybody the idea that we would be operating under an open rule, because I had not talked with the committee, and I do not know where the gentleman from South Carolina [Mr. DERRICK] got his information, but he did not get it from me.

Mr. SOLOMON. Further reserving the right to object, Mr. Speaker, let me just again thank the chairman.

Let me just remind the House that this is the Voting Rights Extension Act that will be debated on the floor on Wednesday, and the gentleman from Massachusetts [Mr. MOAKLEY] is now requiring amendments to be filled by noontime on Tuesday with the Committee on Rules, and just so everybody understands, and I thank the gentleman for his time.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

## DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1993

Mr. YATES. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5503) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1993, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

□ 2105

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5503) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1993, and for other purposes, with Mr. GLICKMAN in the Chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the amendment offered by the gentleman from Texas [Mr. STENHOLM] had been disposed of.

Are there further amendments?

AMENDMENT OFFERED BY MR. YATES

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

The Clerk read as follows:

Amendment offered by Mr. YATES: On page 62, line 23, strike all beginning with "The" through "endangered" on line 2, page 63, and insert the following: "The Forest Service may offer for sale salvageable timber in Region 6 in fiscal year 1993: *Provided*, That for forests known to contain the Northern spotted owl, such salvage sales may be offered as long as the offering of such sale will not render the area unsuitable as habitat for the Northern spotted owl.".

Mr. YATES [during the reading]. Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

The CHAIRMAN. The Chair would ask the gentleman: This is not the amendment protected under the rule that the gentleman is offering right now?

Mr. YATES. The Chair is correct.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Chairman, this amendment involves the question of salvage sales and the impact of salvage sales upon the environment, upon the

habitat for the spotted owl and upon changing what is now the standard that was recommended in the scientific report headed by Dr. Jack Ward Thomas.

Mr. Chairman, we have negotiated an amendment offered by my good friend, the gentleman from Washington [Mr. DICKS], in committee and accepted by the committee. I proposed to offer an amendment that would change that to incorporate the standard of the scientific committee. The amendment offered by the gentleman from Washington would have allowed sales unless it could be shown that such sales would be detrimental to a species listed as threatened or endangered. The language which I sought to uphold would require that the sales enhance the habitat for the owl.

We have negotiated, and we have agreed upon changing the form of the amendment, and that we would continue discussions looking to resolve the issue at the conference on this bill with the Senate.

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

Mr. YATES. I am happy to yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I want to first of all thank my chairman for his diligent and hard work in working out a very fair compromise on this issue, and I pledge to continue to work with him as we go to conference on this matter.

One other point that I wanted to make was that it was never our intention to go into roadless areas in any case in terms of salvage sales.

So I would urge the House to accept the Yates amendment.

Mr. YATES. I appreciate the gentleman's remarks.

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

Mr. YATES. I am happy to yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, we support the amendment, and I think it is a reasonable compromise of this issue.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. YATES].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to be offered at this time?

AMENDMENT OFFERED BY MS. HORN

Ms. HORN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. HORN: Page 42, line 25, strike "$63,857,000" and insert "$63,633,000.".

Mr. YATES. Mr. Chairman, will the gentlewoman yield?

Ms. HORN. I am happy to yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I am familiar with the amendment offered by the gentlewoman, and I accept it on our side.

Ms. HORN. Mr. Chairman, my amendment is quite simple. It freezes funds for the Office of the Secretary of the Interior for fiscal year 1993 at 1992 levels. The amendment reduces the amount available for salaries and expenses for the Office of the Secretary by $224,000. I believe there is strong justification for this freeze.

From 1989 to 1992, the Office of the Secretary has received a 30-percent increase in funding. In addition, spending reports available for the Office of the Secretary for the past 3 years indicate a 39-percent increase in overhead costs. My aim with this amendment is to reduce this overhead spending. Corporate America and American families have learned to cut the excesses and defer the unnecessary. Every office in every branch of the Federal Government must be given incentives to do the same.

Travel costs alone in the Secretary's office increased by 41 percent from 1991 to 1992—from $865,000 to $1.2 million. We certainly hope this is unrelated to the fact that 1992 is an election year but believe that in today's strained fiscal environment such increases are unwarranted. With record deficits and many agencies and branches of the Federal Government facing cuts, I believe this reduction in funding is warranted.

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

Mr. Chairman, we are going to accept this amendment on this side, but I do want to point out that we took an 11.7-percent cut in this bill from that number requested by the President for operating the Department of the Interior.

□ 2110

I think this was a rather hefty cut. We made every effort to ensure that we got value received for the dollars. Our recommendation allows no increase for approximately $1.5 million in certain fixed personnel costs, and of course the Department is very labor intensive. They have other costs and management initiatives that they wanted to carry out.

I recognize that this is not a large cut and that the effort here is to freeze it at last year's level. In fairness to the Department of the Interior, I think we need to point out that we keep giving them additional duties and at some future time we are going to have to recognize that.

By the same token, we want them to pursue total quality management in the office and try to be more efficient. That is basically why we would accept this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Missouri [Ms. HORN].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ATKINS

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

The Clerk read as follows:

Amendment offered by Mr. ATKINS: Page 97, after line 3, insert the following new section:

SEC. 319. None of the funds made available in this Act may be used to record or process any claimed rights-of-way under section 2477 of the Revised Statutes (43 U.S.C. 932).

Mr. ATKINS. Mr. Chairman, my amendment is a very simple amendment which would clarify a problem that exists now in the Department of the Interior. Under an ancient Civil War era statute it allows that the right-of-way for the construction of highways over public lands not reserved for public use is hereby granted. That statute was repealed in 1976, however when it was repealed existing rights were preserved.

At this time there have been a number of claims on preexisting rights-of-way. They have multiplied. The Department of the Interior has had difficulty in terms of managing these.

What this would simply do is provide a moratorium on that, allow them to find a way to clearly look at these and to process them in some fashion that would be appropriate.

The CHAIRMAN. The gentleman from Ohio [Mr. REGULA] is recognized for 5 minutes.

Mr. REGULA. Mr. Chairman, I think that under clause 2(c) rule XXI, that there can be no limitation during the reading for amendments, and I raise a point of order at this time.

The CHAIRMAN. The gentleman is too late. There has been debate on the amendment. Nobody raised a point of order at the time the amendment was offered.

Mr. REGULA. But I was standing, Mr. Chairman, during that time. I think I had a right to raise the point of order.

The CHAIRMAN. The gentleman did not indicate to the Chair that he was going to raise a point of order at any time.

Points of order should come before debate or be reserved before the debate. Nothing was indicated to the Chair or to the body.

Does the gentleman wish to speak in opposition to the amendment?

Mr. REGULA. Well, Mr. Chairman, I think under the circumstances and as I understand it, votes will be put over.

At this point I would rise in opposition to the amendment to preserve the right to have a vote on it tomorrow.

The CHAIRMAN. That is within the gentleman's right.

Mr. YATES. I have no objection to that, Mr. Chairman.

Mr. REGULA. Mr. Chairman, I would ask for a vote on this amendment. As I understand it, any votes that are called for will be put over until tomorrow.

The CHAIRMAN. The gentleman is correct.

Mr. REGULA. Because I think there are other Members who may want to speak on this and they are not here. There had been an understanding there would be noncontroversial amendments.

PARLIAMENTARY INQUIRIES

Mr. DICKS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DICKS. Mr. Chairman, is it possible to go into other noncontroversial issues at this point by unanimous consent?

The CHAIRMAN. Without objection, the gentleman could withdraw his amendment, but that would be the only way. That amendment is the pending business right now.

Mr. YATES. The gentleman does not want to do that, Mr. Chairman. He objects to that.

The CHAIRMAN. Before the gentleman makes his motion to rise, the Chair would like to state that the unanimous-consent request made earlier today which calls for a limit of five amendments on each side on amendments is still in effect and will be in effect for the remainder of the amendments tomorrow.

Mr. YATES. Mr. Chairman, I thank the Chair.

Mr. DICKS. Mr. Chairman, I have a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DICKS. Mr. Chairman, is it the ruling of the Chair that even by unanimous consent we could not go to a noncontroversial issue at this point, even if I asked unanimous consent to proceed out of order to take this up?

The CHAIRMAN. The Committee of the Whole cannot postpone a vote on a pending amendment, so we will have to dispose of the Atkins amendment tomorrow before we could go ahead with noncontroversial amendments.

Mr. YATES. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. YATES. Mr. Chairman, do I understand the Chair correctly, that the unanimous-consent agreement that was reached providing that the time limit for each amendment that has not yet been disposed of shall be limited to 10 minutes?

The CHAIRMAN. That is correct.

Mr. YATES. I thank the Chair.

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. DICKS] having assumed the chair, Mr. GLICKMAN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5503) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1993, and for other purposes, had come to no resolution thereon.

□ 2120

## ADDRESSING THE SSA DISABILITY DETERMINATION CRISIS

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

Mr. STARK. Mr. Speaker, Congressmen CHARLES RANGEL, THOMAS DOWNEY, ROBERT MATSUI, and BRIAN DONNELLY join me today in sponsoring legislation that introduces the supplemental security income's [SSI's] presumptive disability system into the Social Security disability insurance [SSDI] program.

As you know, one of the biggest problems faced by the Social Security Administration [SSA] is the backlog of people waiting for a disability determination. Unless it receives additional money to hire staff or changes the process, the SSA expects the average time needed to process an initial disability determination to rise from about 152 days in fiscal year 1992 to about 213 days in fiscal year 1993.

It is cruel and unusual punishment to make people who have just suffered a disability that will destroy their careers and financial security wait months and months for a determination of whether they are at least eligible for Social Security disability payments. In many cases, the fact of disability is all too obvious—a long wait to make a determination is just a cruel tease.

The SSI Program makes an initial determination that presumes a person to be disabled if they fit certain severe disability criteria. These people begin to receive SSI benefits immediately and the SSA has a 6-month period to make the final determination of eligibility using the SSA's definition of disability.

Being able to receive SSI benefits on the basis of a presumptive disability determination puts needed money into the disabled person's hands quickly. However, for a worker who has paid into Social Security and becomes disabled, there is no comparable process to quickly identify the people most likely to be eligible for DI benefits. Our legislation would remedy this by providing for determinations of presumptive disability under title II of the Social Security Act in the same manner and to the same extent as is currently applicable under title XVI of such act.

This means that if a person is found to be presumptively disabled under title II and meets the requirements for entitlement to benefits, the individual will begin to receive benefits—after the initial 5-month waiting period required before DI benefits can be paid—for up to 6 months while the final determination is being made. And, if a person is presumed eligible to receive DI benefits, then their dependents shall also begin to receive benefits.

Also, if the final determination finds an individual's impairment does not meet the Social Security Administration's definition of disability, they and their dependents shall not be responsible to return the money they received during the presumptive eligibility determination period.

In some instances a person may be presumed eligible for SSI benefits before being found to be presumptively disabled under title II. In this case, the individual still will be entitled to only 6 months of presumptive disability benefits. In most States, while receiving SSI benefits, a person is eligible for Medicaid. Under this proposal, individuals who would have been eligible for SSI benefits, were it not for their receipt of DI presumptive disability benefits, would be deemed eligible for SSI, making them eligible for Medicaid in those States where SSI eligibility triggers Medicaid eligibility. When the final determination for DI benefits is made, the individual loses the Medicaid eligibility. Medicare will be provided to disabled workers and their dependents after they have been receiving disability benefits for 24 months, including the time they were receiving presumptive disability payments.

## JUSTICE FOR CYPRUS

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

Mr. ANNUNZIO. Mr. Speaker, today marks the 18th year in which Greek Cypriots have endured the merciless occupation of 37 percent of their island by as many as 35,000 heavily armed Turkish troops. A generation has now passed in which tens of thousands of Greek Cypriot refugees have waited in vain for a chance to return to the homes and businesses they left behind after the Turkish invasion began on July 22, 1974. In addition, 1,619 Greek Cypriots are still listed as missing in connection with the invasion. The Turkish occupation of northern Cyprus came after a brief coup backed by the military government that ruled Greece.

Mr. Speaker, it is grossly unjust that the Greek Cypriot victims of this invasion must continue to endure such a tragedy. When will the Turkish Cypriot occupiers take action to end this bitter division of Cyprus? We are well aware of the Turkish Cypriot leadership's ongoing resistance to a fair settlement of this conflict. Now, their stubbornness is raising the possibility that negotiations will break down and spark a military conflict comparable to the savage struggle taking place in Yugoslavia.

Surely, no one wants to see the beautiful island of Cyprus soaked in blood. With that in mind. Mr. Speaker, I urge the Turkish Cypriot leader, Mr. Rauf Denktash, to seize his opportunity to resolve this conflict during the current round of negotiations taking place at the United Nations. The resolution of this dispute must include the withdrawal of Turkish troops from northern Cyprus and the return of property seized from Greek Cypriots during the invasion. Only then can the leaders of both sides work together to guarantee human rights for all citizens of Cyprus. These indirect talks, involving Mr. Denktash and George Vassiliou, the Greek-Cypriot President of Cyprus, may offer the last chance for a peaceful resolution of this conflict. If the negotiations fail, United Nations Secretary-General Boutros Boutros-Ghali has threatened to withdraw United Nations peacekeepers from Cyprus. That would increase the risk of a war that could draw Greece and Turkey into a confrontation.

Mr. Speaker, I sincerely hope President Bush and Secretary of State James Baker are aware of these dangers and are doing all they can to overcome them. Our Government has

considerable diplomatic clout with Turkey based on the large volume of aid we provide to that country. Last year alone the Turks received over $800 million in United States support. If we judiciously apply diplomatic pressure to Turkey, the Turks in turn could persuade their Turkish Cypriot allies to reach an agreement that is acceptable to everyone.

## ADMINISTRATION SHOULD NOT PERMIT MEXICAN TRUCK DRIVERS TO DRIVE IN THE UNITED STATES WITHOUT A UNITED STATES DRIVERS LICENSE

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

Mr. HUNTER. Mr. Speaker, I want to join in the special order of the gentlewoman from Maryland [Mrs. BENTLEY], with respect to the recent decision by the administration to allow Mexican trucks to travel on American highways, specifically across the California-Mexico border, without requiring the possession of an American drivers license or a California drivers license.

I wanted to register, Mr. Speaker, my protest to this policy. I think this is a policy that is ill-founded and that is going to result in exposure of certain dangers not only to California motorists but also the motorists who happen to be truck drivers from Mexico who may not be well versed either in the English language and therefore will not be able to read signs that may prevent them from getting into dangerous situations, and also may not be well versed in general safety requirements with respect to driving trucks on American highways.

I would just simply want to join with the gentlewoman from Maryland, who has been working on this particular issue and feels it is very, very important. Together, we intend to work with the administration and to bring this up to the administration and, hopefully, keep the administration from being very heavy handed.

Mr. Speaker, we expect them, from the indications that we have seen, to utilize some leverage in withholding highway funds from the State of California unless California allows these truckers from Mexico to travel on California highways without possession of California drivers' licenses.

We think this would be very heavy handed. It is also ill-founded in that it will provide exposure of American automobile drivers to some dangers and we think also will present some dangers to the Mexican truckers themselves because of their lack of safety requirements that presumably they will not have because they will not have gone through those courses and will not have taken the certification tests required for somebody who drives a vehicle on California highways.

So the gentlewoman from Maryland [Mrs. BENTLEY] and I strongly protest this policy, and we intend to work with the administration to see that they do not leverage California and force California to accept this very unsafe traffic that will be forthcoming.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WOLF (at the request of Mr. MICHEL), between 1 p.m. and 3 p.m. today, on account of official business.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WALKER) to revise and extend their remarks and include extraneous material:)

Mr. FISH, for 60 minutes, on July 23.

Mr. FIELDS, for 5 minutes, today.

Mrs. BENTLEY, for 5 minutes today, in lieu of 60 minutes earlier approved.

Mr. HUNTER, for 5 minutes, today.

Mr. BILIRAKIS, for 60 minutes, on July 28.

(The following Members (at the request of Mr. ATKINS) to revise and extend their remarks and include extraneous material:)

Mr. ECKART, for 5 minutes, today.

Mr. STAGGERS, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. BONIOR, for 60 minutes, today and on July 23.

Mr. GEPHARDT, for 60 minutes each day, on August 5, 6, 7, 10, 11, and 12.

Mr. OBEY, for 60 minutes each day, on July 22, 23, 24, 27, 28, 29, 30, 31, and August 3, 4, 5, 6, 7, 10, 11, and 12.

Ms. KAPTUR, for 5 minutes each day, on July 28, 29, 30, 31, and August 3, 4, 5, 6, 7, 10, 11, and 12.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. WALKER) and to include extraneous matter:)

Mr. RHODES.

Mr. GOODLING in two instances.

Mr. MACHTLEY.

Mr. GRADISON.

Mr. GALLO.

Mr. BLILEY.

Mr. MICHEL.

Mr. RIDGE.

Mr. GILMAN in five instances.

Mr. SCHULZE.

Mrs. JOHNSON of Connecticut.

(The following Members (at the request of Mr. ATKINS) and to include extraneous matter:)

Mr. NOWAK.

Mr. SCHUMER.

Mr. SMITH of Florida.

Mr. TOWNS.

Mr. HAMILTON in two instances.

Mr. HUGHES.

Mr. PETERSON of Florida.

Mr. HOCHBRUECKNER.

Mr. TORRICELLI.

Mr. TRAFICANT in two instances.

Mr. LEVIN of Michigan.

Mr. BROWN.

Mr. REED.

Mr. MCCLOSKEY.

Mr. BONIOR.

Mr. JACOBS.

## SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1150. An act to reauthorize the Higher Education Act of 1965, and for other purposes.

## ADJOURNMENT

Mr. HUNTER. Mr. Speaker, I move the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 25 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, July 23, 1992, at 9 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3940. A letter from the Office of General Counsel, Department of Defense, transmitting a draft of proposed legislation to authorize the Secretaries of the military departments to delete administratively from selection board reports the names of officers selected for promotion if the officer was erroneously considered for promotion or is not serving on active duty; to the Committee on Armed Services.

3941. A letter from the Office of General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend section 404 of title 37, United States Code; to the Committee on Armed Services.

3942. A letter from the Federal Reserve System, Board of Governors, transmitting the Board's mid-year monetary policy report; to the Committee on Banking, Finance and Urban Affairs.

3943. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 92-33, relative to the "Agreement on Trade Relations Between the United States of America and the Republic of Albania;" to the Committee on Banking, Finance and Urban Affairs.

3944. A letter from the Secretary of Housing and Urban Development, transmitting the Department's energy assessment report; to the Committee on Banking, Finance and Urban Affairs.

3945. A letter from the Secretary of Education, transmitting notice of Final Funding Priorities—Research in Education of Individuals with Disabilities Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3946. A letter from the Secretary of Education transmitting Final Regulations—Per-

kins Loan Program, College Work-Study Program, and Supplemental Educational Opportunity Grant Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3947. A letter from the Acting Assistant General Counsel, Department of Energy, transmitting notice of meeting related to the International Energy Program; to the Committee on Energy and Commerce.

3948. A letter from the Inspector General, Department of Health and Human Services, transmitting a copy of the Superfund financial activities at the National Institute of Environmental Health Sciences for fiscal year 1990, pursuant to 31 U.S.C. 7501 note; to the Committee on Energy and Commerce.

3949. A letter from the President, Federal Financing Bank, transmitting the first annual management report of the Federal Financing Bank; to the Committee on Government Operations.

3950. A letter from the Administrator, General Services Administration, transmitting GSA's investigation of the costs of operating privately owned vehicles based on calendar year 1989 data, pursuant to 5 U.S.C. 5707(b)(1); to the Committee on Government Operations.

3951. A letter from the President and CEO, Resolution Trust Corporation, transmitting the financial results of the Corporation's operations for the year ended December 31, 1991; to the Committee on Government Operations.

3952. A letter from the Director, Office of Management and Budget, transmitting the 17th report on U.S. costs in the Persian Gulf conflict and foreign contributions to offset such costs, pursuant to Public Law 102-25, section 401 (105 Stat. 99); jointly, to the Committees on Armed Services and Foreign Affairs.

3953. A letter from the Department of Energy, transmitting notice that the report required by section 3134 of the National Defense Authorization Act for fiscal year 1991 will be forwarded as soon as possible, by September 30, 1992, at the latest; jointly, to the Committees on Armed Services and Energy and Commerce.

3954. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a supplemental report on the establishment of an International Criminal Court; jointly, to the Committees on Foreign Affairs and the Judiciary.

3955. A letter from the Secretary of Energy, transmitting a copy of the Program Opportunity Notice [PON] for the fifth round of the Clean Coal Technology [CCT] Demonstration Program; jointly, to the Committees on Appropriations, Energy and Commerce, and Science, Space, and Technology.

## 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. MILLER of California: Committee on Interior and Insular Affairs. Supplemental report on H.R. 4370 (Rept. 102-642, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROWN: Committee on Space, Science, and Technology. H.R. 5231. A bill to amend the Stevenson-Wydler Technology Innovation Act of 1980 to enhance manufacturing technology development and transfer, to authorize appropriations for the Technology Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes; with an amendment (Rept. 102-685). Referred to the Committee of the Whole House on the State of the Union.

Mr. WHEAT: Committee on Rules. House Resolution 522. Resolution providing for the consideration of the bill (H.R. 4312) to amend the Voting Rights Act of 1965 with respect to bilingual election requirements (Rept. 102-686). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. House Resolution 523. Resolution providing for the consideration of the bill (H.R. 4850) to amend the Communications Act of 1934 to provide increased consumer protection and to promote increased competition in the cable television and related markets, and for the other purposes (Rept. 102-687). Referred to the House Calendar.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 3203. A bill to strengthen the authority of the Federal Trade Commission to protect consumers in connection with sales made with a telephone and for other purposes; with an amendment (Rept. 102-688). Referred to the Committee of the Whole House on the State of the Union.

## REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 3603. A bill to promote family preservation and the prevention of foster care with emphasis on families where abuse of alcohol or drugs is present, and to improve the quality and delivery of child welfare, foster care, and adoption services; with an amendment; referred to the Committee on Education and Labor for a period ending not later than July 31, 1992, for consideration of such provisions of section 404 of the amendment recommended by the Committee on Ways and Means as fall within the jurisdiction of that committee pursuant to clause 1(g), rule X (Rept. 102-684, Pt. 1). Ordered to be printed.

## SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X the following action was taken by the Speaker:

H.R. 2407. Referral to the Committee on the Judiciary extended for a period ending not later than July 27, 1992.

## 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. GIBBONS:

H.R. 5636. A bill to amend the Internal Revenue Code of 1986 to ensure that charitable beneficiaries of charitable remainder trusts are aware of their interests in such trusts; to the Committee on Ways and Means.

By Mr. PICKLE:

H.R. 5637. A bill to amend the Internal Revenue Code of 1986 to clarify the treatment of certain buildings under the rehabilitation credit, and for other purposes; to the Committee on Ways and Means.

By Mr. ARCHER:

H.R. 5638. A bill to amend the Internal Revenue Code of 1986 to permit losses on sales of certain prior principal residences to offset gain on a subsequent sale of a principal residence; to the Committee on Ways and Means.

By Mr. RANGEL:

H.R. 5639. A bill to permit tax-exempt bonds to be issued to finance office buildings for the United Nations; to the Committee on Ways and Means.

By Mr. STARK:

H.R. 5640. A bill to amend the Internal Revenue Code of 1986 to modify the involuntary conversion rules for certain disaster-related conversions; to the Committee on Ways and Means.

By Mr. McGRATH:

H.R. 5641. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain nonprofit organizations providing health benefits, and for other purposes; to the Committee on Ways and Means.

By Mr. JACOBS (for himself and Mr. McDERMOTT)

H.R. 5642. A bill to amend the Internal Revenue Code of 1986 with respect to treatment of certain property and casualty insurance companies under the minimum tax, and for other purposes; to the Committee on Ways and Means.

By Mr. FORD of Tennessee (for himself and Mr. SUNDQUIST):

H.R. 5643. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain amounts received by operators of licensed cotton warehouses; to the Committee on Ways and Means.

By Mr. BUNNING:

H.R. 5644. A bill to provide that certain costs of private foundations in removing hazardous substances shall be treated as qualifying distributions; to the Committee on Ways and Means.

By Mr. JENKINS (for himself, Mr. CHANDLER, Mr. ANTHONY, Mr. McDERMOTT):

H.R. 5645. A bill to amend the Internal Revenue Code of 1986 to exclude certain sponsorship payments from the unrelated business income of tax-exempt organizations, and for other purposes; to the Committee on Ways and Means.

By Mr. GUARINI:

H.R. 5646. A bill to amend the Internal Revenue Code of 1986 to provide for the treatment of not-for-profit residual market insurance companies under the alternative minimum tax and to repeal the taxable income limitation on the recognition of built-in gain of S corporations; to the Committee on Ways and Means.

By Mr. GRANDY:

H.R. 5647. A bill to provide that the special estate tax valuation recapture provisions shall cease to apply after 1992 in the case of property acquired from decedents dying before January 1, 1982; to the Committee on Ways and Means.

By Mr. RUSSO:

H.R. 5648. A bill to amend the Internal Revenue Code of 1986 to revise the application of the wagering taxes to charitable organizations; to the Committee on Ways and Means.

By Mr. MATSUI:

H.R. 5649. A bill to amend the Internal Revenue Code of 1986 to phaseout the occupational taxes relating to distilled spirits, wine, and beer and to impose the tax on diesel fuel in the same manner as the tax on gasoline; to the Committee on Ways and Means.

By Mr. DORGAN of North Dakota (for himself and Mr. RANGEL):

H.R. 5650. A bill to amend the Internal Revenue Code of 1986 to allow nonexempt farmer cooperatives to elect patronage-sourced treatment for certain gains and losses, and for other purposes; to the Committee on Ways and Means.

By Mrs. KENNELLY:

H.R. 5651. A bill to provide for the payment of retirement and survivor annuities to certain ex-spouses of employees of the Central Intelligence Agency and to provide for the tax treatment of certain disability benefits; to the Committees on Permanent Select Committee on Intelligence, and Ways and Means.

By Mr. DONNELLY (for himself and Mr. REED):

H.R. 5652. A bill to amend the Internal Revenue Code of 1986 to extend the period for the rollover of gain on the sale of a principal residence for the period the taxpayer has substantial frozen deposits in a financial institution; to the Committee on Ways and Means.

By Mr. COYNE:

H.R. 5652. A bill to amend the Internal Revenue Code of 1986 to exempt the full amount of bonds issued for government-owned, high-speed intercity rail facilities from the State volume cap on private activity bonds and to require reporting of certain income and real property taxes; to the Committee on Ways and Means.

By Mr. LEVIN of Michigan (for himself and Mr. BONIOR):

H.R. 5654. A bill to amend the Internal Revenue Code of 1986 to provide that the harbor maintenance tax shall not apply to the movement of certain cargo within contiguous United States and foreign ports, and for other purposes; to the Committee On Ways and Means.

By Mr. MOODY:

H.R. 5655. A bill to amend the Internal Revenue Code of 1986 to restore the prior law treatment of corporate reorganizations through the exchange of debt instruments, and for other purposes; to the Committee on Ways and Means.

H.R. 5656. A bill to amend the Internal Revenue Code of 1986 to exempt services performed by full-time students for seasonal children's camps from Social Security taxes, and for other purposes; to the Committee on Ways and Means.

By Mr. CARDIN: (for himself, Mr. GRADISON, and Mr. SCHULZE)

H.R. 5657. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of deposits under certain perpetual insurance policies; to the Committee on Ways and Means.

By Mr. McDERMOTT:

H.R. 5658. A bill relating to the treatment of certain distributions made by Alaska Native corporations; to the Committee on Ways and Means.

By Mr. VENTO:

H.R. 5659. A bill to permit the simultaneous reduction of interest rates on certain port authority bonds; to the Committee on Ways and Means.

By Mr. HOYER (for himself, Mr. HOAGLAND, and Mr. McGRATH):

H.R. 5660. A bill to amend the Internal Revenue Code of 1986 to provide that the conducting of certain games of chance shall not be treated as an unrelated trade or business, and for other purposes; to the Committee on Ways and Means.

By Mr. ANDREWS of Maine:

H.R. 5661. A bill to amend the Internal Revenue Code of 1986 to exempt transportation on certain ferries from the excise tax on transportation of passengers by water; to the Committee on Ways and Means.

By Mrs. BENTLEY:

H.R. 5662. A bill to authorize the Secretary of Transportation to sell up to 20 victory ships in the National Defense Research Fleet; to the Committee on Merchant Marine and Fisheries.

H.R. 5663. A bill to authorize the Secretary of Transportation to convey vessels in the National Defense Research Fleet to certain nonprofit organizations; to the Committee on Merchant Marine and Fisheries.

By Mr. GRADISON (for himself, Mr. MICHEL, Mr. GINGRICH, Mr. BOEHNER, Mr. BUNNING, Mr. TAYLOR of North Carolina, Mr. WEBER, Mr. DORNAN of California, Mr. RITTER, Mr. OXLEY, Mr. BALLENGER, Mr. ZELIFF, Mr. KOLBE, Mr. LIPINSKI, Mr. SUNDQUIST, Mr. GALLEGLY, Mr. FRANKS of Connecticut, Mr. McCRERY, Mr. WALKER, Mr. ARMEY, Mr. BLILEY, Mr. SOLOMON, Mr. BROOMFIELD, and Mr. PAXON):

H.R. 5664. A bill to encourage, assist, and evaluate educational choice programs, and for other purposes; to the Committee on Education and Labor.

By Mr. LANCASTER (for himself, Mr. JONES of North Carolina, and Mr. ZELIFF):

H.R. 5665. A bill to permit the Secretary of Health and Human Services to grant waivers to States to provide coverage under State health care delivery programs to individuals who are otherwise eligible for benefits under title XVIII of the Social Security Act or eligible to enroll under State plans for medical assistance under title XIX of such act; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. PALLONE (for himself and Mr. SMITH of New Jersey):

H.R. 5666. A bill to authorize the Secretary of the Interior to acquire land for inclusion in the Edwin B. Forsythe National Wildlife Refuge; to the Committee on Merchant Marine and Fisheries.

By Mr. SMITH of New Jersey (for himself and Mr. PALLONE):

H.R. 5667. A bill to authorize the Secretary of the Interior to acquire parcels of land commonly known as Fisherman's Cove and Gull Island for inclusion in the Edwin B. Forsythe National Wildlife Refuge in Monmouth County and Ocean County, NJ; to the Committee on Merchant Marine and Fisheries.

By Mr. DANNEMEYER:

H.R. 5668. A bill to eliminate the recent 25-percent pay increase for Members of Congress until such time as a constitutional amendment is proposed to the States which would, if ratified, require a balanced Federal budget; jointly, to the Committees on Post Office and Civil Service and House Administration.

By Mr. ERDREICH:

H.R. 5669. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for contributions to education savings accounts and certain prepaid tuition contracts, and for other purposes; to the Committee on Ways and Means.

By Mr. GILLMOR:

H.R. 5670. A bill to authorize appropriations for the maintenance, operation and protection of historic buildings at the Rutherford B. Hayes Center in Fremont, OH; to the Committee on Interior and Insular Affairs.

By Mr. SCHULZE (for himself and Mr. JENKINS):

H.R. 5671. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for contributions to individual investment accounts, and for other purposes; to the Committee on Ways and Means.

By Mr. STARK (for himself, Mr. RANGEL, Mr. DOWNEY, Mr. MATSUI, and Mr. DONNELLY);

H.R. 5672. A bill to amend the Social Security Act to provide for findings of presumptive disability under title II of such act in the same manner and to the same extent as is currently applicable under title XVI of such act; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. WAXMAN:

H.R. 5673. A bill to amend the Public Health Service Act to revise and extend the programs of the Agency for Health Care Policy and Research; to the Committee on Energy and Commerce.

Mr. ROSE:

H. Res. 518. Resolution relating to the privileges of the House; considered and agreed to.

By Mr. THOMAS of California:

H. Res. 519. Resolution relating to the privileges of the House; laid on the table.

By Mr. WALKER:

H. Res. 520. Resolution relating to the privileges of the House; laid on the table.

By Mr. MOODY:

H. Res. 521. Resolution expressing the sense of the House of Representatives regarding human rights violations against the people of Kashmir, and calling for direct negotiations among Pakistan, India, and Kashmir; to the Committee on Foreign Affairs.

By Mr. BATEMAN (for himself, Mr. PICKETT, Mr. BLILEY, Mr. SISISKY, Mr. PAYNE of Virginia, Mr. OLIN, Mr. ALLEN, Mr. MORAN, Mr. BOUCHER, Mr. WOLF, and Mr. MOLLOHAN):

H. Res. 524. Resolution expressing the sense of the House of Representatives to commend and congratulate the College of William and Mary in Virginia on the occasion of the 300th anniversary of its founding; to the Committee on Education and Labor.

## AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments are submitted as follows:

H.R. 4312

By Mr. ROHRABACHER:

—Page 5, strike "(I)".

—Page 6, line 2, insert "and" after the semicolon.

—Page 6, strike line 3 and all that follows through line 14.

By Mr. VANDER JAGT.

—Page 5, line 24, insert "(but not less than 100 citizens of voting age)" after "voting age".

H.R. 5236

By Mr. McCOLLUM:

—Page 2, strike line 1 and all that follows through line 11 and insert the following:

**SEC. 2. COVERAGE OF CERTAIN CONDUCT INVOLVING TRANSFERS OF DECISION MAKING AUTHORITY.**

Section 2 of the Voting Rights Act of 1965 is amended by adding at the end the following:

"(c) No State or political subdivision may impose or apply any substantial change or procedural rules, voting practices, or transfer of decision making authority that significantly impairs the powers of an elected official or position, if such imposition or appli-

cation has the purpose and the effect of denying or abridging, on account of race or color, the right to vote of any citizen who is a constituent of the affected elected official or position.".

H.R. 4312

By Mr. McCOLLUM:

—At the end of the bill, add the following:

**SEC. . CITIZENSHIP REQUIREMENT FOR ASSISTANCE.**

Section 203(c) of the Voting Rights Act (42 U.S.C. 1973aa-1a(c)) is amended by inserting "to citizens on request" after "them".

—Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Voting Rights Language Assistance Act of 1992".

**SEC. 2. FIVE YEAR EXTENSION.**

Section 203(b) of the Voting Rights Act of 1965 (42 U.S.C. 1973aa-1a(b)) is amended by striking "1992" and inserting "1997".

**SEC. 3. REPORT.**

On or before February 1, 1997, the Census Bureau, jointly with the Attorney General, shall prepare and submit a report to the Congress. This report shall include the following information:

(1) Voting participation rates among each minority language group, as defined in the Voting Rights Act, and among other groups of persons who speak languages other than English in the home.

(2) Voting participation rates among all voters and English-speaking voters.

(3) Increases or decreases, if any, in voting participation among and between each of the groups referred to in paragraphs (1) and (2).

(4) Jurisdictions in which there are at least 10,000 persons who meet the criteria for coverage under section 203(b) of the Voting Rights Act of 1965.

(5) Jurisdictions in which there are at least 20,000 persons who meet the criteria for coverage under section 203(b) of the Voting Rights Act of 1965.

(6) Jurisdictions which meet the criteria under section 203(b) of the Voting Rights Act of 1965.

(7) For jurisdictions listed in paragraph (4), (5), or (6), whether, and if so, what type, of multilingual voting assistance is available in each jurisdiction and the number of persons, in both absolute and as a percentage of general and language-minority populations, who utilize such assistance.

# SENATE—*Wednesday, July 22, 1992*

*(Legislative day of Monday, July 20, 1992)*

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore [Mr. KERREY].

The ACTING PRESIDENT pro tempore. Today's prayer will be offered by guest chaplain Rev. John T. Porter, Sixth Avenue Baptist Church, Birmingham, AL.

## PRAYER

The guest chaplain, the Reverend Dr. John T. Porter, Sixth Avenue Baptist Church, Birmingham, AL, offered the following prayer:

O Lord, Our God, Creator of the heavens and Earth, giver of every good and perfect gift; we humbly beseech Thee, as we enter into these legislative proceedings, to give all glory and praise to Thee. Thou hast blessed us with a good land in which to live and we gather once again to be reminded of the responsibility that is ours to continue to build upon the noble foundations laid by the Founding Fathers of our country. We acknowledge our dependence on Thee and pray for Thy presence and the guidance of Thy Spirit.

O God of love, grant us wisdom, in our time, to build a world of peace and prosperity, kindle, we pray Thee, in the hearts of all men the true love of peace. Give us a mind to bring to pass the prophecy, "They shall beat their swords into plowshares and their spears into pruning hooks, and study war no more." Strengthen we pray, the United Nations and their efforts around the world to achieve a global peace. We lift up to You, O Lord, the plight of the inner cities as they desperately attempt to address the needs of the poor and downtrodden.

Send Your divine blessings upon Thy servants, the President of the United States, his Cabinet and advisers, and the Members of this august legislative body that plays an all important role in the life of this Nation, the U.S. Senate. Grant unto them, we pray, the strength and wisdom to exercise the authority entrusted to them, and may they be willing followers of Thee and servants of Thy people.

Grant us a common faith that the people of the world will know peace and justice, freedom and security, and have the opportunity to be the best that they can be.

Hear our prayer, O Lord, and grant us this petition. Amen.

Mr. HEFLIN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Alabama is recognized.

## GUEST CHAPLAIN DR. JOHN T. PORTER

Mr. HEFLIN. Mr. President, I want to share with my colleagues a little about the life and background of our distinguished guest chaplain this morning. Since 1961, the Reverend John T. Porter has been the pastor of Birmingham, AL, Sixth Avenue Baptist Church, one of our State's largest congregations. Prior to that, he was pastor of the First Institutional Baptist Church in Detroit, MI. He is married to Dorothy Rogers Porter—who I might say has one of the finest soprano voices that I have ever heard. They are blessed with four children: Jon Roderick, Mark, Mia, and Robert Porter. Jon Roderick is the minister of music at his father's church.

Dr. Porter began his collegiate studies at Alabama State University in Montgomery, where he received his bachelor of science degree. He later received his masters of divinity degree from the Morehouse College School of Religion in Atlanta, GA. Daniel Payne College and Miles College, both located in Birmingham, have granted him honorary doctor of divinity degrees.

The Reverend John Porter is not only a devoted pastor, but also an eager participant and enthusiastic participant in civic affairs. He is a member of Samford University's board of trustees; a member of the board of directors of the Morehouse School of Religion; and an active member of the Birmingham Ministerial Association. He also sits on the board of directors for the Civil Rights Institute in Birmingham.

Previously, Reverend Porter was a member of Alabama's State Board of Pardons and Parole and for a time served in the Alabama State House of Representatives.

I might say that it is quite infrequent that we might have as a guest chaplain a former legislator who would have a real background and working knowledge of the legislative process.

Earlier this year, he was the recipient of the Brotherhood Award and the National Conference of Christians and Jews Distinguished Service Award.

I am happy to join my colleagues in welcoming Dr. John T. Porter as our guest chaplain. He is a dedicated and energetic spiritual leader whose church, community, and State are extremely fortunate to have as their own.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DOLE. Mr. President, is leader time reserved?

The ACTING PRESIDENT pro tempore. Leader time is reserved.

## TRIBUTE TO KEVIN SAUNDERS

Mr. DOLE. Mr. President, I rise today to pay tribute to Kevin Saunders, a native Kansan and a world-class athlete, who set a new world record this past weekend in the pentathlon event at the U.S. Paralympic Trials in Salt Lake City, UT. Kevin scored 4,249, points shattering the existing record of 4,160 by 89 points.

The pentathlon includes the shot put, javelin, 1,500-meter and 200-meter races and I am proud to say that this talented Kansan will be representing the United States on the United States Paralympic team in Barcelona, Spain, in early September.

Paralyzed 11 years ago in a grain elevator explosion, Kevin is an inspirational young man who has overcome adversity and beaten all the odds to become one of the premier athletes in the world.

When I think of determination and leadership, the name Kevin Saunders certainly comes to mind. He is truly a remarkable person and a sensational role model for America's youth.

Kevin is founder of the Wheelchair Success Fund, developed to give other wheelchair-bound individuals the support they need to contribute to their communities and reach their fullest potential. Kevin's altruism does not stop there. Even with his rigorous Olympic training schedule, Kevin has toured nationwide spreading his message of strength and hope.

As Kevin Saunders continues to reach new highs, I know my colleagues will join me in saluting him as he goes for the gold.

Mr. President, I reserve the remainder of my time and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:15 with Senators permitted to speak therein for up to 5 minutes each.

The Senator from South Dakota [Mr. PRESSLER] is recognized to speak for up to 10 minutes.

## OBSERVATIONS ON VISIT TO NINE FORMER SOVIET REPUBLICS AND LATVIA

Mr. PRESSLER. Mr. President, I have just returned from a visit to nine countries of the former Soviet Union: Russia, Kazakhstan, Uzbekistan, Kyrgyzstan, Turkmenistan, Georgia, Moldova, Ukraine, and Belarus. I also visited Latvia.

Yesterday, I spoke on some of my conclusions regarding the freedom support bill that is before the Congress at this time. I did vote for the freedom support bill but upon visiting many of the countries, I have become convinced that there should be more conditions placed on American tax dollars' aid. I did not see the kind of movement toward democracy, human rights, and free enterprise that I would like to see in some of the countries I visited. Before I begin my statement on conditions I found in Moldova and the Baltic States and what United States policy should be, let me sum up a few conclusions from our delegation's visit.

My first conclusion is that the Russian troops should leave the territory of the former Soviet Republics. I offered an amendment to the Freedom Support Act regarding Russian troops in the Baltic States. The Senate also adopted my amendment on Russian troops that are still in Moldova. President Yeltsin should keep his word and remove these troops quickly.

As I pointed out yesterday, our delegation visited one of the Russian bases where foreign troops are stationed. The commanders at Skrunda said they expect to remain for 10 or 15 years, contrary to what Yeltsin announced that they would be moving out next year. So long as Russian troops remain on foreign soil, American taxpayers will be indirectly subsidizing Russian troops in independent foreign countries, after they have been asked to leave.

Second, many states of the former Soviet Union are governed by governments elected in one-party elections in 1990. They should hold new elections as soon as possible.

Third, I mentioned in my speech on the floor yesterday that the concept and practice of democracy in many newly independent places has not moved forward. Leaders are the same old Communist leaders in new roles. For example, their idea of an election is a one-party election.

In one country I went to, Uzbekistan, opposition party leaders had been beaten up. Aside from the Baltic States, there is much, much room for improvement in terms of democratic procedures. Our embassies and our AID missions should be advocates for the principles that the people in this country believe in if we are to give them aid.

My fourth conclusion is that the more things change, the more they remain the same. Pictures of Lenin and Marx still are evident where former Communist party officials can be found in the government and in business. I found in each of the countries that the leadership still has statues and pictures of Lenin and Marx except in the Baltic States and almost as though communism is going to return. I cannot say we can demand people take down statues of Lenin or Marx, but I find it passing strange that a company that is to be supposedly privatized has a manager's office with Lenin and Marx on the wall when a U.S. Senator visits.

Privatization and development of free enterprise are too slow.

Democratic institutions need to be encouraged. CSCE principles, free press, assembly and free speech need to be practiced by leaders who merely give them up-service.

Mr. President, yesterday the Foreign Minister of Bosnia-Hercegovina in Washington made a passionate plea to the Senate Foreign Relations Committee for the United States to realize that the fighting in the former Yugoslavia is not an interethnic conflict but a war for power, hegemony, and control on the part of Serbia. Unfortunately, a similar disinformation campaign is emanating strongly from Moscow to justify that the Russian Army must remain in Moldova and the Baltic States to protect the Russian minority.

Mr. President, I have recently visited Moldova and Latvia and I know that the current secessionist movement in Moldova and Russian territorial claims in Estonia are not the result of ethnic animosity—real or perceived—but an excuse on the behalf of some in Russia to hold onto territory ad infinitum.

Just as force is not acceptable in the former Yugoslavia to change borders against CSCE principles, force or the threat of force is not acceptable in Moldova or the Baltic States. The only way to achieve peace in Moldova and to prevent conflict in the Baltic States is for the Russian Army to declare itself neutral and to leave the foreign countries they still occupy as soon as they can pack their bags.

Mr. President, Moldova and Latvia may not seem to have a lot in common at first glance but much of their histories and some of their current problems are shared. Both territories were invaded by the Soviet Union in 1940 in fulfillment of the terms of Stalin and Hitler's secret agreement to divide Europe into spheres of influence.

Today, both are faced with the remnants of Stalin's world—including a disastrous economic situation and dispersed ethnicities. However, the greatest danger to both governments is the continued presence of the former Soviet Army on their territories.

Mr. President, the current fighting in Moldova led by the Communist movement in Transdniestria could have been avoided if the Soviet Army and now the Russian Army had not taken the side of the separatists under the false guise of protecting the Russian minority.

After my visit to both countries, I feel that it is vital that the U.S. State Department take a strong and principled stand against the presence of foreign army troops, the former occupiers. By taking a firm stand, the United States will let militant leaders know that force cannot be used and that countries cannot be cut up or disbanded by military action without recourse or denial of benefits such as U.S. Government assistance.

For this reason, I believe that conditions should be placed on assistance to Russia that Russian troops will lead to the removal of Russian troops. The removal of troops will help Russia and help President Yeltsin by leading to a reduced role for the Russian military in politics in Russia and reduced Russian defense spending.

Mr. President, I shall focus a bit on the time I spent in Moldova.

### MOLDOVA

When in Moldova, I was told by the President of Moldova, Mircea Sengur that Russian President Yeltsin agreed to negotiate withdrawal of Russian forces from the Transdniestria region, one day after the Senate adopted an amendment calling for immediate withdrawal of the 14th Army from the conflict in Moldova. The Russians have kept the 14th Army still in Moldova even though it is still an independent country.

Obviously, Congress can make a difference. If we are quiet on the issue of troop removal the troops will not leave where they do not belong. If we take a strong stand, our goals will be met.

That is why I think the United States is in a unique position of leadership at this time to take a stand for democracy, for human rights, for free enterprise, and also for these countries to be independent without the presence of foreign troops.

During my visit, I met with the Chairman of the Moldovan Parliament, Dr. Alexandru Mosanu. Dr. Mosanu is an intelligent man and an astute politician. During our meeting, he outlined the importance of Moldova not becoming too aligned with Russia, including membership in the Commonwealth of Independent States. After our conversation, it appears clear to me that the Russian Government is using Moldova's nonmembership in the CIS

as a reason not to seek peace in the conflict of Moldova. Mr. Mosanu is absolutely right. His wise comments were echoed by Mr. Valeriu Matei, the chairman of the Mass Media Committee of the Parliament, who explained the illogic of Moldova joining the CIS given its historical ties to Romania and the West. I also met with Mr. Vasile Nedelciuc, the chairman of the Foreign Relations Committee of the Parliament. I thank them for their wise insights.

RUSSIANS GAIN VETO OVER MOLDOVAN SOVEREIGNTY

As our delegation was leaving the Chisinau Airport last week, we were told that Russian Vice President Alexander Rutskoy had just arrived in a plane owned by an American joint venture company. Our Moldovan hosts speculated the visit was on the issue of Russian troops in the country.

News reports now seem to confirm that speculation. Moldovan President Mircea Snegur has apparently agreed to limit Moldova's sovereignty by tying the future of the Transdniester region of Moldova to any decision about joining Romania in a political union.

According to reports, President Snegur agreed that if Moldovans voted to rejoin Romania—in effect reversing the Hitler-Stalin pact that created Moldova during World War II—Transdniestria would have the right to succeed because it has a majority of Russian speaking citizens.

Mr. President, the truth is that most Moldovan industrial capacity is in the Transdniester region. Keeping the region as an integral part of Moldova is, therefore, a central economic key to Moldovan's economic success.

If reports are accurate, this political deal verifies the reasons Russian troops wish to remain on foreign soil. It could encourage a dangerous pattern that could be repeated in Georgia or even in Lithuania, Latvia, and Estonia. As a potential precedent, the Snegur-Yeltsin agreement is a very bad deal.

Will might make right in the post-Soviet period? The presence of the Russian 14th Army and Armed Forces allegedly not loyal to Russia, yet claiming independence for Russian citizens in the Transdniester region and the willingness to use those forces brutally against the citizens of Moldova results in an inevitable conclusion. Russian military muscle is being used or threatened to be used to bully newly independent states, and particularly victims of the Hitler-Stalin pact like the Baltic States and Moldova, into following policies highly favorable to the Russian Federation and its military officer corps.

The Moldovan-Russian agreement has another very disturbing aspect. A true cease-fire, followed by disarmament of Transdniestria and total withdrawal of Russia's 14th Army is the ideal in the region. However, the agreement by the two heads of state envisions so-called peacekeeping forces of the Commonwealth of Independent States [CIS] with a heavy Russian presence.

The solution in Moldova that is consistent with self-determination, independence, and sovereignty would include international peacekeeping observers—possibly from the United Nations or the Conference on Security on Cooperation in Europe—as I called for in my visit to Moldova. It would also include complete withdrawal of foreign forces.

Mr. President, in the name of protecting Russian citizens placed in Moldova and the Baltic States as agents of the former Soviet Union, Russian forces have been quick to fight. Their willingness to confront newly independent governments and the presence in the new governments of many former high officials of the Communist party creates a toxic mix for the future of independent states that the United States and CSCE should resist vigorously.

New elections in Moldova and elsewhere to replace the 1990 one-party governments loaded with ex-Communists remains essential.

I urge the United States to send non-Russian, non-CIS military observers to Moldova to protect the right of the people of Moldova to exercise self-determination.

I also met with Iurie Rosca, the President of the Executive Committee of the opposition Christian Democratic Popular Front. The role of the Popular Front of Moldova in the development of human rights and political freedom is key. The Popular Front was the organization, working with the Popular Fronts of the Baltic States, that worked toward freedom from the Soviet Empire. It was the Popular Front that organized the first demonstrations against Soviet power in Moldova exposed its evils, and that has given the present government many of its positions.

Mr. Rosca highlighted the importance of Moldova not to join the CIS. He expressed curiosity as to why Moldova should join the CIS when it is CIS forces that have contributed to the bloodshed in Transdniestria and when Moldovan men and women have had to die to protect their freedom. I agree with his assessment. Mr. Rosca also called for the release of all prisoners, many from his political party, that remain in captivity on the left bank.

It is my sincere hope that his party and others in Moldova will be able to remain a vital force to create a pluralistic, representative democracy in Moldova.

Coming from a farm community, I felt it was vital to visit some of the farmlands in Moldova. I visited a factory producing wines from the fertile vineyards of Moldova. The only way for Moldova to move ahead is for the government to privatize farmland and factories. The kolkhoz system of collective farming is a dead end. Holding together the current system for marginal, temporary improvement will only delay the inevitable reforms. In order to achieve these aims, Moldova needs small tractors for its farmland and farmer-to-farmer exchanges with the United States Government.

Mr. President, since the war of the separatist government in Transdniestria began, 43,370 refugees have fled the left bank and Bendery and now seek shelter in Moldova. Ms. Ludmilla Scalnyi, the president of Women's Association Dacia sponsored a roundtable discussion with representatives of the Ukrainian, Russian, and Moldovan populations in Transdniestria who spoke of the devastation in their lands and how the government of that region is not working to protect minorities but instead to exploit them in a grab for power and a return to the Soviet Union. These women feel that the story of the true devastation at the hands of this regime, parts of the 14th Army, and Cossack irregulars, are not being heard by the West.

I urge international human rights groups to travel to meet with these women to hear their stories of devastation and to investigate the pitiful human rights record of the Transdniester Government.

LATVIA

Despite a Russian pledge to the Latvian Government on February 1 to come to an agreement regarding troop removal and to state the number and composition of Russian controlled forces in Latvia, Russian troop levels are not decreasing in Latvia. At the same time, rhetoric from members of the Russian Government, including Defense Minister Pavel Grachev, that Russia does not rule out the use of force to protect the Russian minority, continues to increase.

I ask unanimous consent that a copy of the February 1 communique signed by representatives of the Latvian and Russian Governments be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. ROBB). Without objection, it is so ordered.

(See exhibit 1.)

CSCE PRINCIPLES IN THE BALTIC STATES

Mr. PRESSLER. Mr. President, I am very disappointed that the recent CSCE meeting in Helsinki failed to take the essential step of to brand the presence of Russian troops on foreign soil as a violation of international law. While President Boris Yeltsin told the G-7 meeting in Munich that all troops will be removed in the near future, the Russian Government seems to be backtracking by its actions from that rhetoric.

I urge the Russian Government to keep its commitments under the February 1 communique that no new conscripts will be sent and that the Russians will report the size, composition, location, and number of Russian units on Latvian soil. The same steps should be undertaken in Lithuania and Estonia.

During my visit to Latvia, I met with numerous Latvian Government officials and representatives of the Russian military. Based on these meetings, I conclude that arguments why the Russian Army should remain in Latvia are nothing but smoke and mirrors to hide the intention of many in the Russian military and government to make the Baltic States a permanent colony of Russia.

The first fallacious argument to deny the Latvians their freedom by keeping the Russian Army in Latvia regard Latvia's treatment of minorities. The world is now being told that the Russians are the peacemakers, the peacekeepers and the persecuted. While this may be the intention of many good, Russian people and officials, these are not the intentions of the Russian military.

I ask unanimous consent that a copy of a report on the human rights situation in Latvia completed by the Council of Europe be printed in the RECORD at the conclusion of my remarks. This report states that Latvian laws on human rights are consistent with those of European countries.

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

(See exhibit 2.)

Mr. PRESSLER. Mr. President, I ask unanimous consent that an article by Paul Goble from the Washington Post be printed in the RECORD at this time.

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

THE RUSSIANS AREN'T GOING

(By Paul A. Goble)

Among the two most dangerous "poison pills" left behind after the collapse of the Soviet Union are the 1.5 million Russian troops stationed in the newly independent non-Russian states of the old union and the 25 million Russians living as ethnic minorities in those new nations.

Each of these poses serious challenges to both the new countries and to Russia. But they pose an especially explosive mix if brought together in scenarios in which the military abroad is used to back the Russian communities abroad. This combination is likely to threaten the prospects for peace and stability on the periphery and for democracy in Russia itself. In recent weeks, a number of events have occurred that suggest this dangerous combination may be forming.

On Friday, the Russian Parliament denounced the republic of Estonia for mistreatment of its Russian minority and threatened to impose sanctions. Only three weeks earlier, Russian military commanders there authorized the use of force to repulse any Baltic interference with Russian military operations.

Both the Russian military and the Russian minorities face an uncertain future. The military, originally stationed in the republics as part of the Soviet army, is now in an especially undefined position. Nominally part of the forces of the Commonwealth of Independent States (CIS), they are in reality a Russian army. The lack of definition of their subordination to civilian authority creates opportunities for dangerous freelancing.

Since Russian President Boris Yeltsin has announced that Russia will create a military force of 1.5 million, the best way to proceed would be to accurately re-label CIS forces as Russian. The longer they are allowed to exist under the CIS fiction, the greater the possibility they will be misused to advance Russian nationalist interests.

While the draftees are probably as ready as conscripts anywhere to go home, many Russian commanders are not accepting the new reality—and are adding to the strains of already dangerous ethnic conflicts. In the Trans-Dniester region of Moldova, for example, where violence continues between Russians and Moldovans, the 14th Russian Army has exacerbated rather than calmed the situation. In the Baltics, a Russian general recently asserted that the Lithuanian-Polish border was in fact a "Russian" border. Last month, Moscow military commanders authorized soldiers—whether stationed within Russia or in other former Soviet republics—to use lethal force against local populations that interfere with the military in any way.

The Russians in the republics are in an equally undefined situation. Some of the 25 million Russians in the new states have been there for decades or even generations. But most—one recent Moscow estimate puts the figure at 60 percent—were simply representatives of the imperial center, dispatched to promote Soviet power and uninterested and unsympathetic toward the local population.

Now that the basis of the Russians presence has been destroyed, many fear discrimination. Ironically, most of the new countries have adopted remarkably liberal positions on citizenship and minority rights—a stance that has won praise from several international organizations. The worries of the Russians seem fueled as much by withdrawal of the privileges they enjoyed as by fear of genuine reprisal from long oppressed minorities who now are in control of their own nations.

Not surprisingly, Russian conservatives who want to restore the empire have sought to play on the fears of the Russians living in the new countries and to enlist Western support in this regard, just as former Soviet president Mikhail Gorbachev did a year ago. Until recently, such appeals typically came from the margins of the Russian political spectrum, but now they are becoming more frequent, emanating from senior officials in the Russian government itself:

On June 5, Russian Defense Minister Pavel Grachev said Moscow had the right to intervene in the successor states to defend "the honor and dignity" of ethnic Russians.

On June 22, Russian Supreme Soviet Foreign Affairs Commission Chairman Yevgeny Ambartsumov warned against those who would attack Russians, pointedly noting that "we sometimes overrate the principle of the inviolability of borders;"

On June 23, Russian presidential counselor Sergei Stankevich repeated that "Russia is responsible" for the fate of Russians in the new states, warning the West not to think on this issue that it was dealing with Russia as "a devastated empire."

So far, Yeltsin generally has resisted these claims. But instead of backing up the reformist Russian president on these key issues, the Bush administration has been silent. Our silence spurs Russian chauvinism and weakens Yeltsin. The administration seems to have learned nothing from an episode in 1991, when it refused to take a tough stand against Soviet violence in the Baltic states out of fear that to do so would somehow undermine Gorbachev. The unintended result: Violence continued, conservatives in Moscow were strengthened and any chance Gorbachev would resume reform was seriously reduced.

What should the West do? Clearly, the international community—including the United States—must make every effort to try to ensure that Russians in the new states enjoy equal rights as individuals, regardless of minority status. To do otherwise or to focus on the Russian minorities alone as many foreign leaders are doing, is to ignore the claims of the more than 30 million non-Russians who also live outside their home countries. Singling out the Russians in the new states for special consideration reinforces Russian chauvinists who want to make the Russian diaspora into a permanent cause for extremist nationalism.

The West also must encourage both the rapid withdrawal of all Russian troops from countries where they are not welcome and the end of the undefined status of Russian military units by creating a specifically Russian army and eliminating the CIS command. Any delay is an invitation to trouble. Some Russian commanders and Russians on now-foreign soil may actually seek to spark violence in order to justify their continued presence. To counter this possibility, we must internationalize the issue, perhaps via the Conference on Security and Cooperation in Europe, which just met in Helsinki. This would add a note of coordination and engagement on the issue that so far is lacking.

Finally, we must recognize that the presence of CIS forces in what now can only be considered garrisons on foreign soil is a menace to peace. CIS Marshal Yevgeny Shaposhnikov last week asserted the right to intervene throughout the old empire as peacekeeper. We should thus welcome the establishment of a specifically Russian military and insist that it behave like any other national army when it seeks to have bases abroad—billeting them only by agreement with the host government.

Failure to take a tough line on these issues is inconsistent with our desire for stability throughout the region and promotion of democracy and human rights. Unfortunately, the administration, which regularly insists that Russia adopt tough economic measures as the price of aid, has not insisted on these more fundamental political reforms. If we do not do so, we may find that any economic reforms will be swept away by military and political upheavals.

After the demise of the Soviet empire, many people argued that the Russian federation would be the next domino to fall, what one Moscow official called a "chain reaction of disintegration." A glance at a map shows why. As divided by Soviet power into various "autonomous" administrative areas, Russia appears to be less than half Russian: Its 31 autonomous formations cover more than 53 percent of the territory of the country, and several of them—the Kazan Tatars, the Chechens in the North Caucasus and others—are talking about independence.

But looks are deceiving. Russia is not the Soviet Union writ small and is unlikely to suffer the same fate. In contrast to the U.S.S.R., where half the population was non-Russian and where many of the republics had

a tradition of state independence, Russians form over 80 percent of Russia's population. In addition, most of the 31 autonomies—whose residents represent only 17 percent of Russia's total—are overwhelmingly Russian: Only six have non-Russian majorities or pluralities. And with the exception of those noted above, most lack any recent tradition of state independence or immediate interest in it.

But a reassertion of Russian power in the non-Russian successor states could quickly change that, driving ethnic enclaves to attempt independence before Moscow turned its attentions to them.

But the most serious consequence of silence is to undermine Russian democracy and the reformist impulses of Yeltsin. Unlike Gorbachev, Yeltsin understands that no empire can be a liberal state; hence, he has helped engineer a remarkably peaceful divorce of the former Soviet republics. In this, he benefited from both popular support—last spring, a poll showed that fewer than one Russian in 10 was prepared to use force in the successor states—and the longstanding opposition of the international community to use force outside national boundaries. But recently, he has been under pressure at home to take a harder line and under much less pressure from abroad not to.

The West can do little about the demands of the Russian right that the empire be reestablished and the "anti-national" government of Yeltsin be overthrown. But we have an obligation to maintain what has been a consistent position against the use of the Russian military outside of Russia.

In a plea last month against any use of force to defend Russians in the successor states, Russian Foreign Minister Andrei Kozyrev argued that doing so would generate a backlash against Russians in the new states and hurt Russian democracy as well. Those pushing for such a use of force, he said, were creating a situation resembling "1933 in Germany, with part of the democrats beginning to assume nationalistic positions." Such people, Kozyrev said, do not understand that democracy inside Russia and the use of military force to defend Russians abroad are "incompatible." This is a lesson that we need to learn, too.

Mr. PRESSLER. Mr. Goble made the important point that the Russian Parliament is prepared to impose sanctions or use force to guard the privileges the Russians enjoyed during the days of empire, not protect against genuine reprisals. I speak specifically of Russian threats to Estonia.

Mr. President, the United States made many excuses not to get involved in the former Yugoslavia. Many in the State Department called the situation in Croatia an ethnic conflict and justified inaction by stating that the people should sort itself out themselves. We are in danger of making a similar mistake in the Baltic States by making excuses for the Russian Army to stay. All the seeds are planted for a complete catastrophe. This means that the U.S. taxpayer may, indeed, be asked to spend a lot of money, while getting nothing in return except broken promises.

VISIT TO SKRUNDA BASE

Mr. President, I was the first Westerner allowed to visit the Russian Phased Array Radar Facility in Skrunda, Latvia. Although the commanders of the base were courteous and provided a lunch to our party, they claimed they could not get permission from their superiors to allow our party to walk through the facility.

I was struck during my visit with statements by the Russians that they felt it might take 10–15 years for them to leave Skrunda. It was my impression that this reflected the views of the military high command of Russia and that only political leadership could shorten the time for Russian forces to be stationed on foreign soil.

Skrunda, according to its Russian commanders, is a defensive facility to protect against incoming missile attacks. But the end of the cold war surely means—at a minimum—that the threat no longer exists if it ever did. Certainly Sweden, Norway, and Finland post no threat to the Russians and certainly are no threat to independent and free Latvia.

I felt my visit to Skrunda provided important new evidence that the United States must insist that Russian political figures keep their apparent commitment to an early and complete withdrawal of Russian military forces from the Baltic States, Moldova and other places where they are not wanted. Moreover, continued presence of Russian forces create destabilizing conditions that inevitably detract from the ability of newly independent governments to exercise their fundamental rights of sovereignty and self-determination consistent with CSCE and other international principles.

Mr. President, in both Moldova and the Baltic States, I call on President Bush and Secretary Baker aggressively to defend the rights of these nations for freedom from subjugation.

LATVIAN FOREIGN MINISTER'S INSIGHTS

During my discussions with Janis Jurkans, Latvia's Foreign Minister and Andrejs Krastins, Deputy Chairman of Latvia's Supreme Council, both stated that territorial disputes and ethnic animosity are coordinated disinformation efforts of the Russian KGB. Mr. Jurkans stated, for example, that there are 76 people in the Baltic department of the Russian KGB working to sow seeds of instability there. Their task is to use the Baltic States as a showcase for the rest of the former Soviet Union that freedom cannot exist without Russian coordination and domination. In short, Mr. President, that newly independent governments are having difficulty being truly free of Russian domination.

CONCLUSIONS

My goals during the trip were to monitor progress toward three goals: human rights, democracy, and free enterprise. The Baltic States are light years ahead of the States of the former Soviet Union. They do far more than pay lipservice to the principles of CSCE, democracy, and human rights. They are implementing democracy while most of the former Soviet Republics are using rhetoric. Our money is much better spent in the Baltic States than elsewhere if our goal is to promote these fundamental principles.

I urge the State Department to realize that the Baltic States should not be penalized while boatloads of cash flow to Russia and the States of the former Soviet Union. I believe the amounts the United States has sent last year and plans to send this year to the Baltic States is very small in comparison with assistance plans to the former Soviet Union where there is a far less chance for money to go to good use.

I was also concerned with the treatment of some of the minorities in the countries that I visited. I spoke yesterday about the treatment of the Jewish minority in the central Asian countries.

In the Baltic States, I urge that they move as quickly as they can to allow persons of Russian background to vote who wish to be loyal citizens of Lithuania, Estonia, and Latvia.

I think the countries of the former Soviet Union need the Jewish minorities, the human resources. I think they need to train Russian minorities where they wish to be loyal to a country. And I think that the United States, in terms of giving aid, must talk about human rights and CSLE principles, to provide some leadership on treatment of minorities.

I previously said that I think many countries are not meeting the standards for democracy, human rights, and free enterprise. As a Senator who voted for the Freedom Support Act when it passed this body, I may well vote against it unless there are more conditions placed on it by the House and in conference.

I shall be sending a copy of my trip report to all Members of the House, as well as the conferees, and urge that conditions be placed in our assistance package.

Human rights practices outside the Baltic States remind me of a passage from a play, "Death and the Maiden," by Ariel Dorfman, in which they were discussing how one group, when it comes to power, punishes the last group who mistreated them, and the cycle continues. At one point, one of the characters said:

> So we go on and on with violence, always more violence. Yesterday they did terrible things to you and now you do terrible things to me and tomorrow the same cycle will begin all over again. Isn't it time we stopped?

Mr. President, I think that this is a great lesson for those former Soviet Republics. I should add that I observed no desire for retribution in the Baltic States, despite provocation. The United States should defend the concepts of human rights and CSCE principles throughout the region.

Mr. President, I yield the floor.

EXHIBIT 1

COMMUNIQUE ON THE NEGOTIATIONS BETWEEN THE STATE DELEGATIONS OF THE RUSSIAN FEDERATION AND THE REPUBLIC OF LATVIA

In compliance with an earlier agreement, negotiations were held in February 1992 in Riga between the state delegation of the Russian Federation, headed by Mr. S. Shakhray, Vice-Chairman of the Government of the Russian Federation and State Adviser on legal Policy, and the state delegation of the Republic of Latvia, headed by Mr. J. Dinevics, State Minister of the Republic of Latvia. The topic of discussions was the number of issues pertaining to the complete removal from the territory of the Republic of Latvia of the former USSR troops which are stationed in Latvia and now have come under the jurisdiction of the Russian Federation.

In the course of the negotiations the Parties confirmed their will to develop good neighbourly relations, based on the principles of equality and mutual benefit, between the Russian Federation and the Republic of Latvia. These relations would comply with the principles expressed in the UN Charter and other generally accepted norms of international law, and would strictly observe the obligations within the context of the Conference on Security and Cooperation in Europe and the basic stipulations of the Agreement on the Basis for Interstate Relations between the Russian Federation and the Republic of Latvia. The Parties confirmed their readiness to negotiate the whole complex of military-political, economic, humanitarian and other issues, taking into account that agreement between them on these issues will be reached within the context of measures taken to ensure security and confidence in Europe and a constructive participation of Russia and Latvia in the further development of the European process.

The delegation of the Russian Federation pointed out that problems connected with the removal of the troops will be solved so that to respect the independence and sovereignty of the Republic of Latvia and strictly observe its laws and agreements between the Parties. The Latvian delegation confirmed its readiness to respect the interests of the Russian Federation pertaining to the removal of the troops from the territory of Latvia. The Parties have agreed that these can be considered foreign troops to be removed from the territory of another sovereign state.

Agreement was reached that the beginning of the removal of the troops stationed on the territory of Latvia will be March 1992, and that the existing number of the troops will not be increased in the period before the start of the removal. The Parties agreed to consider the negotiations as the beginning of work on the draft agreement between the Russian Federation and the Republic of Latvia on the conditions, terms and order of a systematic removal of troops from the territory of Latvia and their legal states in the period of the removal. The Parties discussed the basic principles of this Agreement. They have agreed that the terms, order and steps of the removal depend on a number of objective factors, in the first place such as serving the interests of the national security of Latvia and Russia, as well as the social security of the military and their families. The Parties have agreed that the issues of the social security of the retired military will be addressed to and solved in the nearest future.

The Parties have agreed that in the period of the removal of the troops they will abstain from unilateral measures that have not been agreed upon with the other Party.

The Parties have agreed to set up expert task forces to prepare the draft of the above mentioned Agreement which the delegations intend to negotiate in the shortest time possible.

The Russian Party recognizes the property rights of the Republic of Latvia with regard to the buildings and facilities erected before June 17, 1940, presently used by the military.

An agreement was reached that the Russian Party will regularly inform the Latvian Party about the number of the troops stationed on the territory of the Republic of Latvia.

The Parties confirmed that they have agreed about an efficient solution of the most topical problems connected with the supplies for the troops stationed on the territory of Latvia, as well as about the necessity to discuss the terms of mutual payments.

The Parties have agreed that they will determine the order of inspection, appoint inspectors and carry out a bilateral inspection of the objects located on the territory of Latvia presently occupied by the troops to be removed.

The Parties have agreed that they will cooperate in solving the environmental problems. The size of the damage incurred to the environment will be determined by mutually agreed upon methods.

The Parties intend to discuss the conditions on which the Russian Federation would transfer a certain amount and certain types of weapons, military equipment and ammunition to the Republic of Latvia.

The Parties have touched upon the subject of the opening of the Embassy of the Russian Federation in the Republic of Latvia.

S. SHAKHRAY.
J. DINĒVIČS.

EXHIBIT 2

[Council of Europe, Parliamentary Assembly, Strasbourg, January 20, 1992]

AD HOC COMMITTEE ON RELATIONS WITH EASTERN EUROPE

(Report on Human Rights in the Republic of Latvia)

(Prepared by Mr. J. de Meyer, judge of the European Court of Human Rights and Mr. C. Rozakis, member of the European Commission of Human Rights)

REPORT ON LATVIA

*Introduction*

We were asked by the Parliamentary Assembly of the Council of Europe to examine the laws drafted or enacted in Latvia concerning human rights, with particular reference to citizenship, cultural rights and the rights of minorities.

For this purpose, we have examined the constitutional and legislative texts supplied to us, in English translation, by or on behalf of the Latvian authorities.

The texts supplied were:

The Constitution of 15 February 1992.

The Declaration of 4 May 1990 on the Renewal of the Independence of the Republic of Latvia;

The Declaration of 4 May 1990 concerning accession by the Republic of Latvia to certain international human rights instruments;

The Constitutional Act of 21 August 1991 concerning the situation of the Republic of Latvia as a state;

The Constitutional Act of 10 December 1991 concerning the rights and duties of citizens and people; as well as:

The Act of 5 May 1989 concerning the use of languages;

The Act of 7 September 1990 concerning religious organizations;

The Act of 19 March 1991 concerning free development and the right to cultural autonomy of nationalities and ethnic groups;

The Resolution of 15 October 1991 concerning restoration of the rights of citizens of the Republic of Latvia and the fundamental principles of naturalization.

In addition, discussions were held in Riga on 16–17 December 1991: with several members of the legislative committee of the Supreme Council and the latter's delegation to the Parliamentary Assembly of the Council of Europe; with representatives of: the Parliamentary Group for Equality of Rights; the Democratic Initiative Centre; the Latvian Committee and the Citizens' Congress of the Republic of Latvia; cultural associations representing the Russian, Polish, Jewish and Gypsy communities; the Lutheran, Orthodox, Catholic and Baptist churches; the press, radio and television; and with Mr. Gvido Zemrido, President of the Supreme Court; and Mr. Anatolijs Gorbunovs, President of the Supreme Council.

I. CONSTITUTIONAL SITUATION

The Constitution of 15 February 1922 has in principle been reinstated.[1]

However, pending the winding up of the occupation and annexation of Latvia and the assembling of the Parliament (Saeima) of the Republic, supreme authority is exercised by the Supreme Council of the Republic.[2]

II. GUARANTEE OF FUNDAMENTAL RIGHTS

The Supreme Council has already by means of several texts provided guarantees of fundamental rights.

1. It has done so, firstly, in general terms in the Declaration of 4 May 1990 concerning the Renewal of the Independence of the Republic of Latvia.

Article 8 of this declaration recognizes the social, economic, and cultural rights, as well as political rights and freedoms which are defined in international human rights instruments, but guarantees them only to "citizens of the Republic of Latvia and those of other nations permanently residing in Latvia", but adding that these rights apply also to citizens of the USSR who express the wish to continue living in Latvian territory.

It is surprising that in this provision no mention is made of "civil rights".

Furthermore, its rather restrictive wording might be found not quite compatible with the principle of the universality of human rights, in that the Supreme Council seems not to recognize the rights of foreigners not residing permanently in Latvia, nor of citizens of the USSR not specifically indicating their wish to continue living there.

Conversely, Article 8 seems, insofar as it applies to foreigners, both Soviets and others, to guarantee political rights to them as well as to Latvian citizens, which is more than is generally allowed.

2. Moreover, in Article 1 of the same declaration, the Supreme Council recognises the primacy of fundamental principles of international law over national law. Since these principles in particular entail the obligation to ensure universal and effective observance of human rights and fundamental freedoms, it seems by that very fact to have recognised the pre-eminence of those rights and freedoms in relation to Latvia's domestic law.

This pre-eminence cannot acquire its full significance, its full value, unless the Latvian authorities, and particularly the courts, do everything necessary to put it into prac-

[1] Footnotes at end of article.

tice, particularly by applying domestic law only insofar as it does not violate those rights and freedoms.

According to comments obtained on this subject during the conversation with the President of the Supreme Court, it seems that Latvian judicial circles are aware of their responsibilities in this respect.

3. That is all the more important because, in another declaration of the same date, the Supreme Council proclaimed the accession of the Republic of Latvia to 51 international human rights instruments[3]; these were 48 declarations, conventions or resolutions drawn up in the United Nations organisation or its specialised agencies,[4] the Final Act of the Helsinki Conference and Resolutions adopted subsequently by the Conference on Security and Co-Operation in Europe, in Madrid in 1980 and in Vienna in 1986.

These instruments include, first of all, the Universal Declaration of Human Rights and the two International Covenants of 1966, the one on economic, social and cultural rights and the other on civil and political rights.

Thus, without even waiting until Latvia was re-recognised as an independent state by other states or admitted to the United Nations or the CSCE and without the necessary formalities being accomplished for Latvia to be bound in international law by the undertakings resulting from the instruments listed in the Declaration, the body exercising supreme power in the Latvian state has subscribed to the principles and rules stated in those instruments.

As was confirmed to us by the President of the Supreme Court, the provisions of these instruments must accordingly be regarded as fully applicable and mandatory in domestic law.

Furthermore, the Declaration seems both to clarify and broaden the guarantee formulated in general and somewhat imperfect terms in Article 8 of the Declaration on the Renewal of the Independence of the Republic. It appears to clarify it by referring to the more detailed provisions of the instruments which it enumerates. It appears to broaden it in that it thereby fills—or seems to fill—the gaps in the above-mentioned Article 8.

4. In the same declaration, the Supreme Council recognizes the role of the Council of Europe and the European Parliament in safeguarding human rights and declares that it will be guided, in its legislative activity, by the relevant documents adopted by those organizations.[5]

That is a declaration of intent with little binding effect.

5. Quite recently, on 10 December 1991, the Supreme Council adopted a Constitutional Act concerning the rights and duties of citizens and people.

It covers both economic, social and cultural rights and civil and political rights.

It contains provisions very similar to those guaranteeing human rights and fundamental freedoms in the constitutional instruments of Council of Europe member states. It recognises, in substance, the rights defined, at United Nations level, in the Universal Declaration of 1948 and the two covenants of 1966 and, at European level, the European Convention on Human Rights and the European Social Charter.

As the title of the Act indicates, a distinction is made between rights and duties which are common to all and those which belong to citizens.

Only citizens enjoy the guarantee not only of conventional political rights, including the right to vote and to be elected, the right of access to state office[6] and the freedom to reside in Latvia and return there,[7] but also the right to own land and other natural resources and to dispose of them, subject only to exceptions determined by international treaties.[8]

The restriction thus imposed on the property rights of non-citizens is not usual in Europe. However, it might be regarded as fitting in with Article 1, para. 2 of the International Covenant on Economic, Social and Cultural Rights and Article 1, para. 2 of the International Covenant on Civil and Political Rights.

III. THE PROBLEM OF MINORITIES AND THE PROBLEM OF CITIZENSHIP

1. In Latvia, the major problem is that of minorities. It has become all the more serious because the number of inhabitants of Russian, Byelorussian or Ukrainian origin increased considerably during the period of annexation to the Soviet Union.

The proportion of the Latvian community to the total population of the Republic fell from a little over 75 percent in 1935 to a little under 52 percent in 1989. At the same time, the Russian, Byelorussian and Ukrainian communities rose from about 12 percent, with the Russian community accounting for 10.5 percent, to over 42 percent, with the Russian community accounting for over 34 percent.

The non-native communities, mainly those of Soviet origin, have mainly settled and grown in the urban areas. As a result, the Latvian community represents only 36.5 percent of the population of Riga and about 13 percent of that Daugavpils.

2. In the Supreme Council elected in 1990, the Latvian community is considerably over-represented and the Ukrainian community is slightly so, whereas the Russian and Byelorussian communities are substantially under-represented;[10] this seems to be due to the fact that the Assembly was elected by double-ballot uninominal majority vote, with at least three members per administrative district.

In this connection, it may be observed that, according to the 1922 Constitution, Parliament must be elected by the system of proportional representation,[11] in constituencies whose number of members must be proportional to the number of electors.[12] It is in that manner that the next Parliament should normally be elected.

Furthermore, the present Supreme Council is strongly polarised in that the members belonging to the Latvian community, on the one hand, and those belonging to the Russian, Byelorussian and Ukrainian communities, on the other hand, are very largely combined in distinct and opposing political formations.[13]

3. This situation helps better understand the importance of the citizenship problem.

A law governing citizenship is being drawn up: the Supreme Council laid down the principles in a Resolution of 15 October 1991.[14]

According to the Resolution, Latvian citizenship belongs in principle only to those who held it on 17 June 1940 and their descendants, if they were resident in Latvia on 15 October 1991 and if they register before 1 July 1992;[15] if they were not resident on 15 October 1991 or if they are citizens of another state, they may obtain it at any time on condition that they register and show proof of permission for expatriation.[16]

Those who did not hold Latvian citizenship on 17 June 1940 and their descendants, may, according to the same resolution, acquire citizenship by naturalisation. They cannot obtain or apply for citizenship unless they were resident in Latvia on 15 October 1991, register before 1 July 1992 and do not retain the citizenship of another state.[17] These three conditions are sufficient for those of them who, without being Latvian citizens, were lawfully and permanently resident in Latvia on 17 June 1940 and for their descendants.[18] They also permit the naturalisation of those who could have applied for Latvian citizenship under Section 1 of the Citizenship Act of 23 August 1919 and their descendants, if they also show proof of a sufficient knowledge of the Latvian language.[19]

This additional condition is imposed on those not falling within the two previous categories, but they also have to fulfill three other conditions: They must have lived and resided permanently in Latvia for at least sixteen years, be familiar with the fundamental principles of the Constitution of the Republic and swear an oath of allegiance to it.[20]

According to the Resolution, citizenship of the Republic of Latvia cannot be granted to several categories of people.[21] This applies to people serving in the armed forces, interior forces or security forces of the USSR and those who, after having served in them, have settled in Latvia but were not resident there permanently before entering the service. It also applies to people sent to Latvia after 17 June 1940 in the service of the Communist Party of the USSR or of the Komsomol.

In no case is it possible to be both a Latvian citizen and a citizen of another state.[22]

4. The question of citizenship is highly controversial.

The system defined in the Resolution of 15 October 1991 is hotly contested by the Russian, Byelorussian and Ukrainian communities. Representatives of the Equality of Rights Group and the Democratic Initiative Centre whom we met in Riga made it clear that they regard it as discriminatory and arbitrary. The two "Russian" members of the delegation from cultural associations were less forthright in their expression of unease on the subject.

Among the Latvian community and in the Popular Front it is felt that the distinctions made in the Resolution and the criteria it lays down are reasonable and objectively justified, having regard to what has happened in Latvia since 1940.

In some radical circles, more particularly in those of the Latvian Committee and the Citizens' Congress, it is even said that the Resolution is still too favourable to immigrants and that they can be granted nothing as regards citizenship before a new parliament is elected, in accordance with the 1922 Constitution, by those who were already Latvian citizens on 17 June 1940 and their descendants. These circles explicitly want the gradual departure of the population of former Soviet origin.

The Resolution does not seem unreasonable in that it in principle recognises Latvian citizenship for those who possessed it in June 1940 and their descendants and grants it to others only through naturalisation. Nor does it seem unreasonable in ruling out the combination of Latvian citizenship with that of other states.

However, it seems less reasonable in other respects. There is room for misgivings about the provisions which, for naturalisation purposes, require sufficient knowledge of the Latvian language and at least sixteen years' residence in Latvia, and perhaps also with the requirement that applicants for naturalisation must be familiar with the fundamental principles of the Constitution.

IV. INDIVIDUAL ACTS

1. The Act on free development and the right to cultural autonomy of nationalities

and ethnic groups, adopted by the Supreme Council on 19 March 1991, guarantees all residents in Latvia, whatever their nationality, equal enjoyment of human rights, in accordance with international standards.[23]

In particular, it guarantees all permanent residents in Latvia, whatever their nationality, equal rights in relation to employment and enumeration; it prohibits, with regard to free choice of occupations and trade, any discrimination on grounds of nationality.[24] Similarly, it prohibits any activity involving national discrimination or the promotion of national superiority or national hatred.[25]

Furthermore, the Act guarantees all permanent residents of Latvia freedom to decide their nationality,[26] to observe their national traditions, to use their national symbols and celebrate their national festivals,[27] to maintain relations with their compatriots abroad, to leave and return to Latvia,[28] to set up their own national societies, associations and organisations.[29] It affords all these the right to develop their own educational establishments by their own means,[30] and to use the mass communication media of the state and to have their own.[31]

Under the same Act, the state must promote the activity of these societies, associations and organisations and afford them material assistance,[32] but they must for their part act within the framework of the laws of the Republic of Latvia and respect its sovereignty and indivisibility.[33]

The Act also provides that the national cultural organisations enjoying the tax relief provided for by the laws of the Republic and their members are entitled to exercise economic activities in accordance with those laws.[34]

It recognises the right of all nationalities and all ethnic groups to be represented on the Nationalities Advisory Council and to participate in its work, particularly with regard to the framing of legislation[35] and the right to develop their own artistic life.[36]

According to the same Act, the state must promote the creation of material conditions for the development of the education, language and culture of the nationalities and ethnic groups inhabiting Latvia and provide budgetary resources for this purpose;[37] it must, on the basis of international agreements, promote for its permanent residents the possibility of receiving higher education in their mother tongue outside Latvia;[38] similarly, it must promote the publication and distribution of national periodicals and literary works[39] and protect national monuments and objects of a historical and cultural nature.[40]

The Act provides in particular that the state must promote the preservation of the national identity and the historical cultural environment of the Livonians and the renewal and development of the socio-economic infrastructure of the territories they inhabit.[41]

The Supreme Council has thus laid down a number of principles which, although framed in general terms, are such as to guarantee in very large measure, provided they are put into practice, the existence and development of the nationalities and ethnic groups which make up the population of Latvia.

However, the Act lacks precision in many of its provisions. This particularly applies to the positive obligations imposed upon the state in this respect, it cannot acquire its full value unless those obligations are more clearly defined.

In so far as it refers to other laws, it leaves the door open to restrictions which those laws might introduce.

It may also be wondered whether the provision whereby national societies, associations and organisation must act within the framework of the laws of the Republic of Latvia and respect its sovereignty and indivisibility does not confine the exercise of freedom of association within unduly narrow limits.

2. As regards the rights of nationalities and ethnic groups in relation to education, the Act of 19 March 1991 refers to the specific Act on the subject.[42]

The text of that Act was not supplied to us.

3. The use of languages is governed by an Act of 5 May 1989: this is a text adopted by the previous Supreme Soviet.

The English translation which was supplied to us seems very imperfect; in places it is difficult to understand.

With this reservation, the main provisions may be summarized as follows:

Latvian is the official language of the state.[43] It is also the language of its authorities and services, without prejudice to the use of Russian or other languages in certain cases and to the translation into Russian of certain decisions.[44] Application may be made to these authorities and services in Latvian or in Russian; their staff must have an adequate knowledge of both these languages.[45] Documents issued by these authorities and services are drafted in Latvian or in Russian or in one or other of those languages, according to the choice of the person to whom they are issued.[46] In their relations with the public, they use Latvian unless there is agreement to use another language.[47]

The State guarantees the right to general education in Latvian or Russian; it must permit the education of residents of other nationalities in their mother tongue and create appropriate conditions for this purpose.[48] It also guarantees the use of Latvian and Russian in vocational, technical or post-secondary education establishments, but the final examinations must be held in Latvian.[49] In scientific matters, the choice of language is free; it is determined by common agreement for theses and dissertations.[50]

Any establishment dispensing education in a language other than Latvian must include Latvian language courses in its curriculum.[51]

Names of places and institutions must be in Latvian or derived from Latvian, with a translation into Russian or another language if necessary.[52] Similarly, markings on goods produced in Latvia must be in Latvian; they must also be in Russian or in another language if they are for export.[53]

The Act also provides that the use of Latvian, its dialects and Latgallian is guaranteed for all forms of cultural expression and that the State especially guarantees the preservation and development of the language and culture of the Livonians. The cultural development of the other traditional ethnic cultures is also guaranteed.[54].

These being the main provisions of the Act, it may be observed that it makes fairly substantial allowance for Russian as a second language in Latvia and grants extensive facilities to Russian-speakers. It nonetheless clearly imposes Latvian as the only official language and makes knowledge of it compulsory not only for anyone wishing to take an active part in the affairs of the state, its authorities and its services, but also for anyone wishing to obtain a diploma of vocational, technical or post-secondary studies in Latvia. Similarly, the use in relation to the public of languages other than Latvian by the public authorities and services seems to be left up to them.

The Russian-speakers whom we met in Riga mostly complained about this state of affairs, but it was explained by the Latvian community that it is a question of protecting the language of the country, which is threatened by the influx of foreigners who have settled in large numbers since 1940.

Furthermore, the Act offers little guidance as to the use of languages in judicial matters. According to the President of the Supreme Court, there are virtually no difficulties in this respect: all judges know Russian as well as Latvian; cases are tried and judgments delivered in Latvian or in Russian, according to the requirements of each case and the preference of the parties, on the understanding that in criminal matters the language of the accused is used and in labour matters that of the worker.

The Act of 5 May 1989 contains no provisions on the use of languages in the mass communication media or in economic and social life. It is also vague regarding languages other than the two main ones.

4. On 11 September 1990 the Supreme Council adopted an Act on religious organizations.

This Act is fairly detailed: it may suffice here to summarise the most important provisions.

It guarantees the equality of inhabitants of Latvia, whatever their attitude toward religion; it prohibits any privilege or discrimination in this respect, and any insult to their feelings or incitement to hatred. It allows no-one to evade on religious grounds the civic obligations laid down by the law, except in the cases provided for in the Act.[55]

It proclaims the lay character of the State, while obliging it to protect religious organisations and to assist them on request. It enables them at the same time to participate in public affairs, particularly through the establishment and use of mass communication media. It grants religious bodies whose statutes have been legally registered the right to be represented on the Consultative Council for Religious Affairs,[55] whose role seems similar *mutatis mutandis* to that of the Nationalities Advisory Council.[56]

It prohibits the State and its institutions from interfering in the internal affairs of religious organisations,[57] but provides that a parish must be composed of at least ten adults and represented by a governing body elected by its members and that a "regional or central institution" must be composed of at least three parishes.[58] Furthermore, it subjects religious organisations to the ordinary law as regards the status and social security of their stuff;[59] it recognises as legal entities those which register their statutes.[60]

It guarantees freedom of worship and other religious activities in private premises and in churches, chapels and cemeteries. It permits it also in other public places, subject to authorisation by the local authorities, and, according to arrangements to be agreed with the administration as to time and place, in hospital and prison establishments.[61]

It grants religious organisations the right to dispense religious education in their own institutions and by means of optional courses in State schools or private schools; it provides that the local authorities must, within the limits of their possibilities, provide them with material resources for this purpose.[62]

It guarantees them the right to ownership of goods acquired "legally" and promises them the restitution, at their request and "according to the relevant legislation" of those of which they have been dispossessed.[63] It allows them the exercise, "within the framework of existing legislation" of economic and press activities.[64] It also grants them certain tax exemptions.[65]

Restrictions cannot be placed on the activity of religious organisations unless they violate the Constitution and the laws of the Republic, or unless they endanger the social order and the safety or rights and freedoms of other inhabitants.[66] In the event of violation of the Constitution and the laws, their registration can be refused[67] or their activities terminated.[68]

Like the Act on free development and the right to cultural autonomy of nationalities and ethnic groups, the Act on religious organisations lacks precision as to the positive obligations which it imposes on the state. The same applies to those which it imposes on local authorities.

Furthermore, some of its provisions might give rise to other problems. This is the case with those by which it seems in principle to prohibit conscientious objection, to interfere in the internal organisation of parishes and "regional or central" religious institutions and those by which it refers, in a vague way, to other laws. It may be feared that the formality of registration of statutes may involve a risk of prior control—though it is true that there is a possibility of recourse to the courts if registration is refused.

The religious authorities whom we met in Riga seemed fairly satisfied with the substantial improvement in the situation of their churches, although they still are experiencing serious difficulties, particularly as regards the restitution or replacement of buildings and other property taken away from them or destroyed.

CONCLUSION

In recent years, human rights and fundamental freedoms have been recognised and guaranteed in Latvia in several texts adopted by the Supreme Council of the Republic.

Most of them are to be found in the Declaration of 4 May 1990 concerning the accession of the Republic of Latvia to certain international instruments and in the Constitutional Act of 10 December 1991 concerning the rights and duties of citizens and people.

As to the definition of rights and freedoms, the protection afforded by these texts is comparable to that provided by the constitutional instruments of most Council of Europe member states and guaranteed collectively in the Council of Europe in particular by the European Convention on Human Rights.

This protection has also been made explicit, more or less satisfactorily, as regards several rights and freedoms, in a number of individual Acts, particularly with regard to the legal situation of religious organisations and the cultural rights of nationalities and ethnic groups.

The Supreme Council seems thus to have expressed the resolve of the Republic of Latvia to comply with the obligations incumbent upon the member states of the Council of Europe with regard to human rights and fundamental freedoms.

It remains for the effective exercise of those rights and freedoms to be duly secured in practice by the Latvian authorities and more particularly by an independent and impartial judiciary. In many ways, this will entail acquiring new ways of thinking and acting.

The most difficult problem is certainly that of citizenship. In this respect, the past represents a heavy burden: a profound gulf has grown between those who wish to rid themselves, more or less radically, of the demographic after-effects of a half-century of foreign domination and those who feel rejected by a country to which they have grown accustomed, in some cases over a very long period, to regarding as their own.

The use of languages gives rise to difficulties of a similar nature.

There are grounds for hoping that those who oppose each other on these difficult questions will learn to listen more to each other and to find the way to conciliation and that they will appreciate that wisdom bids them not to demand all nor to refuse all.

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JAN DE MEYER,

*Emeritus Professor at the University of Louvain, Judge at the European Court of Human Rights.*

FOOTNOTES

[1] Article 3 of the Declaration of the Supreme Council of 4 May 1990 on the Renewal of the Independence of the Republic of Latvia. Article 1 of the Constitutional Act concerning the situation of the Republic of Latvia as a state, adopted by the Supreme Council on 21 August 1991.

[2] Section 3 of the Constitutional Act of 21 August 1991, already quoted.

[3] Part I of the Declaration.

[4] 46 of these instruments are reproduced in the "Compilation of international instruments on human rights," published by the UNO in 1988, nos. 1–3, 5, 9–11, 13, 15, 17–19, 21–23, 26, 28–30, 32–40, 46–53, 56–59, 61, 62, 54–67. Added are these General Assembly Resolutions Nos. 41/114 and 41/117.

[5] Part II of the Declaration.

[6] Section 8 of the Constitutional Act of 10 December 1991. See also, regarding the right to vote and to stand for election, Articles 8 and 9 of the Constitution of 15 February 1922.

[7] Section 10 of the Constitutional Act of 10 December 1991, to be compared with Sections 28 and 29 of the same Act.

[8] Section 9 and Section 24 of the same Act.

[9] See Table I below.

[10] See Table II below. There are slight differences between the number of inhabitants shown there for 1989 and those shown in Table 1.

[11] Article 6 of the Constitution.

[12] Article 7 of the Constitution.

[13] See Table II below.

[14] Resolution concerning the restoration of the rights of citizens of the Republic of Latvia and the fundamental principles of naturalisation.

[15] Article 2.1 of the Resolution.

[16] Article 2.2 of the Resolution.

[17] Article 3 of the Resolution.

[18] Article 3.2 of the Resolution. This provision . . . .

[19]

[20] Article 3.4 of the Resolution. According to the explanations given in Riga, the period of sixteen years is explained by the fact that it was at the age of sixteen that the "internal passport" was issued under the Soviet system.

[21] Article 3.5 of the Resolution.

[22] Article 2.3 of the Resolution. See also Section 5.3 of the Constitutional Act of 10 December 1991 concerning the rights and responsibilities of citizens and people.

[23] Section 1 of the Act.

[24] Section 3 of the Act.

[25] Section 16 of the Act.

[26] Section 2 of the Act.

[27] Section 8 of the Act.

[28] Section 9 of the Act.

[29] Section 5 of the Act.

[30] Section 10.3 of the Act.

[31] Section 13.1 of the Act.

[32] Section 5 of the Act.

[33] Section 6 of the Act.

[34] Section 14 of the Act.

[35] Section 7 of the act. The organization and operation of this Council are governed by a Supreme Council decree of 8 January 1991.

[36] Section 12 of the Act.

[37] Section 10.1 of the Act.

[38] Section 11 of the Act.

[39] Section 13.2 of the Act.

[40] Section 15 of the Act.

[41] Section 4 of the Act.

[42] Section 10.2 of that Act.

[43] Section 1 of the Act.

[44] Sections 6 and 7 of the Act.

[45] Sections 4 and 8 of the Act.

[46] Section 8 of the Act.

[47] Section 9 of the Act.

[48] Section 11 of the Act.

[49] Sections 12 and 13 of the Act.

[50] Section 4 of the Act.

[51] Section 13 of the Act.

[52] Sections 16 and 17 of the Act.

[53] Section 20 of the Act.

[54] Section 15 of the Act.

[55] Sections 1 and 2 of the Act.

[56] Section 2 of the Act.

[57] Ibid.

[58] Section 4 of the Act.

[59] Sections 9 and 10 of the Act.

[60] Section 5 of the Act.

[61] Section 6 of the Act.

[62] Section 3 of the Act.

[63] Section 7 of the Act.

[64] Section 8 of the Act.

[65] Ibid.

[66] Section 2 of the Act.

[67] Section 5 of the Act.

[68] Section 11 of the Act.

TABLE 1

| | Total population | Latvian | Percent | Other | Percent | Slav | Percent |
|---|---|---|---|---|---|---|---|
| Year: | | | | | | | |
| 1935 | 1,950,500 | 1,472,600 | 75.5 | 477,900 | 24.5 | 233,400 | 12.0 |
| 1959 | 2,093,400 | 1,297,900 | 62.0 | 795,500 | 38.0 | 647,400 | 30.9 |
| 1970 | 2,364,100 | 1,341,800 | 56.8 | 1,022,300 | 43.2 | 853,000 | 36.1 |
| 1979 | 2,502,300 | 1,344,100 | 53.7 | 1,158,200 | 46.3 | 999,700 | 40.0 |
| 1989 | 2,666,600 | 1,387,600 | 52.0 | 1,279,000 | 48.0 | 1,117,300 | 42.3 |

Note.—Figures quoted by Bruno Mezgailis, in a report presented at a conference organised in Riga in September 1990 on "Prospects of the Latvian nation."

TABLE 2

| | Population in 1989[1] | | Composition of the Supreme Council elected in 1990[2] | | | | |
|---|---|---|---|---|---|---|---|
| | Number | Percent | Number | Percent | Popular Front Group | Equality of Rights Group | Others |
| Latvian | 1,416,704 | 51.77 | 140 | 69.65 | 124 | 8 | 8 |
| Russian | 935,150 | 34.17 | 45 | 22.39 | 2 | 41 | 2 |
| Byelorussian | 122,050 | 4.46 | 3 | 1.49 | 1 | 2 | |

TABLE 2—Continued

| | Population in 1989[1] | | Composition of the Supreme Council elected in 1990[2] | | | | |
|---|---|---|---|---|---|---|---|
| | Number | Percent | Number | Percent | Popular Front Group | Equality of Rights Group | Others |
| Ukrainian | 94,085 | 3.44 | 8 | 3.98 | 1 | 7 | |
| Polish | 62,613 | 2.29 | | | | | |
| Lithuanian | 35,670 | 1.30 | | | | | |
| Jewish | 23,625 | 0.86 | 3 | 1.49 | 3 | | |
| Others | 46,887 | 1.71 | 2 | 1.00 | | 1 | 1 |
| Total | 2,736,784 | 100.00 | 201 | 100.00 | 131 | 59 | 11 |

[1] Figures provided by the press centre of the Supreme Council.
[2] According to the booklet "Latvijas Republikas Augstaka Padome", published in 1991 by the Chancellery of the Supreme Council.

The PRESIDING OFFICER. Does any Senator seek recognition?

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

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

## FIFTIETH ANNIVERSARY OF ELLSWORTH AIR FORCE BASE

Mr. PRESSLER. Mr. President, I rise today to salute Ellsworth Air Force Base in South Dakota on the celebration of its 50th anniversary this year. South Dakotans are very proud of the important role Ellsworth Air Force Base has played in our Nation's military structure these past 50 years. During this time, Ellsworth personnel have participated in numerous military missions. Those missions include involvement in America's defense from World War II to Vietnam, and most recently, Operation Desert Storm.

Many changes have occurred during Ellsworth's half century of service. When the base opened, B-17 airplanes were stationed there for combat training purposes. Since then, Ellsworth has been home to B-29's, B-36's, and various B-52 models. Today, B1-B bombers are stationed at Ellsworth Air Force Base.

When established in July 1942, Ellsworth Air Force Base was named Rapid City Army Air Base. South Dakota Senator Chan Gurney, along with then Congressman and later Senator Francis Case, had promoted Rapid City as the site of one of seven major new air bases. The base's primary mission at that time was to train B-17 crews for combat service in World War II. Following the end of World War II, the base began training weather reconnaissance crews.

Designated a permanent facility in 1948 with the 28th Bombardment Wing [28 BMW] as the host wing, Rapid City Air Force Base was home to B-29 airplanes. The following year B-36 aircraft replaced the B-29's.

An RB-36 plane, whose passengers included Wing Commander Brig. Gen. Richard E. Ellsworth, crashed in Newfoundland on March 18, 1953. All 23 crew members and 2 passengers aboard the plane were killed. In honor of General Ellsworth, President Eisenhower changed the name of the base to Ellsworth Air Force Base.

The base's B-36 aircraft were replaced by the new B-52 planes in June of 1957. Various B-52 models were stationed at Ellsworth for 30 years until the B1-B bomber arrived in January 1987. I fought hard so that Ellsworth was the second base to receive B1-B's and the first base to operate both the B1-B and the KC-135 refueling aircraft together. Today, 28 B1-B bombers—nearly one-third of our Nation's B1-B force—are stationed at Ellsworth.

In the late 1950's, the base's mission was expanded to include land-based nuclear missile activities. The initial four Nike missile sites were soon replaced by Titan I missiles. In 1963, Minuteman I intercontinental ballistic missiles [ICBM's] supplanted the Titan missiles. In 1971, the 44th Strategic Missile Wing [44 SMW] became the host wing at Ellsworth. Also, in the early 1970's, the Minuteman I missiles were upgraded to Minuteman II missile specifications.

For approximately 30 years, the 44 SMW has been responsible for operating and maintaining the 150 Minuteman missile sites which are scattered across 13,500 square miles of western South Dakota.

Currently, the Minuteman II missiles are in the process of being deactivated at Ellsworth Air Force Base. This deactivation reflects the changes occurring in our international situation and our strategic arms reduction efforts. However, for the past 30 years Ellsworth's missions have comprised 2 of the 3 legs of our Nation's strategic defense triad.

In July 1988, the 12th Air Division was activated at Ellsworth and Brig. Gen. Robert Marquette, Jr., assumed command of the base. For several months I had been lobbying Air Force officials to designate the Ellsworth commander position as the rank of general. I was very pleased when that change occurred and applauded Air Force officials for their decision.

In 1989 Ellsworth became the only triple-wing base in the Strategic Air Command when the 99th Strategic Warfare Wing was activated. This wing operates the Strategic Warfare Center, which trains Strategic Air Command combat air crews. During the activation ceremony, one Air Force official called this facility the "premier training institution in the Strategic Air Command."

On September 1, 1991, the 28th Wing became the host unit at Ellsworth. Brig. Gen. Joseph C. Wilson, Jr., is the current commander of this composite wing.

One of the most positive aspects of Ellsworth Air Force Base is its strong sister city relationship with the nearby community of Rapid City, SD. The Rapid City Area Chamber of Commerce has a very active military affairs committee which supports the base. The support of local community leaders is much more than just lipservice. Their actions speak for themselves.

For example, a few years ago community and base leaders went to work to address the serious problem of substandard housing for base personnel. With the help of the private sector, new military housing units were built at Ellsworth—housing that would have taken years to accomplish through the military construction budgetary process. In this time of budgetary constraints, this project could serve as a model for addressing the facility needs of other military installations.

During my years in Congress, I have enjoyed working with local community and base leaders on behalf of Ellsworth. I will continue to work with Air Force officials on additional missions for this premier military installation.

I salute the thousands of men and women who have been stationed at Ellsworth Air Force Base over the years for their sacrifices and service to our Nation.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

(The following colloquy between Mr. WIRTH and Mr. CHAFEE appears at this point in the RECORD by unanimous consent.)

RESPONSE TO MR. FITZWATER'S STATEMENT

Mr. WIRTH. Mr. President, I appreciate the distinguished chairman of the committee's taking the Chair while I spend a few minutes to respond this morning to a quite remarkable statement by the President's press secretary, Marlin Fitzwater.

Let me read from the release from the Associated Press this morning.

President Bush's spokesman today labeled Democratic Vice-Presidential candidate Al Gore as "Mr. Sellout America" for "telling the world how crummy America is" at the environmental conference in Rio de Janeiro.

Obviously, Mr. President, what is going on here is the game plan from the Republican Party has started in full and they are starting to dig dirt in excessive fashion, throw water on it, and the mud flies.

Unhappily, this is about the only thing that they appear to be good at in this administration. They certainly have run out of gas on everything else. There is no position and no policy from this administration on the economy. What is going on is the economy is obviously dead in the water, as one economist after another has said, and there is no solution coming from this White House.

On the issue of cities, Los Angeles is more than 2 months behind us, and this administration still refuses and is incapable of responding to a cancer growing inside the country.

On the question of education, we have a vast number of young Americans who are becoming absolutely uncompetitive in the world, and the "education President" refuses to do anything about it.

In the area of health care, we know the health care budget is eating us alive, inflation is mounting dramatically, and we have not yet heard one proposal from this administration.

And the list goes on. And it certainly includes the environment on which the "environmental President" has become the laughingstock for the country and for the world.

Those are the facts of the matter and what this election is all about, Mr. President, not misrepresentations of what happened in Rio, what happened with the Senate delegation in Rio, of which the distinguished presiding officer, Mr. BAUCUS, was a member, and what happened in terms of our collective Republican and Democratic representation of the United States. Partisanship, indeed, stops at the ocean's edge, and that was the case in what happened in Rio de Janeiro, not what Mr. Fitzwater said, calling AL GORE "Mr. Sellout America" and "telling the world how crummy America is."

Fitzwater and the administration were not even there to understand what was truly going on, as we saw the end of the cold war and the beginning, truly, of a new world order. Ignorance was presiding. Willful ignorance presides consistently in this While House related to the issues such as we were discussing in Rio de Janeiro, the same kind of willful ignorance reflected in the President's press secretary's remarks:

"GORE here is Mr. Sellout America. He goes to Rio, spends a week telling the world how crummy America is, how we do not care about the environment, we don't care about anything," Fitzwater said.

Flat wrong. The Senate delegation, Republicans and Democrats, was in Rio doing the best possible job that we could do in supporting an administration and a country that was being beaten up by 154 countries—154 countries around the world were beating up on the United States of America, and this administration could not even defend itself down there.

There was a press conference, a press conference in which the world press was chasing the United States up one side and down the other. And it got so bad that I had to send a note up to the presiding representative from the State Department saying that I was there and I would be happy to help him defend the country, which they were incapable of doing, and he recognized me and I laid out the facts of a 20-year-old environmental record of the United States of America, a very distinguished record, which this administration was incapable of doing. This administration was incapable of telling the world what hundreds of billions of dollars of investment had been made by American citizens to clean up our environment. They could not even tell the world the job that we had done.

Crummy? America? We were not saying that at all. We were saying, "My lord, we have done a phenomenal job of investing in our environment," and this administration was incapable of even understanding that, much less take advantage of the extraordinary opportunity that we had in Rio, one opportunity after another.

For example, the world came to us, the G-7 countries, the developed countries; the G-77 countries, the developing countries; the island nations, they all came to us in the United States and asked us for leadership. And what did we do in the global climate change treaty? We fudged it, we weaved, we ducked, and we bobbed up one side and down the other. Everybody knows that. It is a matter of public record.

Why did we not take advantage of that opportunity? Why did we not lead instead of ducking behind the false choice the President kept referring to of jobs versus the environment, which he even finally admitted was a false choice.

On the issue of the biological diversity treaty, here we were the only country in the world that refused to sign that, the only country in the world that refused to sign that, did not even say what it was about, what potential there was there, what extraordinary opportunities there were for the U.S. economy, just treated it with the back of our hand. We went down talking about forest policy as if that was going to be a major factor in U.S. policy and U.S. approaches to the global environment.

But people said, "Well, what are you going to do with the forest policy in the United States?" We begged the administration to make some positive statements to do things like make some kind of a statement on below cost timber sales. We subsidize the ravaging of our national forests. It is beyond me. Why does the administration not make a statement on below cost timber sales? Why do you not do something really constructive and not a Swiss cheese policy on clear cutting? We would not do that. We tell the world to do one set of things, and we do not do it ourselves in our own backyard.

The list goes on of opportunities that were missed down there. But it was not this delegation that went to Rio that was missing those opportunities. It was not this delegation that was telling the world how crummy America is. It was this delegation that was standing up telling the world, or attempting to tell the world, in the face of the gale coming from the administration of misinformation, weaving, ducking, and bobbing, of trying to tell the world what, in fact, we have done and what leadership the United States has, in quite a glorious way, over the last 2 years, reflected.

Mr. President, obviously campaign time is underway. But I do think that the hyperbole, I do think that the rhetoric coming from the President's press secretary calling the Democratic candidate for the Vice Presidency "Mr. Sellout America," you know, is really stooping not only to a rhetorical low level, slipping right into the mud, but also making sure that we are covering over the true facts as to what happened and the wonderful opportunities that the United States was faced with in Brazil, opportunities which we so largely and so unhappily missed.

The true fact of the matter is that history will not treat the United States very well in the way in which we handled the opportunities there. It was, at many times, embarrassing to see how this administration missed opportunity after opportunity after opportunity, and the world was looking at us, shaking their heads and saying, "Who are these people and where are they coming from? What is wrong with them?" The same questions that are being asked by people all across the United States who are saying about the White House, "What is wrong with them?" And the answer is going to be, "Well, we are going to change them."

Mr. President, I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, apparently the distinguished Senator from Colorado was not on the floor yesterday when his elected leader deplored the fact that the floor of the Senate is being used for campaign speeches, speeches that ought to be given out on the campaign trail by the candidates.

I find it rather amusing, that those on the other side who deplore the fact that some on this side have given campaign speeches in behalf of their candidate suddenly find the same thing taking place. Here, out of nowhere, appears the Senator from Colorado delivery a scorching speech against the administration. The Senator from Colorado fully recognizing that the achievements of this administration are what count. What is going to count in the long run is what we do; not what we promise, or not agreements we enter into, or statements that we issue. What is going to count is how well we do as a nation. And the facts are that this Nation under this administration in the environment is making very, very significant achievements.

Let us tick them off. The Clean Air Act. The Clean Air Act amendments that were passed 2 years ago were possible because the President of the United States got behind that measure and enacted it and, therefore, we had these very, very significant achievements under the Clean Air Act, particularly in the area of CFC's, the area of chlorofluorocarbon restraints—an area I have been deeply involved with myself.

You cannot take that away. That was a George Bush achievement and we are proud of it. We are proud of what we have done in the Endangered Species Act.

I was interested in the presentation made by the Senator from Colorado that in the course of talking about deploring what this administration is doing he never did mention that the Vice Presidential candidate on the Democratic ticket, a man who is proud of his environmental statements, was also one of the votes to undermine the Endangered Species Act.

I wonder if the Senator from Colorado was aware of that. That when we came to the snail darter vote which—I was here. I do not know whether the Senator from Colorado was here at the time. I suspect he was. Obviously that vote came up in the past 8 years because the Senator from Tennessee, the junior Senator from Tennessee who is now running for Vice President and is proud of his environmental record, has not bothered to tell the world at large it was his vote, when push came to shove—it was his vote to undermine the Endangered Species Act.

Now the defense, I suppose, is—well, it dealt with something in Tennessee. You cannot be for protecting endangered species except when you are dealing within endangered species in my home territory—Tennessee. There it was involved with a dam in Tennessee, the Tellico Dam. And the problem was that the Endangered Species Act would prohibit them from going forward with that dam. The dam had been nearly completely constructed. So the amendment was presented to set aside the Endangered Species Act because the snail darter was there in the path of the opening of the dam.

I voted against it; spoke against it unsuccessfully. But the Senator from Tennessee [Mr. GORE], now running for Vice President, proud of his environmental record—he voted to set aside the Endangered Species Act because—I suppose others can give the rationale, I do not know, he did not give his rationale—but I think we can all agree it was because it was in Tennessee where he is from.

I know the Senator from Colorado would deplore such action. But it is worthwhile bringing that up, since the Senator from Colorado started this off today. We had sort of a ground rule as of 6 last night—you can see how long it lasted; it did not last 12 hours—sort of a ground rule, we were not going to have political speeches here dealing with the campaign. But that, apparently, has been set aside.

The distinguished majority leader came to the floor and said let us leave that to the candidates out there on the trail. They are barnstorming the country. Let them talk about their programs. We in this Senate will concentrate on trying to do good things for the people of the United States; perform our duties, which do not involve making campaign speeches for the candidates.

I suspect we will see a lot more of campaign speeches. We will see the administration trashed, as the Senator from Colorado has just done—vigorously, as is his wont. And I suppose we will see the Democratic standard bearers trashed. I suspect I might join in that at some point, when the opportunity arises.

But meanwhile I hope we can get on with the measure before us which has nothing to do with the candidates but does have to do with trash. And that is, an environmental measure, in a way, we are trying to get passed. I hope, when it is before the Senate, those who have amendments would be coming to the floor. This is the time to present them, so we can get on with this bill and hopefully conclude it this evening.

The majority leader announced last night he is not going to spend much more time on this measure. Indeed, apparently we are going on the energy bill, and a cloture vote sometime in the latter part of this afternoon.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. CHAFEE. Mr. President, I made one misstatement. I suggested—I guess more than suggested—stated that the junior Senator from Tennessee was in the Senate when he voted to overrule the Endangered Species Act in connection with the snail darter. That was incorrect. He was in the House and took that vote in the House. He took the vote, but I suggested he was in the Senate. That was inaccurate.

In making that suggestion I said it was in the past 8 years. I think in fact it was prior to that because I can remember Senator Baker was here at the time and, of course, Senator Baker preceded Senator GORE coming to the Senate. In other words Senator GORE took Senator Baker's seat. So that must have been prior to the past 8 years.

The vote on the snail darter and the Tellico Dam probably was some 10 years ago. I am not exactly sure—about that period. The junior Senator from Tennessee at that time was in the House of Representatives. But, indeed he did take the vote that I said he did.

## TODAY'S "BOXSCORE" OF THE NATIONAL DEBT

Mr. CRAIG. Mr. President, Senator HELMS is in North Carolina recuperating following heart surgery, and he has asked me to submit for the RECORD each day the Senate is in session what the Senator calls the "Congressional Irresponsibility Boxscore."

The information is provided to me by the staff of Senator HELMS. The Senator from North Carolina instituted this daily report on February 26.

The Federal debt run up by the U.S. Congress stood at $3,981,447,551,455.09, as of the close of business on Monday, July 20, 1992.

On a per capita basis, every man, woman, and child owes $15,500.52—thanks to the big spenders in Congress for the past half century. Paying the interest on this massive debt, averaged out, amounts to $1,127.85 per year for each man, woman, and child in America—or, to look at it another way, for each family of four, the tab—to pay the interest alone—comes to $4,511.40 per year.

## TRIBUTE TO FATHER ALOYSIUS PLAISANCE

Mr. HEFLIN. Mr. President, I rise today to pay tribute to Benedictine Father Aloysius Plaisance, who died in Birmingham on April 24 of this year. I just learned of his death recently. He

had spent this year celebrating his 50th year as a monk of St. Bernard's Abbey in Cullman, AL. Father Plaisance arrived at St. Bernard's in September, 1939 as a student at St. Bernard Junior College. He made his monastic profession as a Benedictine monk in July, 1941, and received his B.A. degree from Kansas' St. Benedict's College in 1944.

After completing his theological studies at St. Bernard Seminary, he was ordained by Archbishop T.J. Toolon in June 1947, and spent the next 5 years in graduate studies at St. Louis University, earning his masters and doctoral degrees in history. In 1953, Father Plaisance was appointed chairman of the history department at St. Bernard College, and became its president in 1973.

Along with his long-time dedication to St. Bernard College, Father Plaisance had a wide range of interests and talents. He was active in the Alabama Historical Association, the Alabama Historical Commission, and the Alabama Academy of Science. He was a member of the Southern Historical Association, American Catholic Historical Association, and the American Benedictine Academy.

Father Plaisance spent most of his adult life working in various capacities at the St. Bernard Abbey. He had recently set up a hobby shop, making walking sticks, bird houses, and feline houses. This shop was yet another example of his devotion to worthy causes. The revenue from this project went to help promote all aspects of the Ave Marie Grotto, a 4-acre park containing 150 replicas of world famous buildings. The part in Cullman has been included in the National Register of Historical Places, and contains such miniatures as the city of Jerusalem, St. Peter's Basilica, and the Pantheon.

Father Aloysius Plaisance is a figure in Alabama who will be sorely missed. His contributions to the abbey and his spiritual guidance were immeasurable; the impression he made on thousands of Alabamians will never be forgotten.

## PERMANENT EXTENSION OF THE LOW-INCOME HOUSING TAX CREDIT

Mr. RIEGLE. Mr. President, I rise today to call on my colleagues to support the permanent extension of the low-income housing tax credit. The urban aid tax bill recently passed by the House would permanently extend this important program, and I urge the Senate also to vote for permanent extension when we consider our version of this bill in the coming weeks.

In March, the President vetoed a tax reform bill that contained a permanent extension of the low-income credit. In the next few weeks, we will have a second chance to enact such an extension. We should not allow this program, crucial to the supply of low-income rental housing, to fall victim to election year politics.

Since its inception in 1986, the low-income credit has helped finance an estimated 816,128 units of low-income rental housing. Most of these units rent for less than $450 a month. The credit is now responsible for the production of 120,000 units of low-income housing each year. Over the next decade, the credit will help preserve an estimated 620,000 existing low-income rental units.

Not only has the credit achieved its goals in the area of low-income housing, but also it has generated substantial economic benefits at a relatively small cost. The Joint Committee on Taxation estimates that permanently extending the program would cost $2.4 billion. Since 1986, the low-income credit has generated $44.6 billion in economic activity and has injected about $16.6 billion into the economy annually.

Recent newspaper articles on the low-income credit have demonstrated the value of the program throughout the United States. I ask unanimous consent that the text of these articles be included in the RECORD at the end of my statement.

The Los Angeles Times calls the low-income credit "the primary Federal resource for financing new and affordable housing" and the "cornerstone of the numerous public/private partnerships that are increasingly the salvation of cash-short cities and States." The article points out that "in Los Angeles, where nearly 500,000 families spend more than half of their meager incomes on rent, tax credits have been used to build attractive townhouses in Watts, rehabilitate senior citizens' housing in Little Tokyo and finance apartments in poor areas such as Pico-Union and parts of East Los Angeles."

Many of these buildings offer childcare centers and other amenities rarely found in low-income apartment buildings. Also, these units are affordably priced. The editorial states that "rents typically range from $175 to $500 per month. That's a bargain in a city where a one-bedroom apartment normally costs about $600 and thousands of poor families pay to live in garages."

Two articles in the Washington Post cite similar evidence. The first explains how Federal tax credits for low-income housing apartments for low-income families with children have been used to stimulate private financing in the South Bronx. In the second article, the president of the Local Support Initiatives Coalition [LISC], one of the leading not-for-profit organizations in the housing field, describes how his organization "has used the tax credit provisions to raise more than $400 million from U.S. corporations, enabling [LISC] to leverage additional public and private financing to produce more than 10,000 units of affordable rental housing nationwide."

The provision of new and rehabilitated affordable housing for low-income families has taken place in the South Bronx in New York, Liberty City in Miami, the South Side of Chicago, Anacostia, Los Angeles, and many other distressed areas across our Nation. The low-income credit has been one of the key factors in the revitalization of these urban areas. We cannot allow this effective tool to be lost.

Over 80 Senators are on record in favor of a permanent extension of the low-income credit, and the Senate Democratic Task Force on Community and Urban Revitalization, which I chair, recently endorsed permanent extension as well. The credit is a crucial weapon in the battle to keep America's communities vital and strong. I urge my fellow Senators to lend their wholehearted support to the permanent extension of this program.

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

[From the Los Angeles Times, June 2, 1992]

HOUSING CREDIT EXTENSION IS A MUST—AND RIOTS TELL US WHY

The Los Angeles riots focused a national spotlight on the growing divide between rich and poor in cities across America. Nowhere is that gap illustrated more dramatically than in housing. In this comparatively wealthy nation, millions of poor men and women live with their children and sometimes their elderly parents in crowded or inferior housing; others live in housing that is decent but so costly that other areas of their lives must suffer severely; thousands more have no place at all to call home.

President Bush and Congress can cease this crisis by permanently extending the federal low-income housing tax credit before this investment incentive expires June 30.

The tax break deserves renewal because it remains the primary federal resource for financing additional new and affordable housing. It also forms the cornerstone of the numerous public/private partnerships that are increasingly the salvation of cash-short cities and states.

The credit typically generates funds used to construct or renovate at least $100,000 apartments a year. Since being created by the 1986 Tax Reform Act, it has generated financing for more than 420,000 units of decent and affordable rental housing.

NO FREE RIDE FOR PUBLIC

Such a benefit, however, is not without cost to the public. In exchange for investing in the construction or renovation of long-term affordable housing, businesses gain a credit on their federal tax bills. The deferral of those taxes is expected to cost the federal Treasury up to $1.5 billion over the next five years. That loss, especially significant in a time a burdensome federal deficit, fuels the argument against extending the tax credit, despite fairly strong bipartisan support.

President Bush in March vetoed a tax bill that contained a permanent extension of the low-income housing tax credit and other tax breaks. That was before the Los Angeles riots changed the political climate and put the problems of cities back on the national agenda.

Now Congress is again considering extending the low-income housing tax credit as part of a sweeping urban initiative. The ex-

tension merits approval before the July 4th recess, before the July 4th recess, before politicians turn their attention first to the political conventions and then to the November elections. Any delay in the extension of the tax credit could cause a slowdown in housing production similar to the dip in 1990 when the credit was renewed for only nine months instead of a year.

Bush and others should consider the success of the low-income housing tax credit. In California, tax breaks have been used to create more than 27,000 units of affordable housing, generating 17,000 jobs in the bargain.

Tax credits are allocated on the basis of a state's population. California typically receives more than $35 million in tax credits per year.

The funds generated by those credits are funneled by real estate syndicates and community development advocates such as the Local Initiatives Support Corp. to nonprofit community developers and for-profit housing developers. The developers use the financing to create apartments, townhouses and the single-room-occupancy hotels that often provide refuge for men and women who had been homeless.

In Los Angeles, where nearly 500,000 families spend more than half of their meager incomes on rent, tax credits have been used to build attractive townhouses in Watts, rehabilitate senior citizens' housing in Little Tokyo and finance apartments in poor areas such as Pico-Union and parts of East Los Angeles. Many buildings include child care centers and other amenities rarely found in low-income apartment complexes.

Family housing developed by the Concerned Citizens of South Central Los Angeles and the Second Baptist Church is scheduled to open this month on Central Avenue in the historical heart of South-Central. The two apartment buildings contain 40 units, a community room, a study area for children and benches to encourage Latino and black residents to get to know each other in the increasingly Latino neighborhood.

A BARGAIN AMID HIGH RENT

Other new housing built with tax credits includes apartments large enough for families with four or more children—the type of large apartments that are often impossible for low-income families to find. Yet these sought-after apartments cost no more than a third of the average income of their tenant families; rents typically range from $175 to $500 per month. That's a bargain in a city where a one-bedroom apartment normally rents for about $600 and thousands of poor families pay to live in garages.

To keep pace with the growing demand, California must create 300,000 new units of affordable housing by the turn of the century. That task will be impossible without some form of federal assistance. But government alone cannot solve the affordable-housing crisis. It can and must nurture greater private investment in housing. That's why President Bush and Congress should extend the federal low-income housing tax credit.

POWER-HOUSING

Number of affordable housing units created by federal low-income tax credits in California.

| | |
|---|---|
| 1987 | 2,497 |
| 1988 | 5,657 |
| 1989 | 7,960 |
| 1990 | 5,391 |
| 1991 | 9,122 |

Source: National Council of State Housing Agencies.

[From the Washington Post, July 19, 1992]

POINTS OF URBAN LIGHT

(By Paul Grogan)

The South Bronx sounds like an unlikely address for evidence of urban rebirth. So do Miami's Liberty City, or Chicago's South Side, or Anacostia. But in these and dozens of other cities, a remarkable transformation is underway in neighborhoods that once were sunk in neglect and despair.

In place of burned out supermarkets stand thriving shopping centers. Renovated apartments providing affordable housing for working-class families have replaced abandoned buildings and crack houses. Instead of disinvestment and urban blight, these neighborhoods are marked by local investment, community ownership and renewal.

Twelve years ago, Miami's poor, predominantly African-American Liberty City neighborhood erupted in three days of rioting, looting and arson. Damage was estimated at $150 million and many believed the area would never recover.

Fortunately, Otis Pitts Jr. and the Tacolcy Economic Development Corp. were not among them. Pitts and Tacolcy developed a shopping center, anchored by a national chain supermarket. They then turned to the neighborhood's acute housing shortage, producing more than 250 units of affordable rental housing.

Tacolcy's community-led initiative has spurred additional private development, including two new shopping centers. The effort is stemming the flight of youth that threatened the neighborhood's very existence.

On Chicago's South Side, the Neighborhood Institute has produced more than 470 units of affordable housing and developed a retail center and an artisans' incubator in an area virtually abandoned in the 1970s. Detroit's Church of the Messiah Housing Corp. is sponsoring the first new construction in 20 years in the struggling Island View Village neighborhood.

And in Anacostia, an area that lacked a major supermarket, health care or even adequate streets and sewers, the Marshall Heights Community Development Organization over the past 12 years has developed a shopping center with Safeway as an anchor, a center for attracting and nurturing start-up businesses, and several units of affordable housing.

These developments all share one thing: They are the result of community-based initiatives. Local planning, local ownership and local control mean the developments reflect the real needs of the community, providing residents with not only ownership but a genuine stake in their neighborhoods. Community development corporations are successfully filling the void left by suburban flight, corporate disinvestment and federal spending and program cuts.

The efforts of community-based developers like Tacolcy are shifting the focus from Washington and policies hatched inside the Beltway to local solutions that address local needs. The community-based developers have been rebuilding America's distressed urban neighborhoods for more than a decade. Their stake in the well-being of the neighborhoods is high. And they are the best preventive of urban disorder because the homes, businesses, graffiti-free walls and newly planted trees belong to them.

Yet access to national resources is crucial to their efforts. While imaginative and creative locally based initiatives are necessary for community renewal, they cannot succeed solely on their own. The dynamism and success of community developers does not mean government and business do not have an important role to play in community renewal. These efforts depend on the financial and technical resources government and business provide.

Community developers have built a web of support for their efforts, involving major local and national corporations and philanthropies. The billions of dollars in private-sector loans, grants and investments have provided necessary financial help for community developers and allowed cities to stretch their own housing and economic development resources.

While such non-profit efforts cannot by themselves erase urban poverty, they serve as powerful models for urban transformation, exerting a catalytic effect on poor communities. Physical improvements are invariably accompanied by a changed spirit in residents, from being victims to being champions of a new way of life.

A 1991 study by the National Congress for Community Economic Development found that community-based developers produced more than 300,000 units of new or rehabilitated housing for 1 million low- and moderate-income individuals, developing 16.4 million square feet of retail, office and industrial space, making loans to some 2,000 enterprises and creating or preserving almost 90,000 jobs. This effort spanned the 1980s, with the bulk of the work done in the last five years.

While the Great Society programs of the 1960s had many positive results, they also showed the limitations of the top-down approach. But the federal government does have a role, mostly through flexible programs that support and encourage community initiative. These programs—tentative, tenuous and underfunded—must be fully funded if the hope generated by the community development movement is to blossom.

Two ideas dominate discussion: enterprise zones and tenant ownership of public housing units, or HOPE. These are pet projects of President Bush and Secretary of Housing and Urban Development Jack Kemp. These initiatives ought to be tried. But more, much more, can be done.

The Community Development Block Grant program should be doubled beyond the administration's proposed 1992 funding of $2.9 billion. This program, enacted in 1974, provides grants to cities and states for infrastructure, economic development and housing. It has been cut by almost 50 percent in constant dollars since 1980, when $3.8 billion was appropriated.

The federal government must vigorously enforce the Community Reinvestment Act, which mandates that banks serve the credit needs of low-income communities. The act, passed in 1977, faced bitter opposition but now receives at least grudging cooperation from most regulated financial institutions and is the chief bulwark against "red-lining" or discriminating against poor neighborhoods seeking loan dollars for community development.

The low-income housing tax credit, enacted in 1987, provides corporate tax credits for investment, in rental housing construction and rehabilitation for the poor. It has become the primary tool for producing affordable housing in America, producing some 400,000 units of housing since enactment. And yet it will expire this summer unless Congress and the president act to make it permanent.

My organization, through the National Equity Fund, has used the tax credit provisions to raise more than $400 million from U.S.

corporations, enabling us to leverage additional public and private financing to produce more than 10,000 units of affordable rental housing nationwide. This important resource will be lost if the government allows the tax credit to expire.

Finally, there is the 1990 National Affordable Housing Act, which contains both Kemp's HOPE initiative and HOME, a program of housing grants to states and cities. HOME has allowed localities to craft their own housing strategies and leverage additional private investment—both directly beneficial to community developers. However, the administration plans to cut HOME by more than half of its 1992 level of $1.5 billion. It must be funded at least at its original authorization of $2 billion.

These programs are by no means all that needs to be done. But they represent a down payment on a new urban strategy—one that rests on bedrock values of local initiative and private investment and is led by the very people with a vested interest in the life of their neighborhoods—community developers.

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[From the Washington Post, July 19, 1992]

SOUTH BRONX CHEER: A MIRACLE GROWS AMID THE RUBBLE

(By Jodie T. Allen)

NEW YORK.—Postmodern miracles don't happen overnight. But they do happen. I visited one last week in the South Bronx, just north of the island where thousands of Democratic conventioneers were endorsing a platform and a ticket that they hoped would give their party a fresh, fresh start. If an urban policy is part of that renewal, the South Bronx wouldn't be a bad jumping-off point.

If you've never been to the South Bronx, or not for a generation, you can't really appreciate its otherworldly appeal. After all, what's so miraculous about several square blocks of pastel-colored bungalows with neat lawns and gardens and wrought-iron fences? Or stretching beyond them, blocks of tastefully renovated low-rise apartments separated by tidy pocket-parks, or newly constructed senior-citizen and low-income family townhouses and multiple family units? Or, for that matter, a lush multi-acre park with two jungle-gymed play-grounds filled with kids and a recently refurbished set of tennis courts?

But you would recognize the miracle if, like me, you remembered standing on Charlotte Street a decade ago. Back then, I listened politely as Ed Logue, then head of the South Bronx Development Organization, described the suburban-like community of working families that he saw sprouting and spreading from the lone single-family home that stood there. Beyond it, stretched a moonscape of rubble.

In those days, the entire South Bronx looked like Dresden after the firebombing. Here and there a few owner-occupied rowhouses put up a brave front with newly painted facades and geraniums in window boxes. Occasional clusters of renovated units spoke of the efforts of local churches and community-based organizations to push back the blight. But the dominant reality was acres and acres of bulldozed housing and blocks and blocks of still-to-be demolished five-story walk-ups—stripped of plumbing, fixtures, wallboards and even window sills by addicts who had traded these commodities for drugs. Logue tried hard to be optimistic, but his funding was drying up as the Reagan administration cut back federal housing and job money. I tried hard to be enthusiastic, but it all seemed pretty hopeless to me.

Fortunately, the community-based groups whose efforts seemed almost pathetic then had far more faith than I. Among the most successful were the Mid-Bronx Desperadoes, which took its name from its founders' combined despair and determination, and Banana Kelly—which sought initially to reclaim one curved block of Kelly Street from the bulldozers. It was a time in the 1970s when the city government was rumored to be planning a "triage" approach to rationing city services that would have abandoned lost-cause areas entirely.

"You have to have lived through it," says Yolanda Rivera, Banana's executive director, who recalled "the meetings all night, the endless negotiating." It took all that to halt the abandonment of buildings and to convince a bevy of federal, state and city officials to let Banana begin the ardous task of assembling properties, routing out the drug dealers that often controlled major parts of still functioning apartment buildings, temporarily relocating the tenants and renovating the buildings.

Postmodern miracles take a lot more patience and ingenuity than the overnight successes promised by 1960s do-gooders. "You have to be ready to mix it up," says Marc Jahr, program director of the New York office of the Local Initiatives Support Corporation (LISC), a nationwide foundation-supported organization that has provided both money and managerial assistance to community development groups in the South Bronx.

The first things stirred together were funding sources. The various projects in the area—from special housing for the elderly and disabled, apartments for low-income families with children, detached units for working couples and even a special dormitory project now being built for high school kids whose families have abandoned them—garner direct and indirect financing from a host of private and public sources. These included federal tax credits for low-income housing used to stimulate private financing, federally financed vouchers for certain tenants and a hefty slug of state and local government subsidies.

Another stirred ingredient is the type of people and projects. "We don't want to recreate economic ghettos," says Jahr. Although more than 40 percent of people in the area receive public assistance in one form or another, the newly built single-family homes have attracted substantial numbers of moderate income families. On a given block, privately-owned houses site side-by-side with small scale projects for the elderly, single-parent families or the once-homeless. When Banana Kelly developed a project for the homeless on Fox Street (once called by then-mayor John Lindsay the "toughest block in New York" but now a neighborhood of well-kept brick and stone townhouses thanks to a Banana "homesteading project"), the project managers selected the first five families for the unit and then let those families select the other occupants. They also consulted with the new tenants on the type of supportive services they needed, with the result that Banana Kelly is now planning a multi-service adult literacy, day-care project across the street.

"Physical development is only part of the process," says LISC communications director Joan Lebow. "Giving people a stake in their own community is even more important."

Graffiti control, for example, is high on the Mid-Bronx Desperadoes' list of musts. "Taking down graffiti the moment it goes up sends a message that the kids in the neighborhood are under control," says Desperadoes executive director Ralph Porter. So superintendents like Juan Rodriguez keep a "Code of Living Respect" posted conspicuously in their tidy lobbies and if any kids start acting up outside the building, "I get on them right away," says Rodriguez. "A good super is 70 percent of a building," adds Marc Jahr.

The South Bronx is not yet Middle America, Privately owned eyesores still dominate whole blocks of the area, their landlords unwilling to make improvements, given rent control and the limited resources of their tenants. There are not enough local jobs, although the subway makes all five boroughs easily accessible; and LISC is trying to persuade a major supermarket to locate near Charlotte Gardens so residents will not have to depend on the often expensive and poorly stocked groceries that line the still shabby commercial strips.

But the scale of the accomplishment is astonishing. But rough measure, more than 11 square miles of all-but-dead urban terrain has been brought back to life—and not just to a state of dreary morbidity. What strikes a visitor most is the cheeriness of the reconstruction—the varied design, the bright colored shutters, the window boxes and flower pots—all of this covering perhaps half of that amorphous (and once expanding) concentration of blight that was the South Bronx at its worst.

On a sunny day, the streets are clean and quiet. Are they safe? "There are safer communities," says Jahr, "but you don't feel an edge in these streets anymore."

Taking off the edge can be an expensive proposition—a river of federal, state and local tax and direct subsidies still runs through the South Bronx. And its vitality depends—perhaps even more—on the energy and commitment of the community groups that kept that money from being wasted. But the kids who grow up here are going to feel the difference, says Jahr. "We're in this for the long haul."

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## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The period for morning business is now closed.

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## EXTENSION OF MORNING BUSINESS

Mr. BAUCUS. Mr. President, I ask unanimous consent that morning business be extended to accommodate the statement I am about to make.

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

The Senator from Montana is recognized.

Mr. BAUCUS. I thank the Chair.

(The remarks of Mr. BAUCUS pertaining to the introduction of S. 2997 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, the period for morning business is closed.

## INTERSTATE TRANSPORTATION OF MUNICIPAL WASTE ACT 1992

The PRESIDING OFFICER. The Senate will now resume consideration of S. 2877, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2877) entitled "Interstate Transportation of Municipal Waste Act of 1992."

The Senate resumed consideration of the bill.

Pending:

(1) Coats amendment No. 2731, to allow existing contracts on interstate municipal waste shipments to be abrogated.

(2) Chafee amendment No. 2732 (to amendment No. 2731), to establish that nothing shall be construed as encouraging the abrogation of written, legally binding contracts for disposal of municipal waste generated outside the jurisdiction of the affected local government.

The PRESIDING OFFICER. The Senator from Montana [Mr. BAUCUS] is recognized.

Mr. BAUCUS. Mr. President, we are back on the interstate transport bill. The pending amendment is the Coats amendment with respect to abrogation of certain contracts. We have been negotiating with that amendment, Senator COATS and Senator LAUTENBERG in particular. I think we are making tremendous progress. We are not quite there yet on a resolution, but we are getting very close to the resolution.

It is my hope that within the next several minutes, perhaps 15 or 20 minutes, we could resolve this and that would not require a recorded vote. We could voice vote that, and then get on to other amendments on this bill.

I urge Senators to be ready to come to the floor quickly with their amendments upon the resolution of the Coats amendment, because we do not have much time within which to pass this bill.

The majority leader has noticed the Senate that at the conclusion of business today, we will move to a cloture vote on the energy bill. And if the interstate bill is not finally passed by the close of business today, whether or not we return to the interstate transport bill depends very much upon how much progress we have made to date on the interstate bill.

If we do not make much progress today on the interstate bill, as manager of the bill, I will be inclined not to bring the bill back up this year. If we make great progress on the interstate transport bill today, but we do not yet fully complete our business and pass the bill today, then I will be more inclined at a subsequent date to ask the majority leader to bring the interstate transport bill back.

But I remind Senators—and I am putting all Senators on notice—that the degree to which we make progress on the interstate transport bill today really depends on two factors: One, how quickly we resolve the Coats amendment; and second, how quickly other Senators come to the floor upon resolution of the Coats amendment, if we do resolve it, and how quickly we deal with those amendments, as well.

So I urge Senators to be ready with amendments in the event we can resolve the Coats amendment fairly quickly.

Again, if we do not resolve either the Coats amendment or we do not resolve other amendments in one way or another today, it would be my inclination as manager of the bill to suggest to the majority leader that we do not bring back the interstate transport bill this year because, in my judgment, given the few remaining days left in this session and the press of other business, it would not be fruitful for us to resume consideration of the interstate transport bill.

The PRESIDING OFFICER (Mr. WIRTH). The Senator from Indiana [Mr. COATS] is recognized.

Mr. COATS. Mr. President, I thank the Senator from Montana for his continued assistance in this effort to move an interstate waste bill through the Senate. As Senators know, we have been negotiating long and hard in an effort to resolve outstanding differences on this particular piece of legislation. I think we may be close to doing so.

I know there are other Senators, as Senator BAUCUS has suggested, who have amendments. But I would just want to reiterate and affirm what the Senator from Montana has said. If Senators are interested in dealing with this issue this year—and many are from States that are either recipients now or potential future recipients of out-of-State trash—if they want legislation this year that will give their States and their communities the authority to make a determination as to how much, if any, and what levels of trash they want to accept from out-of-State sources, if they want that authority to go to those States this year, we need to act on this bill today.

So I also urge Senators who may have amendments to this bill to be prepared to come to the floor so that we can dispose of those amendments in a timely fashion. The majority leader has been more than generous in giving us 3 full days to debate this, and those days have gone into evening hours.

But with the small number of legislative days remaining before this body, and the fact that all of the appropriations bills and a number of other important pieces of legislation remain to be decided, we need to do this today.

And so, if you are a Senator from a State that is concerned about giving your State the authority to deal with this problem, we need to move on this. We cannot get bogged down in nonrelated amendments. We cannot get bogged down in amendments that will push this past a reasonable hour, which the majority leader has given us to conclude debate on this.

We hope to have a resolution of the Coats amendment within moments. And at that point, if that is successful, we will be prepared to move to other amendments.

So I urge, along with Senator BAUCUS, our colleagues be prepared for that eventuality.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. LAUTENBERG). Without objection, it is so ordered.

## SALUTE TO ROSE KENNEDY

Mr. DOLE. Mr. President, no doubt about it. This is the year of family values. You hear it from politicians. You hear it in the media; you hear it from the people.

There is, in fact, a growing consensus in America that we will not get a handle on some of the troubling problems of our time—drugs, crime, teenage pregnancy—until the family regains the prominence it once held.

Today, it is my privilege to extend birthday greetings to someone whose very life is a testament to the importance of families.

It is my privilege to extend birthday greetings to a remarkable woman, a woman who as a loving wife, mother, grandmother, and great grandmother, has inspired not only her family, but countless other families, for generation after generation.

Those of us born on this day know that July 22 will always belong to the woman of whom I speak.

This day will always belong to the mother of the senior Senator of Massachusetts, Mrs. Rose Kennedy.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I join my colleague in extending birthday greetings to Mrs. Kennedy, one of the truly extraordinary women in 20th-century America, a person who has seen more than a lifetime's share of triumph and tragedy and having led a long and incredibly full life and looked with pride on the many accomplishments of an extraordinary family, and we are pleased, of course, to join with all of our colleagues in extending to Mrs. Kennedy a happy birthday.

## BIRTHDAY GREETINGS TO SENATOR DOLE

Mr. MITCHELL. Mr. President, I make note of the fact that this is the birthday for many other Americans including our esteemed and distinguished

colleague, the Republican leader himself, Senator DOLE.

He is someone with whom I had the pleasure and privilege of working with closely as majority leader over the past 3½ years and, while we regularly disagree, indeed almost daily disagree on some things, that disagreement has never been personally disagreeable and it has always been conducted within the bounds of restraint and civility which our democracy and this institution demands.

I know that I can speak for every Senator on this—there are very few occasions on which I can speak for every Senator, but this is one of them—in extending to our colleague, Senator BOB DOLE of Kansas, our best wishes on his birthday, as well.

Mr. DOLE. Mr. President, I am reminded that it is also the birthday of my colleague from Delaware, BILL ROTH.

What we have done in my office, to make it more acceptable to me, is everyone on my staff who has a birthday in July, we have averaged the ages; and this is my 47th birthday. If you do it that way, it works out fairly well.

I thank the majority leader.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER (Mr. PRYOR). The Senator from Indiana.

Mr. COATS. Mr. President, I am sure those observing the work of the Senate today, both in the gallery and by television, if anyone is left watching by television, wonder if the Senate does anything other than congratulate each other on their birthdays.

I join in the congratulations of our distinguished minority leader on his 47th birthday.

Occasionally, I assume that observers of our actions here see groups of Senators huddling fervently with staff. There are, despite the lack of activity on the floor, serious negotiations underway relative to the bill that we currently are addressing. They take place back in the Cloakroom of each party; sometimes here on the floor; sometimes back in the hall behind the Chamber here.

This negotiation has been going on now for a day and a half over a bill which the Senator from Indiana has been attempting to join with the Environment and Public Works Committee in passing, dealing with the subject of interstate shipment of municipal solid waste, otherwise known as garbage.

We have been very close now for a period of many hours at resolving the critical problem that exists with this legislation. It is what may appear to some to be a minor point. It is an essential point. It goes to the very heart of what this legislation seeks to accomplish.

Without a successful resolution of this, this bill will not go forward, despite 3 long days of debate. And that would be a tragedy, because now for nearly 3 years we have been attempting to address a very serious problem. The problem is the unwanted shipment of trash on an interstate basis to States with a landfill capacity that is needed for their own disposal in their own landfill. I hope we can resolve that.

In the meantime, as someone who in a former life directed his church choir, albeit a very small choir, I wish I could fill the time by asking the gallery to join us in a "happy birthday" to the distinguished Americans that were listed. But obviously that would be a violation of the Senate rules, and I will not do that.

I will extend my congratulations to Mrs. Kennedy and Senator DOLE and Senator ROTH for achieving another milestone in their distinguished careers.

I yield the floor.

## THE 102D BIRTHDAY OF ROSE FITZGERALD KENNEDY

Mr. KENNEDY. Mr. President, earlier today Senator MITCHELL, Senator DOLE, and a number of other Senators offered their congratulations to my mother on her 102d birthday, which is today. I want to take this opportunity to express my gratitude to them on her behalf. We plan to have a small family celebration this weekend in Hyannis Port.

Mother has been an inspiration to our family all her life. She continues to inspire us every day, and I know she will be deeply grateful for the kind words and warm thoughts of my colleagues.

As many Members are aware, mother's birthday is the same day as the birthdays of our distinguished minority leader, Senator DOLE, and our distinguished colleague from Delaware, Senator ROTH. Mother is aware of that, too, and she asked me to offer them both many happy returns.

"Tell that nice young BOB DOLE and BILL ROTH not to worry about these birthdays," mother always says—"they won't slow down for another 20 or 30 years."

Mr. LAUTENBERG. Mr. President, I wonder if I might ask the Senator from Massachusetts to yield for just a minute to congratulate him as well, and his mother, and the whole of the Kennedy family for their distinguished service to our country. I think what we have seen is something of a miracle, in the fact that Mrs. Rose Kennedy, someone I have met on a couple of occasions, has survived some of the most difficult moments a parent could and has seen some of the greatness that her children have brought to America. She has seen it all, and she continues to carry on. We wish her many more happy years and commend Senator KENNEDY for carrying on faithfully in the Kennedy tradition.

Mr. KENNEDY. I thank the Senator. My mother was born in 1890, which was the year of the Battle of Wounded Knee, the last great battle of the Indian wars. The President was Benjamin Harrison, who fought in the Civil War. Her 102 years have been almost exactly half the life of the country. I will not take the time of the Senate to give other interesting facts of her life, but she continues to be an extraordinary inspiration to her children, her grandchildren, and her great grandchildren. I thank the Senator for his comments.

## ROSE KENNEDY'S BIRTHDAY

Mr. BYRD. Mr. President, with all of our colleagues, I join in saluting Mrs. Joseph P. Kennedy—known to millions upon millions of people worldwide as "Rose"—on the occasion of her 102d birthday.

I do not need to recall the obvious, Mr. President—that the Kennedy family is one of the most distinguished families in American history, nor that John and Robert Kennedy stand as two of the most inspiring political figures of their generation, nor that this country owes an irredeemable debt to the Kennedy family for its contributions to our national life—I do not, as I said, need to recall the obvious in expressing to Mrs. Kennedy the esteem in which she is held in her own right as an inspiration to us all as a wife and mother, as a woman of incomparable personal grace and wisdom, and a challenge to anyone wanting to live significantly.

Indeed, Mrs. Kennedy has lived roughly one-half the age of our Republic. The Senate met for the first time in 1789, and this is 1992. Mrs. Kennedy has not only witnessed, but has been a participant or near-participant in, some of the most momentous events of this century. If there were ever such a person, Mrs. Kennedy is the one meant when we say that someone is "universally beloved."

To Mrs. Rose Kennedy, to our very distinguished colleague, Senator EDWARD KENNEDY, and to all of the members of the Kennedy family, then, I wish Mrs. Kennedy the very happiest of birthdays, and express to her the esteem of a nation of 250 million Americans on her special day.

## INTERSTATE TRANSPORTATION OF MUNICIPAL WASTE ACT OF 1992

The Senate continued with the consideration of the bill.

Mr. MITCHELL. Mr. President, as I indicated last evening when the Senate recessed until today, there have been continuing intensive negotiations between several of the interested Senators in an effort to resolve the matter that is now the subject of the pending amendment and the bill.

I am advised today, just a few minutes ago, that considerable progress is being made, and it remains my hope and expectation that we will be able to

dispose of this matter and this bill today.

Under the previous order, to which I have referred on several occasions, before this day is over, I will exercise the authority granted to me by unanimous agreement of the Senate to set a vote on the motion to invoke cloture on the motion to proceed to the energy bill.

I will consult with the distinguished Republican leader before fixing the time, but it will be before the day is over. It is my hope that these negotiations will be completed, and we could complete action on this bill during the day today.

In the meantime, no action by the Senate is possible until the issue which is the subject matter of the pending amendment is resolved. I hope that will be completed soon.

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

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

The bill clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask——

Mr. BAUCUS. I object.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call——

Mr. BAUCUS. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SPECTER. I have not finished my request.

The PRESIDING OFFICER. The Clerk will continue to call the roll. The Senator from Pennsylvania is recognized.

Mr. SPECTER. If I may be permitted to finish my request, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. LAUTENBERG. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue to call the roll.

The assistant legislative clerk continued to call the roll.

Mr. SPECTER. Mr. President, I ask that further proceedings under the quorum call be dispensed with.

Mr. LAUTENBERG. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The clerk will continue to call the roll.

The assistant legislative clerk continued with the call of the roll.

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

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

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senator from Pennsylvania be allowed to address the Senate on this subject or any subject on which he wishes to espouse upon for 15 minutes without any Senator making any motion.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. I object to that, Mr. President. I have already said I have no intention of making a motion. I just ask leave to speak. I do not expect to speak longer than 15 minutes. But I would ask that I be permitted to speak on the pending bill.

The PRESIDING OFFICER. Is there objection?

Does the Senator from Montana withdraw his request?

Mr. BAUCUS. I withdraw the request.

The PRESIDING OFFICER (Mr. WOFFORD). The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I thought it might be useful to acquaint other Senators with the status of the pending legislation in an effort to try to move through to either a vote or some accommodation on the pending complex issues.

We have a very serious problem in the United States concerning municipal solid waste being exported from one State to another. The States may not limit that exportation of waste under the Constitution unless there is an expressed grant authority of the Congress.

A number of us, including the distinguished Senator from Indiana [Mr. COATS] are seeking to have an expressed grant of authority of the Congress of the United States so that States may limit the amount of municipal waste which is transported interstate. The State of Pennsylvania has been victimized by a very high level of imported waste from a number of States, especially the State of New York and the State of New Jersey.

There is a provision in the pending legislation which grants exception for existing contracts. The distinguished Senator from Indiana [Mr. COATS] proposed an amendment which would strike the language exempting existing contracts between private parties because with contracts running up to 25 years, the legislation would in reality have no effect.

We are faced with negotiations under a difficult situation from the point of view of the States of Indiana and Pennsylvania since there has been a statement made that we will not proceed to any cloture considerations unless a compromise can be worked out before the end of the day, that the bill will not be further considered. At least that is my understanding of what the prognosis is.

That places my State at a considerable disadvantage in terms of the negotiations, and there is something to be said for the proposition that any bill is better than no bill because any bill does at least impose some limitations.

But as I look at the opportunity for compromise, it would leave Pennsylvania subject to imports up to the 1991 level which are horrendous for the State of Pennsylvania. There have been further efforts to give States the option to freeze the import amounts at twice the first 6 months of 1992 imports. We know that on the basis of the imports of the first 3 months of 1992 that there was an enormous increase for Pennsylvania, figures which I stated on the floor yesterday, about a 42-percent increase.

So on the pending lines of compromise, Pennsylvania would be subject to enormous imports of municipal waste, especially from New York and New Jersey.

Customarily, on this procedural basis, there would be an opportunity for cloture so that the amendment by Senator COATS could be voted upon. When Senator COATS brought a similar amendment to the floor not too long ago there were 68 Senators in favor of granting States the authority to ban any importation of municipal waste. Senator COATS has advised me—and he is on the floor to speak for himself—that there are other Senators who have joined. So that it is his expectation there will be more than 70 Senators who are prepared to support his amendment, which is less stringent than the one which was voted for by 68 Senators in the past.

I understand that there are other Senators who are opposed to having a vote on Senator COATS' amendment. There are a variety of procedures to stop the Coats amendment from coming forth to a vote. Other Senators have the full right to do as they choose on the matter. The majority leader has the prerogative to establish the calendar for the Senate. But whatever is done here will be done in full public scrutiny with the facts at hand.

I submit to my colleagues in the Senate and to the country that with the facts at hand States like Pennsylvania and Indiana are being unfairly treated.

But it is just not right for some States not to have imposed a limitation on the amount of municipal waste they are shipping out-of-state. There are a number of landfills in Pennsylvania, receiving imported waste and it is unfair to my State. Senator COATS has been the leader here, contending in the past that it is unfair to his State, the State of Indiana. I backed him on his amendment some time ago, with 68 U.S. Senators who agreed that it was unfair and there ought to be a limitation. They intended that Congress ought to grant express authority to the States to stop other States from unfairly bringing municipal waste into their States. I would like to see a vote on the Coats amendment. I think that is a matter of basic fairness.

I am prepared to make some accommodations here, because I am not unaware of the fact that if legislation is not enacted now, and the bill is removed and not brought up, that there will be no limitations at all. But in the

context of having limitations based on 1991 levels, while perhaps better than no limitations at all, such limitations are so slight as to raise a real question in my mind as to whether it is not better to bring this issue to the public, with all Senators taking whatever positions they decide they wish to take, and await another day. I am not sure. But I would appreciate the positions of other States, where they are being victimized by dumping of municipal waste, on what goes on at the present time.

I thought it would be useful, Mr. President, to take the floor to make this statement and try to move along the process of the Senate so that the Senate can work its will.

It is my hope that we can structure a vote on the Coats amendment. If other Senators wish to filibuster, wish to delay that vote, it is possible, of course, sometime in the proceeding for Senator COATS to move to table his own amendment or for some other Senator to move to table that amendment. But I hope that other Senators will join in these discussions.

There are many Senators—in excess of 70—who would like to get a vote, and think the position of the Senator, as articulated, is a matter of basic fairness for his State. It would also be a matter of basic fairness for my State.

I know I have not used the full 15 minutes, but that is all I have to say at the moment.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. KOHL). Is there objection?

Mr. GORTON. Mr. President, I ask unanimous consent to proceed for 10 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is granted 10 minutes.

## ENERGY AND WATER DEVELOPMENT APPROPRIATIONS

Mr. GORTON. Mr. President, yesterday the Energy and Water Development Appropriations Subcommittee completed work on its fiscal year 1993 appropriations bill. The bill is important to the Nation for many reasons, most obviously for the resources it provides for energy production, supply, research and development. The bulk of the nearly $23 billion funded in this bill go for energy-related programs.

Though the Army Corps of Engineers and the Bureau of Reclamation receive only a fraction of the funds appropriated by the bill, these funds are for a purpose which, in many respects, is no less important. The Federal water resource development program funded by this bill provides lasting benefits to the Nation in the areas of flood control, municipal and industrial water supply, irrigation of agricultural lands, water conservation, commercial navigation, hydroelectric power, recreation, and fish and wildlife enhancement. This bill will help ensure that one of our most abundant and valuable natural resources—water—is used efficiently, to the benefit of our economy and our environment.

The water development section of this bill is extremely important to the State of Washington. It provides more than $85 million to Washington for the construction of water-related projects, ranging from the Grays Harbor general navigation project to the construction of irrigation facilities in the Columbia Basin. Existing facilities like the Chief Joseph Dam, Ice Harbor Lock and Dam, and Mud Mountain Dam will receive more than $95 million for their continued operation and maintenance.

I am extremely grateful for the subcommittee's support. Two items in subcommittee's mark are particularly worthy of note: the Chehalis River south side dike and compensation for drawdowns on the Snake River.

The Chehalis River south side dike is primarily located in Aberdeen, a small city in western Washington with a population of about 17,000 and per capita income of approximately $13,000 per year. The city's economy is timber dependent and, as a result of reduced timber harvesting, unemployment in the area exceeds 13 percent. Aberdeen is working on its economic recovery and the south side dike is an important part of that process. Not only will the south side dike eliminate serious flooding conditions, it will provide much needed jobs, as well as increase land values and development potential.

Unfortunately, delays by the Army Corps of Engineers during the last 2 years have threatened the future of the project. These delays increased the total cost of the project and unfairly increased the city's cost share. Having already held a levy to raise its required share of the project, the city of Aberdeen was left without means for generating the additional funds required by the delays.

Recognizing that this important project, and the Federal Government's investment for planning and development, was in jeopardy by virtue of Government inaction, the subcommittee wisely allocated funding from the appropriate account enabling the project to remain on schedule. This action will reduce the cost to both the city of Aberdeen and the Federal Government.

I am pleased that this project will move forward and commend the people of Aberdeen for their hard work and support.

In no area of the bill did the State of Washington, and the Northwest generally, receive a greater concentration of funding than in fish and wildlife enhancement.

Specifically, the bill provides $45 million to fund modifications to dams on the Columbia River for the juvenile fish bypass system; $3.2 million is appropriated to complete the installation of fish guidance improvement systems, including lowered fish diversion screens, streamlined trashracks, and turbine intake extensions at the Bonneville Second Powerhouse. Over $11 million is appropriated by the bill to continue construction of fish hatcheries, wildlife conservation facilities, wildlife land acquisition, and cultural resource preservation in the Columbia Basin.

Yet, one fish-related item smaller than all the aforementioned is more significant, if for only symbolic reasons, to the people of the Northwest. This is the $2 million to compensate for damages that resulted from the drawdown of two reservoirs on the Snake River earlier this year.

Last March, the Army Corps of Engineers conducted a 1-month drawdown test of the reservoirs behind the Little Goose and Lower Granite Dams. This test was conducted to obtain information that could be used in the development of a recovery plan for several runs of salmon listed as endangered under the Endangered Species Act.

Unfortunately, the test answered few questions and provided little information which will benefit fish. In fact, due to the absence of salmon in the river during the test, many of the same biological questions that were to be posed before the test remain today. What information was derived from the test demonstrated that drawdowns have very real and tangible costs to the people of the Northwest.

The most obvious costs are the physical damages related to the test. An estimated $2 million in damage to public and private property and facilities resulted from the test. This damage ranged from severe cracking on a county road to the almost complete destruction of a private marina. This test was conducted by the Federal Government and the Federal Government has a responsibility to compensate for the damage it caused. I hope the Corps of Engineers will act expeditiously in disbursing these funds and redressing the individuals innocently impacted by this test.

This appropriation sends a strong message that, while saving species is an important and worthwhile goal, it must be done in a scientifically sound and economically balanced manner. It further demonstrates that the Federal Government will not stand by while a major resource for transportation, agriculture, energy, and recreation in the Northwest is rendered inoperable. Until

drawdowns are shown to be scientifically sound, and not simply politically expedient—as they appear to be—I will oppose them.

Mr. President, I appreciate the good work of the subcommittee and look forward to consideration of this bill by the full committee this afternoon.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Idaho.

Mr. SYMMS. Mr. President, I ask unanimous consent that I might proceed for not to exceed 10 minutes as though in morning business.

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

Mr. SYMMS. Mr. President, first, I would like to commend the Senator from Washington State for his remarks, and I concur totally with him on the point that he makes about the damage that was done to private property owners because of a governmental policy, and there should be just compensation for those people and I support it. I believe that he is right on target as usual.

## PARTISAN POSTURING

Mr. SYMMS. Mr. President, I want to commend the senior Senator from Indiana [Mr. LUGAR] on his recent op-ed printed in the Washington Post, titled: "Shameful Partisan Posturing."

It is very clear to this Senator that Senator LUGAR is right on target with his insightful portrait of the sale of our agricultural products to Iraq, prior to the gulf war, under the General Sales Management [GSM] Program or our credit guarantees. Following my remarks, I ask unanimous consent that the Lugar op-ed be printed in the RECORD at the end of my remarks—and commend it to my colleagues for their edification.

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

(See exhibit 1.)

Mr. SYMMS. Mr. President, as the Senator points out, a number of politicians are desperately seeking political cover for their vote against the President and our troops in the gulf war, which in my opinion was a vote that was in error. When the American people sided with President Bush, the Republican Party, and our military, who believed we must fight to protect our national security interests, it became imperative for some of these the Democrats to hide from their embarrassing position by introducing smoke and mirror tactics of scandal.

While Senator LUGAR makes the point against this recent partisan attack, I find it almost laughable, if it were not so serious an issue, to watch the Democrats rush to cry foul every time the Republicans are successful in foreign policy initiatives.

Through Iraqgate is a good example, another is the so-called October Surprise—I find this incredible—which aims to cover up President Carter's failure in securing the release of United States hostages held by the Khomeini regime. Twelve years later, the American taxpayer is forced to foot the bill of a Democrat-initiated investigation into the nonsensical notion that President Reagan and CIA Director Bill Casey plotted with the Iranians to hold up the hostage release until after the 1980 elections, and then expect the American taxpayers to pay for all of this is nonsense.

The same goes for Central America. President Reagan demonstrated the failure of Jimmy Carter's pro-Sandinista bias and defended freedom and democracy and private ownership in Nicaragua and throughout Central America. Today, those same people simply refuse to accept their policy failures and continue their attempts to perpetuate the criminalization of Ronald Reagan's Central American policy.

We have a clear, clear case of people criminalizing a policy position of an administration that was in power. I think it is an absolute outrage that this goes on. And, as I said, it is almost like it is Orwell's "1984"—although I cannot believe it would be happening, that we have spent millions and millions of dollars to criminalize policy decisions that people made in power of the administration.

It is difficult for this Senator to imagine the successes that America has achieved over the years had we not had the change of course, change of direction, in 1980 with the election of former President Reagan.

Had we stayed the course that we were on, with the pro-Sandinista position of the then-Democratic administration, followed it through with more Democratic administrations, Mondale, Dukakis, and so forth, I believe it is unlikely, given their positions against the strong military and the "Peace Through Strength" initiative, that much of the positive geopolitical changes would have occurred that have occurred in these past years.

If it had not been for President Reagan's insistence, contrary to the position of most of the majority party Democrats in the Congress, to remain firm that the strategic defense initiative was not a bargaining chip in the arms control negotiation, and it was a real issue that he wanted to deploy, we would not have made significant progress toward reducing the threat of nuclear war; along with other decisions that were made by former Secretary of State Cap Weinberger, the late John Tower, and the President himself, who ultimately made those decisions to move forward with the deployment of certain strategic and important weapons and remodernize our entire military wherewithal so that we would have a positive credible force to deal with.

So I think it can be said that Ronald Reagan and George Bush's commitment to defend freedom has brought the world closer to achieving a more peaceful society for all peoples in the world to live in by standing up against aggression, standing up against the tinhorn dictators like Saddam Hussein, Manuel Noriega, Mu'ammar Qadhafi, Daniel Ortega. They know, Mr. President, that the United States will not shrink from its responsibility to fight for freedom, stand up for freedom and support those people who are trying to achieve their freedom; and that we will support those who struggle to throw off the yoke of the totalitarian rule.

Twelve years ago—how fast we forget—the dictatorships were on the rise. Country by country had fallen to Communist rule throughout Central America, Africa, Central Asia. People in Eastern Europe and the Soviet Union could only dream of freedom. Yet today, in large part because of the policies and leadership of Ronald Reagan and George Bush, Communism is a recognized dead ideology. More people are voting at the ballot box rather than with their feet, and the United States is once again the world's standard-bearer for individual liberty and the defender of freedom.

The elections of President Reagan and President Bush have given the people here at home and around the world hope for their futures, hope and promise that they will not find in the policies that are offered by the other side. I do not expect them to find that, in this year's candidacy of the Democratic nominee, once the campaign reaches full foursquare.

It is difficult for the Democrats to accept that the American people have had greater faith in the Republican administration to carry out foreign policy victories and carry out a foreign policy. I know it is difficult for them to accept it. But it is true that the American people believe that. Instead, they try to confuse the public with allegations of scandal, with distortion of the facts, and with the denial of the truth.

It is always said, Mr. President, that hindsight is 20-20. But what can be plainly seen is that President Reagan and President Bush have proven that they had vision and foresight to lead this country in the right direction. I believe the majority of the American voters will see that again this fall.

I know we have seen a great deal of partisan posturing here on this Senate floor. We have seen it for 3½ years. We have seen the majority leader in the Senate—and we have seen it in the House—hammering away at the administration. We have seen our great leader on this side, BOB DOLE, defending the positions of the President.

But I do think that when we come to this issue of foreign policy, one of the most shameful things that has happened in this city in the last 4 years is

the allowance of this criminalization of policy positions.

I again urge my colleagues to read—and I commend for the RECORD—the excellent article written by our distinguished colleague from Indiana, Senator LUGAR.

EXHIBIT 1

[From the Washington Post, July 20, 1992]

SHAMEFUL PARTISAN POSTURING

(By Richard Lugar)

It seems as if some in Congress and the press are hoping to turn one of America's greatest recent triumps—our leadership in the gulf war—into fodder for a scandal.

The signs are everywhere. The critics have attached the all-important "-gate" suffix to their enterprise, making this one "Iraqgate." They have glued together a series of unpersuasive details and described the result as an indictment. Some people—members of the House Judiciary Committee included—even want to hire an independent counsel to investigate.

Let's stop and think for a moment. It is one thing to debate and criticize policy judgments; it's quite another to attempt to criminalize our foreign policy process.

Part of the latest "-gate" stems from allegations that USDA programs to promote agricultural sales abroad were abused. Much has been written and said recently about sales of American agricultural products to Iraq under the credit guarantee or General Sales Manager's (GSM) program. Unfortunately, not all of it has been accurate or objective.

First, the GSM programs are loan guarantees, not loans. Iraq was not given or lent money under this program. The sellers of the commodities or the people who financed the sales were the ones who received the guarantees.

Now, it may be, as some have alleged, that shipments of grain were somehow diverted and then resold, with that money being used for Iraqi arms purchases. We know, however, that in many cases the Iraqis were paying higher than world prices for grain, mainly because sellers were cautious about doing business with Iraq.

I suppose there may be a reason why the Iraqis would pay, for example, $20 a ton more for wheat than market price, then sell it somewhere else at the world price and lose that $20 a ton. But that reason has been impossible to find so far.

For 2½ years, the Senate Agriculture Committee has been looking into this matter, and we have yet to find any evidence of diversion. We have found evidence of some petty bribery, but nothing on which to build a weapons program. In hindsight, it is easy to suggest that USDA should have done a better job of monitoring shipments from point of departure to final delivery, but we should remember that we send millions of tons of commodities overseas through the various sales and food aid programs every year.

Also overlooked in this overheated debate is the purpose of the loan guarantee program. The administration was and is trying to sell American commodities, to boost the income of American farmers and to create jobs in the transportation and agribusiness industries here at home. Iraq was one of the best customers for U.S. agricultural products, eventually becoming a more than $1 billion-a-year customer and our leading market for rice. The Iraqis paid for the grain they bought and were up to date in payments until the invasion of Kuwait.

This fact did not escape the attention of American farmers and commodity groups, and there are numerous letters from growers, processors and their congressional representatives urging USDA to provide export credits to Iraq in 1989 and 1990. During several debates on sanctions on Iraq, senators from both sides of the aisle took to the floor to oppose any embargo or denial of credits.

I raise these points because American farmers need to know where we are going with these programs. We are exporting, as do other countries, to places where we may have serious disagreements with the ruling government's policies.

Overall, our policy toward Iraq in 1989 and 1990 was in keeping with the principle of using trade and cultural contacts as ways of bringing Saddam Hussein into the community of civilized nations. Both parties in Congress approved of this strategy. Both parties helped shape the policy.

In fact the administration's approach to Iraq seemed to be producing some results in 1989. Iraq paid reparations for its assault on the USS Stark. It established a series of joint ventures with our government, including DEA efforts to stop international drug traffickers. Iraq made loan payments promptly and in full.

But in 1990, relations began to sour. U.S. and British customs officials intercepted Iraq-bound equipment that could have missile and nuclear applications. We also interdicted materials that could have helped Iraq build a "super gun." We joined other nations in tightening export controls, even while refusing repeated requests for weapons shipments.

The administration itself has admitted that it overestimated Saddam's potential for change. But as Deputy Secretary of State Lawrence Eagleburger recently noted before a House committee, our measured approach to dealing with Iraq actually paid dividends, if only during and after the gulf war. We crafted our Iraq policy with the advice and help of allies. If we had acted precipitously—say by imposing unilateral trade and diplomatic sanctions against Iraq—we would never have persuaded Arab League nations to join us during the gulf war.

We don't need an independent counsel, particularly one appointed during this political campaign who has no hope of producing a final report until after the elections. Congress has investigated and is continuing to investigate the administration's Iraqi policy extensively. It has requested and received thousand of pages of documents from the Departments of State, Commerce, Agriculture and other agencies. I am among those who have called for fuller disclosure of documents.

At the same time, some people on Capitol Hill have violated the trust of the White House and the privacy of some federal workers by leaking documents selectively, presumably to create the image of corruption.

Today a handful of partisans want to place politics before country. In the process, they seek to tarnish a moment in which Americans regained sight of their own greatness. For these partisans, the president's chief sin seems to have been one of being correct on the gulf war when the partisans were not.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Chair recognizes the Senator from Oregon.

## INTERSTATE TRANSPORTATION OF MUNICIPAL WASTE ACT OF 1992

The Senate continued with the consideration of the bill.

Mr. HATFIELD. Mr. President, may I inquire of the Chair what is the current parliamentary situation?

The PRESIDING OFFICER. First- and second-degree amendments are pending at this time to the underlying bill.

Mr. HATFIELD. Mr. President, in order to consider some other amendment, there are two options, I believe: One, to ask unanimous consent to set aside the pending amendment in order to take up a new amendment. The other would be to offer a perfecting amendment to the original material that was being deleted by the amendment offered; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. HATFIELD. In other words, I could offer my beverage container recycling legislation in proper form as a perfecting amendment at this point.

The PRESIDING OFFICER. The Senator is correct.

Mr. HATFIELD. That would be my privilege, my right.

Mr. President, this amendment relating to the beverage container recycling is something we hope we could adopt as a national regulation to help to conserve natural resources and ease the waste disposal problems that we have in this country. This proposal has been before the Senate for over 20 years. We had a brief hearing 10 years ago in the Commerce Committee and it was briefly considered by the Environment and Public Works Subcommittee this year. I am very anxious as the original author to pursue this concept, even though it is so well lobbied by the beverage industry and others who have raised such great opposition to it.

I believe it is an issue that is going to continue to arise regardless of what the well-financed industry opponents may want to believe. But I also understand the problem the managers of the underlying bill have in trying to keep this bill as simple as possible and to deal with it as expeditiously as possible. Mr. President, I want to cooperate with the managers and at the same time not in any way to diminish my commitment, my enthusiasm for this beverage container recycling proposal.

The bottle bill has been in place in a number of States and local jurisdictions, even in the city of Columbia, MO, the home of one of the biggest beer barons who certainly has helped in creating a lobby against this whole proposal.

I would like to say that in order to keep the issue very much on the front

burner, Senator JOHNSTON, the chairman of the Energy Committee of the Senate, has committed to holding a hearing on the energy conservation aspects of this bill before the Senate Energy and Natural Resources Committee, on which I serve, before the end of this session.

Now recognizing that we are not going to move the bottle bill legislation this session, in order to make sure that we have a base that we are building to launch this with full steam ahead in the new session, in 1993, I would like to make an inquiry of the manager of the bill, a member of the Senate Environment and Public Works Committee, a leader on that committee, if there is any way that he could make a commitment of having a hearing in the next session, 1993, on this proposal? If we can build this case at the end of this session and near the beginning of the 1993 session, I would be willing to withhold presenting this amendment and creating a greater problem for the managers in so doing, even though it is my parliamentary right. I would like to make that as a proposal to help resolve at least part of the managers' problems.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Senator from Montana.

Mr. BAUCUS. Mr. President, I want to commend the senior Senator from the State of Oregon who is the ranking member of the Appropriations Committee and a leader in so many ways, particularly on conservation matters. I can think of many measures, many bills, many times when the Senator from Oregon has stood up for conservation of our country's natural resources. I am very proud of his efforts.

I might add, the Senator from Oregon is, I know quite proud that he is the original sponsor of the Endangered Species Act, just one example of the many efforts the Senator has undertaken,

The Environment and Public Works Committee in the last several months has attempted to and actually completed action on reauthorizing the Resource Conservation and Recovery Act, an effort to help the country produce less waste, to recycle much more of the waste that is now produced, and essentially just help America begin down the road of a conservation ethic with respect to recyclable and solid waste, that is garbage, whatnot in our country. Unfortunately, we are unable to bring that full bill to the floor.

Part and parcel of that effort, obviously, is the measure which the Senator from Oregon wishes to address: that is, the bottle bill. The State of Oregon has a bottle bill; many States do, and some States do not. There is a very good argument that the bottle bill should also be Federal legislation. I understand that, and there are some very good arguments made for a national bottle bill.

We will not in all probability enact reauthorization of the Resource Conservation and Recovery Act this year. Frankly, it makes eminent sense to have a full hearing on the bottle bill, as the Senator suggests, next year when we again take up reauthorization of the Resource Conservation and Recovery Act.

I not only agree to the Senator's request, but I must say I think it is a request that makes much more sense in the whole scheme of things because it is not this year, it is going to be next year we are going to be dealing with this legislation again anyway. I not only would agree to the request by the Senator from Oregon, I whole heartily agree to the request by the Senator from Oregon.

Mr. HATFIELD. Mr. President, I knew what the answer was going to be before I asked the question because the Senator from Montana has always been a very accommodating and understanding colleague, even in areas with differences of opinion. But I am also proud to say more frequently we stand shoulder to shoulder in these situations. I wish him well on their managing responsibility on this current piece of legislation and I can assure him we will be there, God willing, in 1993 to engage in that hearing before his committee.

I want to thank him very much for his understanding, the Senator from New Jersey, and the Senator from Indiana, and others who have such an interest in this particular vehicle.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank the Senator from Oregon for his always sensitive manner in searching for a significant objective without losing sight of the fact that it does take cooperation and support, one to the other. It is always a much more satisfying experience when it goes that way. Very few like to win a bludgeoning match here.

I, for a moment, would like to address my comments to the Senator from Montana and the Senator from Indiana, and that is to say that lest hopes rise too high, I would caution against coming to a conclusion. But we do have a compromise being worked on at this very moment, trying to fashion language that satisfies the differences of view.

I am hopeful that within a fairly short while that we will be able to move ahead with something significant in this legislation which the Senator from Montana and the Senator from Indiana have brought and managed on the floor.

It has been an arduous task, but I must say that even though there are giant differences of view—a State like mine, New Jersey, compelled by its small size and significant population, most densely populated State in the Union where space is at such a premium that we have unfortunately run out of it. We have run out of it for accommodation of some of the housing needs that we have, but we have certainly run out of it in terms of trying to satisfy for our natural surrounding and for the disposal of trash. New Jersey has tried to deal with the problem by getting the most accomplished recycling program that exists across the country.

So while we are searching for a final conclusion or final answer, what we are doing is we are exporting trash to other States under contractual arrangements. New Jersey has been very diligent about enforcing any illegal attempts to move, to transport trash out of State.

So it is a carefully monitored program and we are achieving exceptionally high rates of recycling, now over 50 percent, and hopefully and planned by 1996 to be at something more than 60 percent, a very significant jump, and perhaps a model for the entire country to follow because we just cannot continue to assault the Earth with more and more mountains of trash.

The Senator from Indiana, now being in a position of Indiana not having any longer to open up its borders to the receipt of trash from New Jersey, as I have said on the floor, of course, is impatient to get that question resolved. So we are dealing from two extremes. It is very difficult to find a middle ground, and I think that we are rapidly approaching a middle ground so that we can present to the Senate something on which we can make some decisions.

But I do want to say that I have been here some time now—9 years—and when a question is as sensitive and as meaningful as this one is, the tempers often run high; the debate gets more than acerbic, and I would say to my colleague from Indiana and the manager of the bill, from Montana, I think there has been an awful lot of good will shown and desire to resolve the problem, and if we continue in that spirit perhaps we can resolve this part of it very quickly. I hope so.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana [Mr. BAUCUS].

Mr. BAUCUS. Mr. President, hope springs eternal. I think we are getting somewhere. We are making progress. From the comments by the Senator from New Jersey, and I know the same will be shared by the Senator from Indiana, we are almost there. We have considered five or six different ideas on how to resolve the abrogation of contracts question, and I think this last idea—one that we are now checking out among various States—is the one

that might bring this together. I urge all parties to be patient, to be very diligent, and to persevere. We are finally going to get somewhere, I think, and make substantial progress on this bill.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

## NATIONAL DEPOSIT LAW

Mr. JEFFORDS. Mr. President, I am very pleased to have been made aware of the discussion which occurred previously with the Senator from Oregon and the members of the two committees, the Energy Committee and the Environment and Public Works Committee, indicating that both committees this year and/or next year will give the kind of consideration which is entirely appropriate to a national deposit law on beverage containers.

The 102d Congress will soon be over, and we have been characterized as a dysfunctional body. There is still time to prove that we can function. My colleague from Indiana says American want restrictions on interstate waste. Well, Americans also want recycling. Strong recycling can prevent the need for much interstate transport. So I believe this proposal is germane to this issue. And unlike other proposals which could come before the Senate, a deposit law has proven to work.

A national deposit law will increase recycling, will increase jobs, will reduce childhood injuries, will generate revenues for recycling, will decrease waste volume, save energy, will reduce injuries to livestock and farm equipment, and respond to the desires of at least 70 percent of Americans that they desire to do something meaningful about recycling. I believe that is why Governor Clinton endorsed a national deposit law on Earth Day and said if he were President he would get such legislation through the Congress.

I must confess, however, I have questioned the environmental record of Governor Clinton especially since then because sources have repeatedly bragged to my staff that they had gotten Clinton to back off of the bottle bill pledge. Well, I hope that is not true.

In spite of the support of many groups, such as the League of Women Voters, the National League of Cities, and many others, which endorse a national deposit law, and even of the nominee of the Democratic Party, Governor Clinton, the Commerce Committee refuses to even hold a hearing on the issue.

I might further emphasize that Senator GORE is a member of the Commerce Committee, and the No. 2 Democrat on the subcommittee most appropriate for a hearing on this issue. I note that because we need his support in at least getting a hearing on this issue before the Commerce Committee, which has a partial jurisdiction over this issue.

I believe this legislation is an opportunity to show America that we can do something about recycling.

There is no reason this bipartisan proposal should not be enacted, particularly if it really has the support of Governor Clinton. Our colleagues on the other side of the aisle can show their support not only for recycling but also for their Presidential designee with a vote on a deposit law if not this Congress, then next one or of course I would prefer another President other than Clinton.

I am excited about a vote on this issue. We have a chance to do the right thing and to show our constituents that facts speak louder than PAC's.

Now, I would like to call my colleagues' attention to an editorial from the June 26 Washington Post. I sent a copy to all of my colleagues some time ago. In case you did not get a chance to read it, I will bring it to your attention again.

Americans are taking a second look at what goes into the national trash pile as well as ways to clean up the countryside, conserve energy, and discourage the throwaway ethic. The single largest components—containers and packaging—happen to be among the most easily recovered items, and successful deposit-curbside recycling programs in 10 states have proven to be both popular and effective, with recycling rates as high as 93 percent. A public opinion survey by the General Accounting Office showed 70 percent of Americans now supporting national container deposit legislation, and in the states with deposit laws in effect, 82 percent in support. Now a House committee is about to vote on a new flexible plan to encourage similarly high recycling rates in the rest of the United States.

The measure differs from deposit bills in effect in the states in that it would not mandate an across-the-board national "bottle bill." States could adopt whatever recycling method they desired, so long as it resulted in a modest 70 percent recycling rate for beer, wine cooler and soft drink containers. For states not meeting that rate, the measure prescribes a 10-cent deposit law. Retailers received a 2-cent-per-container handling fee; unclaimed deposits in each state would be available to that state to help finance other pollution prevention and recycling efforts.

Some 40 diverse national organizations—including the National Association of Counties, the National Grange and the Sierra Club—as well as many industrial firms have endorsed the legislation, which will be offered as an amendment to the Resource Conservation and Recovery Act reauthorization bill. But as they have in the past, beverage and packaging industries are opposing any change. Their newest argument is that deposit laws somehow kill curbside recycling programs. But it isn't so: About one-third of all curbside recycling programs in the country are in these 10 deposit-law states, and reports say deposit laws actually help reduce their costs by removing more material from the trash stream. Seattle recently completed a study—requested by the National Soft Drink Association—which concluded that if a deposit law were in effect there, it would "increase recycling levels of beverage containers and reduce the city's overall solid waste management costs."

Opponents also argue that container legislation addresses only a fraction of the waste management problem. But along with other programs underway around the country—refund arrangements on auto tires and batteries, composting programs for yard waste, exchange programs for used telephone books and collection points for motor oil—governments and industries are making a difference. The recycling amendment due for a vote in the House Committee on Energy and Commerce is a significant addition to this effort.

That is what the Washington Post had to say about recycling and a national deposit law. It is a lengthy editorial but to me very much to the point. Unlike other proposals, a national deposit law is proven to work.

Now, in closing, let me read a list of names of the groups that support deposit legislation:

The National Association of Counties, the National League of Cities, The American Medical Association, the Natural Resources Defense Council, the Sierra Club, National Audubon Society, National Wildlife Federation, Wilderness Society, Defenders of Wildlife, American Council on the Environment, Greenpeace, Izaak Walton League of the America, National Grange, American Fisheries Society, American Hiking Society, National Parks and Conservation Association, Fossil Fuels Action, Scenic America, Rails to Trails, Wildlife Society, League of American Wheelmen, U.S. PIRG, Evangelicals for Social Action, Garden Club of America, Trout Unlimited, Environmental Action, Public Citizen, Friends of the Earth, Americans for Democratic Action, and the League of Women Voters of the United States, all of whom support this legislation.

Basically on the other side, you have beer and soft drinks. Do we respond to 70 percent of Americans with a proposal with a proven track record, or not? Or do we just listen to those that cause the problem? That is what this legislation is about—it is about showing Americans we stand for them, not for political action committees.

If we are serious about recycling, this is my colleagues' opportunity to go on record for recycling. If we cannot do this; if we cannot do what 70 percent of Americans want, what can we do?

Again, I commend Senator HATFIELD, and also Senator PACKWOOD, two of the strong and longstanding proponents of this legislation, for their efforts. And I am pleased that the Energy Committee and the Environment and Public Works Committee have agreed to hold hearings, something long overdue.

Hopefully, we will do something sensible. Really, it is not that tough a political deal to go out and vote for something which 70 percent of the American people agree with.

Mr. President, I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the President pro tempore.

## INSPECTOR-IN-CHARGE JOHN COLLINGWOOD

Mr. BYRD. Mr. President, the July 22, 1992, edition of the Washington Times carried a very interesting report entitled "Telling the FBI's Story." The article describes the efforts of FBI Director William S. Sessions to consolidate the FBI's Office of Public Affairs and Office of Congressional Services. The new organization will be headed by inspector-in-charge John Collingwood, a 17-year veteran of the FBI and the former head of the Office of Congressional Affairs.

Mr. President, I have known Mr. Collingwood for several years. In his dealings with the Senate Appropriations Committee, he has always displayed the very highest levels of competence and loyalty to the Director and the FBI. He is articulate and extremely hard working. I congratulate FBI director Sessions on his choice of John Collingwood for these new responsibilities, and I congratulate John Collingwood as he embarks upon his expanded responsibilities.

Mr. President, I ask unanimous consent that the Washington Times article be printed in the RECORD.

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

TELLING THE FBI'S STORY

(By Jerry Seper)

The first arrest John Collingwood made as an FBI agent was the realization of a boyhood dream, even if it was a little less glamorous than he'd pictured it.

No international terrorists. No dangerous spies. No white-collar thieves or La Cosa Nostra crime bosses. No corrupt public officials.

It was hijackers. Trucks. Small trucks. They stole shrimp. It wasn't a very big case.

But, Mr. Collingwood says, that experience as a member of the FBI's major theft squad in Detroit taught him a big lesson. And he hopes to keep it in mind during his most recent assignment as the FBI's chief flak catcher.

"The real keepers of the image of the FBI are the agents on the street," he says. "That's the story we want to tell, the story that the American public and the Congress needs to hear.

"Cases are being solved by agents who continue to knock on doors and ask the right questions," he says. "They're responsible for what the FBI has been and what it will become."

Mr. Collingwood, a lawyer and 17-year veteran of the Federal Bureau of Investigation, took over Thursday as inspector-in-charge of the new Office of Public Affairs and Congressional Services Office. Created by FBI Director William S. Sessions, the office combines two others—the Office of Public Affairs, headed by Thomas F. Jones (since named agent-in-charge of the FBI field office in Cleveland), and the Office of Congressional Services, formerly headed by Mr. Collingwood.

The appointment came as no surprise to those who work with Mr. Collingwood. Or to those who have known the Findlay, Ohio, native during his 12 years at FBI headquarters, where he also has served in the Legal Research Unit and as chief of the bureau's Civil Litigation Program.

Soft-spoken and articulate, Mr. Collingwood, 44, has kept his head down in the dog-eat-dog climate of bureau headquarters. He is one of a handful of FBI executives with immediate access to Mr. Sessions. As a special assistant to the director for two years, many believe he is one of Mr. Sessions' closest advisers.

"He has the director's ear, there's no question about that," one high-ranking FBI official says. "But more importantly, he knows when to use it and knows better than to abuse it."

"Genuinely likable and very charming," is another FBI executive's assessment. "He is determined, tireless, shows great self-discipline and has honed a no-nonsense management style that works."

That style may have been developed during his college days at Bowling Green University, where he received a bachelor's degree in 1970 from the School of Business. Or at the University of Toledo, where he got his law degree in 1975. Or at his family's Ford dealership in Ohio, where he worked for two years before entering law school.

In fact, he went to law school with the FBI in mind.

"I thought at the time that most everyone in the FBI was a lawyer and that it was the route to take if I wanted in the agency," he says. "So I took it."

The road to Washington began in 1975 at the FBI field office in Detroit, where he worked first on the major theft squad and later on the organized crime squad. (That first arrest in the great shrimp caper went down inside a brewery, but that's another story.)

In 1978, the bureau sent him to the Defense Language Institute in Monterey, Calif., a prestigious Pentagon facility. The school teaches more than a dozen languages to intelligence specialists and others, including the FBI. It is considered one of the most intense language courses in the country.

Mr. Collingwood's specialty was Cantonese, which he used on his next assignment at the FBI field office in Portland, Ore. He worked Asian gangs and foreign espionage cases. (Actually, he admits his first chance to use his newly acquired Cantonese came at a Chinese restaurant in San Francisco.)

Two years later, Mr. Collingwood arrived in Washington. He was coaxed here by John Mintz, former assistant director of the FBI's Legal Counsel Division. Mr. Mintz, during a visit to the Portland field office, was looking for agent/lawyers to bolster his legal staff.

"It was a good opportunity for me and I didn't hesitate to take it," recalls Mr. Collingwood, admitting that he and his wife, Mary Ann, also wanted to reduce the miles between them and their families in Ohio and Michigan.

"But I still miss being out in the field," he adds. "That's something that's ingrained in all agents. Solving crimes is what it's all about, and that's the story we hope to tell."

The Collingwoods live in Northern Virginia with son Mark, 10, and daughter Stephanie, 13.

In his spare time, Mr. Collingwood says, "I'm really into two things. My kids' sports—my life revolves around Little League and swimming—and the other thing is computers. You wouldn't expect a lawyer to be into computers, I guess, but I am."

Nothing fancy, just a regular personal computer he uses with on-line services and various kinds of software.

At work, his office's tasks are to tell the news media and the public what the FBI does and why; prepare FBI publications; respond to inquiries; manage congressional relations; oversee FBI testimony before congressional committees; and provide Congress with information on FBI operations, guidelines and accomplishments.

There is one particular story that many expect John Collingwood to try to tell, although without much fanfare.

A longtime loyalist, he is a staunch defender of Mr. Sessions—who recently has come under fire from inside and outside the bureau. In answering questions, Mr. Collingwood often defers to comments and policy statements his boss has made.

"The director is extremely motivated to do more and to better serve the public with the same or fewer resources. . . .

"The director is a firm believer that Congress and the American public have every right to know what the FBI is doing. . . ."

The defense is not contrite, nor does it appear to be planned. Mr. Collingwood believes Mr. Sessions' cheerful approach to problem solving is misinterpreted by critics as weakness or lack of interest.

"His record at the FBI is clear," the public affairs chief says. "He has waded into some of the stickiest issues ever confronting the agency without hesitation."

The media and others have questioned the FBI director's policies and management style. The most potentially damaging and divisive criticism, however, may be that coming from many of his own agents who are angry over what they see as moves to initiate a quota system in the hiring of minorities and women.

The predominantly white FBI Agents Association, which represents more than 60 percent of the FBI's 10,400 agents, is seeking a court order to force Mr. Sessions into revealing the contents of an agreement he signed in April with black agents. That agreement guarantees job assignments, promotions and training opportunities. Hispanic agents won a similar pact three years ago in a race discrimination lawsuit.

Female agents balked at a recent equal treatment. The women said they were "tired of the separatism and group interest that appears to be growing within the ranks of the FBI."

Mr. Collingwood won't discuss allegations of a quota system, saying the matter involves pending litigation. He does say, though, that Mr. Sessions has not been afraid to take on extremely difficult issues.

"His view is that he'll do what has to be done and that the facts will speak for themselves," Mr. Collingwood says, in his first official defense of the director.

Mr. Collingwood's efforts to tell the public and the media about the FBI and its accomplishments may be an easier task today than it was before. It's no secret that former Attorney General Dick Thornburgh, who wanted to name his own man as FBI director, often moved to control and limit the FBI's access to the media.

Mr. Thornburgh resigned in August to run unsuccessfully for a Senate seat from Pennsylvania. His successor, Attorney General William P. Barr, has not instituted similar constraints.

Mr. Collingwood has no comment on all this, except to say that his office will operate under "clear mandates" handed down by Mr. Sessions.

"Our job is to serve our customers. That includes the media, the public and Congress," he says. "We are the servants of the American public, and it has every right to know what the FBI is doing."

Mr. BYRD. Mr. President, I thank the Chair.

## POLYTHEISM IN MODERN GARB

Mr. BYRD. Mr. President, we are living in a "mixing bowl" era in which changes, conflicting ideas and ideologies, cultural transformations, and intellectual cross-fertilization are taking place at perhaps the most precipitous speed since Alexander the Great merged Greek and Persian culture to produce the hybrid "Hellenism."

Similarly, we are living through an era of self-conscious "political correctness"—sometimes referred to as "PC"—an effort, at best, to ensure a uniformity of thought that is nonoffensive to the sensitivities of certain favored groups or certain favored causes.

Unfortunately, in instances in which change for change's sake is in the air, and political correctness is a goal in itself, the first victim is often Truth itself.

Mr. President, I am referring here specifically to a movement that cuts across the denominational boundaries of several Christian bodies, and that touches the Roman Catholic Church at points as well as Protestant churches. This movement is an effort to accommodate the secular world's current search for a "nonsexist" vocabulary and commitment to filtering everything through militant feminist prisms by the use of "inclusive language."

In the secular world, we have wrestled ourselves into an acceptance of "Ms." and freely use "chairperson" in preference to the unwieldy "chairwoman." Not so secure are "humankind" to replace "mankind"—especially since "human" still includes "man" as the second syllable. Likely never to become common is "herstory" to replace "history," though that has been seriously suggested in some quarters. "Letter carrier" replaces "mailman" easily, while "firefighter" slips comfortably into the vocabulary against "fireman."

Word substitution in ecclesiastical and theological circles is, however, not so easy. Of course, I am not a trained theologian or ordained clergyman. But from my own efforts to forge a layman's grasp of things holy and from my personal Biblical scholarship, such as it is, I have come to understand the thicket that one enters when attempting to play fast and loose with religious terminology. In treating the Deity, one's only real course is to use words as symbols, since spiritual realities can never be exactly defined by finite words. Understandably, using literal symbols to express transcendent ideas can sometimes create more dilemmas than it solves.

This caveat seems not to have occurred to some contemporary ecclesiastics who seem bent on being "trendier than thou" in translating linguistic symbols thousands of years old into more "inclusive" language.

For example, some church liturgies now address the Deity as "Father and Mother"; the Trinity of "Father, Son, and Holy Spirit" becomes for some "Creator, Redeemer, and Sustainer"; one hymn invokes "strong Mother God"; Jesus' Scriptural phrase "Son of Man" is recast as "the Human One"; and one ordained female invites listeners to allow God to hold them "in the palm of Her hand." A particularly militant inclination is seeking to purge from hymnals such standards as "Dear Lord and Father of Mankind" and "He Leadeth Me" for their obvious chauvinistic sentiments.

One particularly thorny problem in attempting to alter Christian theological vocabulary is the history of that vocabulary itself.

First, all acceptable Christian theology is based on antecedents in Judaism.

Without question, the Sacred Writings of the Jews hold within themselves the revelation—held universally by believers to be in some sense a self-revelation—of a Deity of undeniably masculine gender. Throughout the Torah and the corpus of the Old Testament canon, Yahweh or Jehovah is always referred to by chroniclers, Psalmists, prophets, or poets as "He," "Him," "the Lord," and so forth. Indeed, Old Testament writers deliberately define their Deity as masculine against the female goddesses of some of their pagan neighbors who worshipped Astarte, Ishtar, and other versions of the Hellenistic Isis.

Theology notwithstanding, who among us would be so philistine as to recast the hallowed words of Psalm 23 in inclusive vocabulary to say:

"The Lady is my shepherdess; I shall not want. She maketh me to lie down in green pastures: She leadeth me beside the still waters.

"She restoreth my soul: She leadeth me in the paths of righteousness for her name's sake."

And further:

"Surely goodness and mercy shall follow me all the days of my life: and I shall dwell in the house of the Lady for ever."

Before faddish Christian theologians plummet irretrievably into a sophistic crag from which they cannot extricate or perhaps I should say explain themselves, should they not first examine with extreme care and linguistic nimbleness the Hebrew texts? Can one cut the cord that ties Christian theology to Judaism so glibly by recasting the decidedly masculine gender of Old Testament nouns and pronouns that refer to the Deity without at the same time emerging with a concept of God that is incompatible with Yahweh-Jehovah of that same Old Testament?

Again, the compilers of the New Testament canon, purportedly laboring under the inspiration of the Holy Spirit, selected parables and sayings preserved from Jesus' own ministry in which God is ever portrayed in the masculine and seldom in the feminine—a case in point being the widow who lost her coin and searched her house diligently for it. But Jesus specifically chose to call God "Father"—the translation of the word "Abba."

In the name of inclusiveness, can the Christian church afford to dump, as off-putting and outdated terminology, the concept of the "Fatherhood" of God? Can the average layperson, like myself, grasp the still useful concept of the Trinity if the Three Persons suddenly become "the Mother, the Human One, and the Holy Spirit"?

Even more confusing would be a Trinity of "Mother, Daughter, and Holy Spirit."

Another prickly question not easily ignored is church tradition itself.

From almost its inception, the Early Christian Church found itself in competition with cults and mystery sects devoted to female deities—again, Isis, but equally Diana, Demeter, Athena, Juno, and the like. Though some historians of doctrine interpret the elevation of devotion to the Virgin Mary as a sincere effort to stress the divinity of eternal feminine qualities, the classical Catholic and Orthodox wings of Christianity never translated that concern into an assertion that the Godhead included feminine elements of being or essence. Had the gender of the Persons of the Godhead been an insignificant matter, certainly someone among the Early Church councils would have suggested an official ambivalence at that point that would have attracted into the church devotees more comfortable with deities of female gender. In fact, the Early Church deliberately retained the imagery of Fatherhood and masculine nouns and pronouns in reference to the Creator—Isis and Diana notwithstanding.

An interesting aside is that one of the problems that Mohammed reportedly confronted in Christianity that led to his rejection of it was his own mistaken belief that the Trinity was "the Father, the Son, and the Virgin Mary," an error that may have changed the history of our world to this very day.

But more to the point, a more subtle but no less important caution about recklessly changing religious vocabulary is presented by the philosophy of religion.

According to some thoughtful philosophers of religion, one problem that any religion must answer is how literally one is to take the language in which that religion is presented. We are told that either communication to man from God is univocal or it is equivocal.

For instance, if the word "love" is used univocally, that means that God experiences in Himself a quality in loving much as a human being experiences in loving—a joy, an excitement, a happiness.

But suppose the deity intends in his vocabulary a kind of code—an equivocation of meaning. "Love," for example, might be experienced as joy by a human being contemplating the object of his worship, but the deity might experience no such sensation. To that deity, "love" might be the term used to describe an outrush of impersonal, unemotional electric charges. "Forgiveness" might be to such an equivocal deity nothing but an active nonchalance toward the transgression of the laws of gravity or relativity or whatever. Such a deity would hardly be more than the conjuration of a cruel philosopher bent on tricking mankind for the sake of forcing morality or deluding ignorant people into believing the unbelievable by using semantic legerdemain.

By comparison, is it not possible, therefore, to conclude that Jesus and the whole host of Old Testament prophets and New Testament writers use the image of God as "Father" or "the Lord" because, in the univocal or more literal human sense, God evidences an essential masculinity? Is it not possible that, essentially—at the very root of "Being" itself—the Creator is, in His Essence, of masculine as opposed to feminine nature? And by loosely flirting with nonsexist or inclusive language, is it not possible that ecclesiastics are without warrant distorting something of ultimate importance in comprehending Deity itself?

This is not to denigrate feminine essence or to de-equalize maleness and femaleness in Creation. Nor is it to deny women a full participation in church or community life.

But should not the received texts of the Old and New Testaments be allowed to speak for themselves and to inform the continuing life of the Christian church without being bowdlerized for the sake of contemporary fashion and trendiness? Is it not the role of the minister, the priest, or the rabbi to make clear to contemporary ears and intellects the deeper meaning of ancient texts without first changing their original meanings? In effect, Mr. President, are we so puffed up with our own sense of moral superiority that we have to distort ancient documents before we dare expose them to the modern world?

And where do we stop rewriting older works to render them less offensive to some of our contemporaries? Where is the end? Should we rewrite Homer, who lived in the 800's before Christ, so that Helen kidnaps Paris? Should Oedipus be resexed so that a heroine marries her father? Should Shakespeare and Milton be rewritten to correct an improper prominence given to emperors and kings and masculine angels over empresses and queens and female angels? Should we rewrite Dante to do the same?

Certainly, we would never think of committing such vandalism on the great works of literature in our heritage. Rather, we depend on the female intellect to grasp the universality of the themes of these unparalleled classics and to gauge the female experience against them.

Such, I suggest, should be the treatment of Sacred Writings and the symbols of ancient faiths. Better to trust that women are sufficiently intelligent to draw their own conclusions and to prepare teachers skilled in making old texts come to life than to twist these texts to fit today's fashion and lose something significant in them.

Mr. President, I do not claim to be a master of the Scriptures. I claim to be only a wayward sinner and feeble student thereof.

But I do know, Mr. President, what the King James version of the Bible meant in my little home back among the hills. I know what it is to grow up in a home where there is a praying mother and a deeply but quietly religious father.

And that old Bible to me—there are those that say, well, let us have a new version so that we can understand it better. My problem is not with understanding the Scriptures. My problem is, and always has been, living up to that which I do understand.

To me, those Scriptures have given inspiration always, comfort at times, and hope on occasion. And it is out of that context and from that background that I speak today. It just does not make sense. And to me it derogates the Scriptures to attempt to blend ourselves into the trendiness of today's fashion, as some would have it, in eliminating the masculine nouns and pronouns from the Bible.

More than one baby has been thrown out with the bathwater in years past. Let us not make that mistake in this instance.

Mr. President, I ask unanimous consent that a Wall Street Journal on this subject be printed in the RECORD.

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

[From the Wall Street Journal, Apr. 27, 1992]

THE LORD'S NAME: IMAGE OF GOD AS "HE" LOSES ITS SOVEREIGNTY IN AMERICA'S CHURCHES

(By R. Gustav Niebuhr)

LONG BEACH, CA.—The First Congregational Church here looks every inch a bastion of religious tradition. Inside the imposing Italian Renaissance structure, graced with delicate rose windows, are mahogany pews and a grand old pipe organ.

Then the Sunday service starts. "May the God who mothers us all bear us on the breath of dawn, and make us to shine like the sun, and hold us in the palm of Her hand," intones Mary Ellen Kilsby, the pastor.

Unorthodox? Some would say so. But no longer unique.

The ancient Western image of God the Father is coming under assault. Although still relatively unusual in most of America's 350,000 Christian churches, gospel like this is making inroads among church leaders, who have begun purging hymnals and liturgies of references to God as male, white as pure, black as evil and Heaven as up.

CHANGING TEXTS

This year, a new translation of Catholic psalms used in worship that eliminates the word "He" as the pronoun for God will be circulated among Catholics for study.

The United Church of Christ, the liberal Protestant denomination to which First Congregational Church belongs, is revising its hymnal, and will "change some very treasured texts," says the Rev. James Crawford, pastor of Boston's Old South Church, who chairs the hymnal committee. Among those due for certain revision: the old Protestant favorite "Dear Lord and Father of Mankind."

And next week, the staid United Methodist Church will ask delegates to a churchwide conference to approve a new Book of Worship, the text from which ministers design their services, that would allow congregations in certain instances to drop Father in favor of a genderless God. Although the book remains largely traditional, it also includes prayers in which the deity is addressed as "Father and Mother," "Bakerwoman God" and "Grandfather, Great Spirit."

For centuries, Christians have worshipped a deity that had explicitly masculine names. The Hebrew Scriptures, which form the Christian Old Testament, call God "He." In the Gospels, Jesus refers to God as Abba, an Aramaic word best translated as "Daddy." Culture has reinforced tradition: Medieval artists and hymn writers portrayed God as a wise older king. Michelangelo painted the deity as a muscular, bearded giant. Hollywood cast actors who could speak basso profundo.

SHE AND HE

Yet these days, sweeping social shifts—primarily feminism, but also civil rights and environmentalism—have crashed against the ancient Christian picture of the cosmos.

"I don't think our conception of God will ever stand still again," says Joseph Hough, dean of Vanderbilt University's Divinity School in Nashville, Tenn. In his public utterances, Dr. Hough alternately refers to the deity as She, then He. "I don't think anyone would want to defend the view that God values males more than females, but that's exactly what [traditional] language does," he says.

The roots of the debate over what to call God are often traced to a book by Mary Daly called "Beyond God the Father," a critique of patriarchal religion that bluntly states,

"If God is male, then the male is God." Dr. Hough also cites James Cone's 1969 book "Black Theology, Black Power," which argues that the church must so identify with oppressed minorities that it becomes "theologically impossible" not to think of Christ as black.

Such books had an immediate impact on many seminaries, but only recently has their influence been felt in established churches, where church leaders have begun replacing the once-generic word "brethren" with "people."

THE FINAL WORD

For the orthodox, any question about God's name was settled once and for all more than 1,600 years ago at the Council of Nicea, where more than 300 bishops from across the Roman Empire convened to resolve a raging theological debate about what, essentially, God is. The group agreed to describe God as Father, Son and Holy Spirit, three intimately connected "persons" within one "substance." The doctrine of the Trinity is important because, while it holds Christ to be fully and eternally divine, it also explains that Christians don't worship two or three separate gods.

These days, however, many pastors are choosing to baptize and marry in the name of a gender-neutral Trinity, the "Creator, Redeemer and Sustainer." And that is causing great concern, especially among some traditional religious experts and academics, who believe such changes border on heresy.

"Once you deconstruct the Trinity . . . I think you've lost the Gospel," says Carl Braaten, professor of systematic theology at the Lutheran School of Theology in Chicago. "We're facing a battle in the future, and more and more people are going to get sucked into the vortex on the naming of God, how to pray to god."

The changes are troubling, as well, for many religious people who don't view themselves as particularly conservative. David Moss, an Episcopal priest in Atlanta and a psychotherapist, says the loss of a shared image of God—a central reference point in Western civilization—will lead to "confusion" among Christians and dissension among churches.

God's masculine names, he says, make up an almost indelible memory within Judeo-Christian culture. As evidence he cites his offering communion at a home for elderly Alzheimer's and stroke victims. When he opens the service, the patients give little evidence of consciousness—until he begins the Lord's Prayer. "If I say, 'Our . . . 'they say, 'Father.' It makes the hair on my arms stand up."

Yet a number of theologians warn that language shapes reality, and unless the church changes its imagery, it will effectively endorse gender and race bias. And by insisting on speaking of God as Father, they say, traditionalists risk deifying a mere work—committing the sin of idolatry.

ENDING INJUSTICE

"As society becomes aware of the issue of injustice . . . the society's language has to change to mirror that," says Letty M. Russell, a professor of theology at Yale Divinity School. "The way to respect the original words is to re-translate them as our understanding of their meaning changes."

At First Congregational Church in Long Beach, the Rev. Kilsby says, "If there's no feminist imagery, then women weren't made in God's image." The Rev. Kilsby never speaks of a divine king or an almighty lord. "There's a certain tenderness and vulnerability about God," she says, which she tries to project by likening the deity to a shepherdess or a mother hen.

Even Satan takes a different cast here. The church's associate minister, the Rev. Christopher Wilke, says he links evil with "shadows," not blackness, out of consideration for African-American friends. In a recent sermon, he says, "I didn't talk about the Prince of Darkness. I talked about the Prince of Evil."

The Rev. Kilsby's preaching has encouraged her congregation toward eclecticism. As they gather over coffee after the Sunday service, members talk about how they picture God: as a cloud, a formless spirit, Mother Earth.

BIG BANG

Marjorie McMillan, a professional singer and voice teacher, says her former "very vivid" picture of a masculine God is now in transition. "I don't have this all-powerful male image in mind," she says.

And schoolteacher Karen Miller says that while she still believes in following Jesus's teachings, "I'm evolving into a sort of neopagan. I envision the universe as God and all in the universe as a part of God." Her husband, Tom, a history professor, long ago stopped saying Father in favor of Creator. His image of God? "It's like atoms," he says.

Yet many people have been protesting the changes. In late January, 77 bishops, pastors and lay people associated with the United Methodist Church gathered in Memphis and issued the so-called Memphis Declaration. The group said inclusion of new language for God in the proposed book of worship would "alter the apostolic faith."

One conservative Methodist group, the Good News Caucus, promises to argue to stop the changes in a word-by-word editing at the denomination's conference next week. "It's not for us to decide what God's to be called. He's expressed that in Scripture," says the Rev. James Heidinger II, the group's executive secretary. Tampering with traditional biblical imagery, he adds, "leads to pantheism and goddess-worship."

Over the past year, opponents in the Episcopal Church and the United Church of Christ have issued their own declarations, branding changes in traditional language about God as anything from a cultural fad to outright heresy.

MEN AS GODS

Some proponents of change say they see in the opposition a backlash by men who fear their own authority is at stake. "They may feel the reverberations of the ax being laid to the tree, and they're up in the tree," says the Rev. Beryl Ingram-Ward, a Methodist minister in Tacoma, Wash.

Opposition comes from women as well. At the Lakewood, Ohio, Congregational Church, the Rev. Lyman Farrar says for years he's been quietly using the word God instead of male pronouns for the deity in prayers and sermons. But he encountered an "instant negative reaction" when he introduced a gender-neutral version of the doxology, a historic hymn of praise, in late January. As he stood shaking hands with congregants after the service, several women bluntly told him not to do that again.

"I can't understand why so many women are so upset by this," he says. Says Sue Bosworth, a member of the congregation, "I think we're in danger of losing the Trinity" when use of the name Father is diminished.

While this debate is just beginning in the pews, it has already reshaped religious vocabulary at many of the nation's leading seminaries, particularly the Protestant seminaries, where women's enrollment has exploded. As their constituencies have changed, these institutions have found that previously standard terms—mankind, brethren, God the Father—seem antiquated, even politically charged.

INCLUSIVE LANGUAGE

These days, many seminaries have guidelines recommending proper speech on campus. At Columbia Theological Seminary, a Presbyterian institution in Decatur, Ga., the student handbook says that students, faculty and administrators "are expected to use inclusive language" in the classroom, chapel and written work. Two years ago, faculty at Fuller Theological Seminary, an evangelical institution in Pasadena, Calif, recommended studies speak of men and women, rather than man or mankind. (The seminary has retained traditional language for God.)

But attempts to take such messages outside seminary walls have often met with anger and resistance.

In the mid-1980s, the National Council of Churches began publishing its multi-volume Inclusive Language Lectionary—Bible readings for Sunday services—which omitted male pronouns for God and retranslated Jesus's traditional title, "The Son of Man," as "the Human One." As the series went to press, the committee of scholars who put it together received anonymous death threats.

Committee chairman Burton Throckmorton recalls registering under a false name when he went to speak to the council's board at a Hartford, Conn., hotel. Police patrolled the building with bomb sniffing dogs. "It wasn't funny business," says Dr. Throckmorton, a retired professor of New Testament at Bangor (Maine) Theological Seminary. "There are a lot of lunatics out there."

"BRING MANY NAMES"

Despite the hostility, the lectionary has sold some 80,000 copies, according to one of its publishers, Cleveland-based Pilgrim Press. And other, similar materials are now coming to market, including new hymns that praise a distinctly nontraditional deity.

Brian Wren, an Oxford-educated poet who lives in Rome, Pa., is an author of many such hymns. One of his best-known is "Bring Many Names," whose verses invoke "strong Mother God," "warm Father God," "old, aching God" and "young, growing God."

Dr. Wren travels the country giving seminars in which he encourages people to "brainstorm images of God." At one San Francisco gathering, ministers and church musicians came up with a long list of new names—"Beautiful Movement," "Straight-talking Lover," "Daredevil Gambler"—that he incorporated into a hymn.

"The fact that Jesus called God Father doesn't mean he was teaching us to use that name for time and eternity," Dr. Wren says. "I think that at its best, the biblical tradition is that God cannot be contained in human language."

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

PARTISANSHIP

Mr. LEAHY. Mr. President, I realize that it is an election year, and I realize we are getting close to the time for the Presidential elections. But I worry, as we approach that time, that sometimes the partisan ardor of Members of this body may lead them to make statements that perhaps are best kept for a stump speech before partisan followers but do not reflect the kind of debate that we should hear in the U.S. Senate.

Now I understand that on this floor there will be speeches that are not what I would like to hear, and perhaps what other Members would not like to hear.

I understand there is a policy now where Members of the minority party are coming to the floor, I guess, every day, maybe several times a day, to say what they can to help President Bush's reelection.

Well, I certainly would expect them to work to help President Bush's reelection. They are members of the same party. They have all campaigned with him. Most of them have supported his policies, his economic policies and his foreign policies, his appointments to the Supreme Court, and so on. So none of us could disagree with their right to support him. But when they do, I suggest they speak to those things they feel deserve support on the part of the President, but try to speak in a positive fashion for the President, and not simply attack. One has to wonder—if their speeches are solely attacking either Governor Clinton or Senator GORE or Democrats—if all they can do is attack? Do they really have something they can be proud of themselves, that they stand for?

I mention this because I understand earlier this afternoon that certain statements were made about the Democratic majority in the Congress participating in a partisan vendetta with regard to United States policy toward Iraq. Members of the other body who are investigating this of course can speak for themselves. They do not need me. Nor do I intend to speak for whatever efforts are under way there.

But there was also reference in that material to the Senate Agriculture Committee. For 2 years the Senate Agriculture Committee has been investigating our policies toward Iraq. For over 2 years the Senate Agriculture Committee has asked questions of what the administration and the agencies of the administration were doing in their foreign policy toward Iraq. In fact, a Senator from the Republican Party this afternoon put into the RECORD an op-ed piece on this subject, written by the distinguished senior Senator from Indiana [Mr. LUGAR], a Senator for whom I have the absolute highest regard and respect.

In fact, that same op-ed—and now that it is in the RECORD I would refer to it—shows that both Senator LUGAR and I have worked together on this investigation. We have requested documents from the Agriculture Department, from the State Department, Treasury Department, from the Federal Reserve. Both the distinguished ranking Republican member of the committee, Mr. LUGAR, and I have jointly signed the requests for these documents.

But, before the attack is simply made that if requests are made for answers, if questions are asked of the Bush administration's policy that it must somehow be partisan, let me explain these requests were made by a senior member of the Democratic Party and a senior member of the Republican Party—myself and Senator LUGAR. That was a bipartisan effort. But it is also legitimate to ask, "just what was the policy?"

The reason I ask this, Mr. President, is probably the same reason you have heard in your own State and I have heard in my State of Vermont. People ask why is that at a time when we cannot afford to take care of problems here at home, when we cannot repair the infrastructure of our own Nation, when 40 percent of the women and children who are eligible for the WIC Program cannot receive benefits because there is not enough money, when pregnant women cannot get adequate nutrition for themselves and for their unborn child—talk about a pro-family and right-to-life issue—when they cannot get adequate nutrition because the administration says there is no money, when children born cannot be fed adequately because there is not enough money in this country to feed them—people ask why is it that the U.S. Government and this administration is spending this year, $1.9 billion in paying the foreign aid bills of Saddam Hussein?

Frankly, I think it would be a better use of our scant resources in this Nation to feed our hungry children when one out of five children in this Nation live in poverty and in hunger. We should spend that $1.9 billion feeding them. If we have poor, pregnant women who are not able to get adequate nutrition, would it not make sense to be feeding them and giving them adequate nutrition, hoping maybe that child will be born with an adequate birth weight; that the child will be born and at least start off healthy? The child, because of poverty, because of circumstances, may have enough going against him or her anyway. At least at the moment of birth let that child be a well-nourished child. Certainly in the formative, first months and years of its life it might get adequate nutrition. But, no, we tell 40 percent of these women you cannot have the food you need for adequate nutrition, your newborn baby cannot get fed adequately. Why? We do not have enough money. But because of gross mistakes in foreign policy this Nation will spend $1.9 billion to pay the foreign aid bills of Saddam Hussein.

How can that be? I will tell you how it can be. Even as Saddam Hussein's tanks were heading off toward Kuwait, even as his generals planned the invasion, even as the decision was made, what was the administration doing?

I will tell you. The record shows that the administration began 1990 cosigning notes to provide agricultural commodities to its then good friend Saddam Hussein, who by the end of the year it was calling the Hitler of the Middle East.

I do not think it is partisanship to ask why this happened. I am sure there are some who may think that if the Congress was controlled by the same party as the White House, these embarrassing questions might not be asked. I would hope that all of us, Republicans and Democrats alike, would ask. Because all of us, whatever State we are from, have to know there are hungry people in our State. There are children not being fed. There are pregnant women not getting adequate food. There are elderly not getting adequate nutrition. There are children who cannot get school lunches and cannot learn when they are in school because they cannot get adequate food.

Mr. President, that is a fact in every State in the Nation because in every State in the Nation, the Federal feeding programs are not adequately funded. And so long as that is the case, then it is an absolutely legitimate question to ask why are we spending $1.9 billion to pay off the foreign aid bills of Saddam Hussein?

Maybe it is embarrassing. Maybe it is embarrassing to the other side. Maybe it is embarrassing to the Senator who raised the question. But it is a fact. It is a fact. It is not partisan to say we are spending $1.9 billion in foreign aid bills for Saddam Hussein this year. That is not partisanship. That is a fact.

It is not partisanship to say that we cosigned—the United States Government, this administration—notes with Saddam Hussein just months before getting his tanks ready to roll in Kuwait. That is not partisanship. That is a fact.

It is not partisanship, it is a fact, that strong questions have been raised whether some of that money was diverted for arms sales and not for agricultural sales. That is not partisanship. That is a fact.

It is not partisanship. It is a fact that American weapons were available to Saddam Hussein to be used against American troops in Saudi Arabia. That is not partisanship. That is a fact. And is it wrong to ask the questions? It might be embarrassing to some that the questions are asked, but it is not wrong. It is not wrong.

So I would advise my friends, when they raise the question of partisanship, when somebody states indisputable

facts and they call it partisanship because those indisputable facts are embarrassing, that is not the fault of those who raise the questions. That is the fault of those who did the actions that brought the facts out in the first place.

Mr. President, it is an embarrassing fact to the administration that the taxpayers spent $1.9 billion paying off foreign aid bills of Saddam Hussein this year. Of course, it is embarrassing. But it is a fact, and it is embarrassing and terribly troubling to me that American weapons were available to Saddam Hussein to use against American troops, but it is a fact.

I do not know everything that happened in this. I have asked questions. Maybe my committee will be able to find some of the answers. Maybe it will not. But we will ask the questions. If it proves embarrassing to Democrats or Republicans—whatever facts we find, I will lay out in the CONGRESSIONAL RECORD. But let us not assume that you cannot find out the facts just because it is an election year and you cannot ask questions just because it is an election year. The facts are there; the questions will be asked.

Mr. President, I yield the floor.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER (Mr. CONRAD). The Senator from Louisiana.

## IMPROVED ENERGY EFFICIENCY

Mr. JOHNSTON. Mr. President, I am pleased to tell the Senate that I have reached agreement now, I believe, with my two colleagues from Nevada on the question of how we will handle the conference committee on the energy bill. My colleagues from Nevada had been prepared to engage in some extended debate on this question unless we had worked out what our intentions are with respect to the conference.

I will now say, Mr. President, that I am prepared to commit myself to try to achieve the following in conference: First, no reference to preemption in the conference report; second, that there will be no provisions inserted on MRS or early placement of waste, or other matters beyond the scope of the conference. I am willing to commit myself, as I say, to that, with the understanding that we are able to get to conference on the energy bill.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, as the chairman of the Energy Committee has indicated, we have spent long, hard hours trying to work out this matter. We feel that the agreement made, as spread on the RECORD of this Senate today, is that there would be no preemption in the conference report, as the chairman indicated.

Mr. JOHNSTON. Or that I would commit myself to achieving that.

Mr. REID. And there would be no provisions inserted relating to MRS or early placement of waste.

I would also ask the chairman that if, in fact, these, which have caused the Senators from Nevada concern, wind up out of some work of fate in the conference report, we ask that not be brought back to the Senate if it has preemption, if it has MRS or early placement.

Mr. JOHNSTON. Mr. President, I expect to be the chairman of that conference committee, and the most any Senator can do is to commit himself to try for a conference, because the conference can do what it wishes. I think it is a virtual guarantee that I, as the chairman of that conference and the chairman of the Energy and Natural Resources Committee, commit myself not to want to have these things—and you, yourself, I think have talked to Chairman DINGELL. So I think there is very little chance of that. But I cannot bind the conference as one member, even though I may be the chairman of that conference. But I think the Senator can rest easy that these matters will not be in the conference report.

Mr. REID. I would only add, Mr. President, I listened intently; I heard what the chairman of this committee said, the virtual guarantee, and I heard those words clearly. As a result of that, I am prepared to withdraw any intent at this stage to prolong the debate.

The PRESIDING OFFICER. The junior Senator from Nevada.

Mr. BRYAN. Mr. President, I acknowledge that the distinguished chairman of the Senate Energy Committee has indicated that the three items which were of primary concern to us—the preemption provisions which currently exist in the House version and do not exist in the Senate version, and reference to the MRS and reference to the early placement of waste—all three of which the Senator addressed, would not be included. That is of primary concern.

The Senator also indicated that it would not be his intent to go beyond the scope of the conference, recognizing that there are other issues that deal with nuclear waste that may be in some fashion dealt with, but not at least beyond the scope of the two bills that we are dealing with, and that is the essence of our understanding.

Mr. JOHNSTON. Mr. President, the junior Senator from Nevada correctly understands what I had said. I would commit myself not to go beyond the scope of the conference, insofar as I am able to shape that conference, and I believe that will be substantial assurance for the Senators.

Mr. BRYAN. Mr. President, I indicate, along with my senior colleague, based upon the understanding, it is not our intention to mount a filibuster which, as the distinguished chairman knows, was the option we had available and might have become necessary if we were unable to work this out. That will not be our course of action. We will not be filibustering the Senator bringing this bill up and getting to conference.

Mr. JOHNSTON. Mr. President, I very much appreciate the cooperation and the friendly spirit in which we resolved this with my friends from Nevada. I always thought we would. This is a real victory for U.S. energy policy and for our energy bill. I thank my friends from Nevada.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

## INTERSTATE TRANSPORTATION OF MUNICIPAL WASTE ACT OF 1992

The Senate continued with the consideration of the bill.

Mr. BAUCUS. Mr. President, I think we have an agreement on the Coats amendment. We have been working on this for the past couple of days. I must very earnestly thank Senator COATS, Senator CHAFEE, Senator SPECTER, Senator WOFFORD, Senator MOYNIHAN, Senator METZENBAUM, Senator LAUTENBERG, and Senator GLENN for their very hard work, diligence, patience, and perseverance to finally reach a conclusion.

So I offer this modified amendment on behalf of all the Senators I have named.

I send the amendment to the desk.

The PRESIDING OFFICER. The Chair advises the Senator that consent would be required to withdraw the pending Coats-Chafee amendments.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Coats-Chafee amendments be withdrawn so that the amendment I just sent to the desk will be in order.

The PRESIDING OFFICER. Is there objection?

Mr. COATS. Mr. President, reserving the right to object, and I certainly will not object, I just want to inform my colleagues that what we are doing is exactly what has been indicated. That is, after 2 very intense days of negotiations, we have reached an acceptable resolution to the issue before us. Withdrawing the Coats-Chafee amendments at this particular time and then offering the amendment that Senator BAUCUS will offer on behalf of all of us involved in this negotiation will bring about resolution to this issue and the debate.

So I will not object.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

So, the amendments (Nos. 2731 and 2732) were withdrawn.

AMENDMENT NO. 2736

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS] (for himself, Mr. COATS, and Mr. SPECTER), proposes an amendment numbered 2736.

Mr. BAUCUS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 4, line 2 before the semicolon, add the following: "except to the extent that the actual amounts of municipal waste generated outside the jurisdiction of the affected local government received for disposal at the landfill or incinerator under such contracts exceed the amount imported under such contracts in 1991 or twice the volume of the first six months of 1992, whichever is less (this clause shall not apply after June 18, 1999, to the extent that such contract prevents a Governor from exercising the authority granted by paragraphs (2)(A)(ii) and (3))".

On page 6, between lines 11 and 12, insert the following new paragraph:

"(3) Except as provided in paragraph (1)(C) and in addition to the authorities provided in paragraph (1)(A) beginning with calendar year 1998, a Governor of any State which receives more than 1 million tons of out-of-State municipal waste, if requested in writing by the affected local government and the affected local solid waste planning unit, if any, may further limit the disposal of out-of-State municipal waste as provided in paragraph (2)(A)(ii) by reducing the 30-percentum annual volume limitation to 20 percentum in each of calendar years 1998 and 1999, and to 10 percentum in each succeeding calendar year.".

On page 6, line 12, strike "(3)(A)" and insert "(4)(A)."

On page 7, line 3, strike "(4)(A)" and insert "(5)(A)."

Mr. BAUCUS. Mr. President, let me briefly describe the amendment. The amendment essentially gives Governors the authority to restrict and reduce municipal waste imports under private contracts down to the 1991 levels or the 1992 levels, which is calculated by doubling the levels of the first 6 months of 1992, whichever is lower.

In addition, the amendment also provides that, beginning in 1998, a Governor will have the authority to reduce the amount of out-of-State municipal waste received at certain landfills to 20-percent of the waste received at that landfill in 1998 and, also, that same 20-percent capacity that is reserved for out-of-State solid waste would also apply to 1999, and then only 10 percent of the capacity of the landfill—these are for the larger landfills, landfills that receive over 100,000 tons in States which receive over 1 million—that then the Governor could require that only 10 percent of the capacity in those larger landfills be reserved for out-of-State waste.

The amendment further provides that, beginning in 1999, the Governor may abrogate private contracts of out-of-State waste in order to achieve that 20-percent capacity reservation in 1999 and 10-percent capacity reservation in the year 2000 and in subsequent years.

This is an effort, frankly, to accommodate exporting States and importing States, particularly with respect to private contracts and the abrogation or not of private contracts. The original bill before the Senate essentially provided that local government, municipalities, could request the Governor to ban out-of-State waste in certain instances or require that the waste go somewhere else in certain instances. Unfortunately, from the point of view of certain States, another provision in the bill, that is, the prohibition on the abrogation of private contracts, made that earlier provision a little less helpful to them; that is, it took some of the teeth out of the tiger.

This, therefore, is an amendment to accommodate that concern without allowing all private contracts to be abrogated but in certain instances to allow some. It is a balance. It does not give certain States that export solid waste all they want. It does not give the importing States, particularly Indiana, Pennsylvania, and Ohio, in some cases, all that they want.

But I say to the Senate that I am very, very pleased with the degree to which Senators have worked to cooperate to compromise. There have been about seven or eight different proposals that have gone back and forth among various Senators, and not once did somebody utter a word of discord or rancor. Everyone is still pitching and still trying.

I want to particularly thank the Senator from Ohio. He came into these consultations, these negotiations, only a few hours ago, and he, in many respects, was the catalyst for helping to put this together. Everyone here is a catalyst, but I want to particularly thank the Senator from Ohio for his efforts.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, let me say that the Senator from Montana is correct that this issue was bogged down this afternoon. Everybody wanted to move, but we were not moving. There have been extended negotiations, and certainly the Senator from Montana was much involved, the Senator from New Jersey was involved, the Senator from Indiana was involved, the Senator from Pennsylvania was involved, and if I omit somebody, I do not mean to. But it was an effort to try to bring about a resolution of the issue, and it was particularly important because we have been on this bill for 3 days. It is well known, the majority leader has made it clear, that he was prepared to take the bill down.

Now we have an amendment that is not totally satisfactory to me. It is not totally satisfactory to the Senator from Indiana. I doubt if it is totally satisfactory to the Senator from New Jersey. But that is not the issue. The issue is we made major steps forward in doing something about waste being moved from one State to the other. Did we do as much as this Senator would like? No. Did we do as much, maybe as little, as some Senators would like? No. We have made progress. This legislation, this bill, if enacted into law, will bring about a cessation, almost in its entirety, over a period of years, of the dumping of waste from one State into the other.

I am concerned that there will be other amendments offered this afternoon. If they are, it will be tying up the Senate. I urge my colleagues. Even though the other amendments having to do with hazardous waste, having to do with sludge, having to do with industrial waste, even though those are amendments that this Senator would be prepared to support, I believe that unless we turn down all other amendments, adopt this amendment, finalize the passage of the bill, I believe that this body will not have any bill, and we will not be able to return to this subject.

So I urge my colleagues to vote "no" on all other amendments, to vote "yes" on this amendment, to vote "yes" on the bill, and we will have made a very major and meaningful step forward.

Mr. President, I want to express my appreciation to the staffs of the various Members who have been involved in this. They have been extremely helpful. We could not have done it without them. I thank so much the Senator from Indiana and the other Senators who have been involved in the negotiation.

Mr. BAUCUS. Mr. President, I ask the Senator from Ohio what disposition he intends to take with respect to subsequent amendments to this bill?

Mr. METZENBAUM. I think I just made it clear that I will oppose all other amendments, even the one that I had intended to offer with respect to industrial waste, not because I do not think this body ought to deal with that subject; I do. But I am a pragmatist. I am trying to be practical. I believe that if we deal with all the other amendments, this bill will come to its entirety, we will have no bill before us, we will leave, the session will end, and we will not have done anything on this subject. So I will oppose and urge my colleagues to oppose any other amendments.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I want to join in thanks and praise to everybody who has been involved in this, the distinguished Senators from New Jersey, from Ohio, from Indiana, from Pennsylvania, and especially the floor manager of the legislation, Senator BAUCUS, from Montana. He has, as they say in the trade, no dog in this fight, but he has been a tenacious pursuer of a settlement of some type, and a settlement has been arrived at. I hope we can move right forward with it by voice vote, and get it done with.

Now, I heard those sterling comments by the Senator from Ohio about resisting all amendments. That is good news. Indeed, he had a couple of amendments himself. Will he resist those?

Mr. METZENBAUM. My amendments are magnificent amendments.

Mr. CHAFEE. I am sure they are.

Mr. METZENBAUM. They are great amendments.

Mr. CHAFEE. They deserve to be thoroughly defeated.

Mr. METZENBAUM. One deals with closing down a facility in Ohio that should never have been opened. It has to do with industrial waste. I am willing to take a half a loaf of bread in this instance and wait until another day for the other half of the loaf of bread.

I will oppose all amendments.

Mr. CHAFEE. That is half a loaf. You had two amendments. Does that mean you are going to go for one of them?

Mr. BAUCUS. No.

Mr. CHAFEE. That is good news. I thank everybody involved.

Mr. COATS. Mr. President, this effort today is the result of really 3 years of effort to address a very serious problem relative to the shipment of waste on an interstate basis. And the effort we are about to resolve is the result of 2 very hard days of negotiations. I appreciate the patience and the persistence of Members on both sides of this issue.

I think the overriding, driving factor is the realization that if we do not do something now, given the short amount of time and the few legislative days left, we will not do anything at all this year. This not only begins the process, but this is a major, major step forward to resolving the problems created by the shipment of unwanted waste from one State to another.

We were hung up for 2 days over an amendment that I had offered relative to private contractors and the influence that the State would have over those contracts. I believe we have resolved that by bringing that language back to the point where the bill originally directed our efforts, and that is to freeze at the lower of 1991 or 1992 levels, whichever is less. In addition, we added a major provision which would allow our States to ratchet down the total amount of waste received at the largest landfills to levels of 20 percent, and then ultimately 10 percent, of total landfill capacity; and beginning in 1999, the right to totally abrogate private contracts if those resulted in exceeding that capacity. I think this is a major step forward.

I just discussed this with representatives of our Governor. We see this as a very significant positive impact for the State of Indiana, and our State is in support of this effort. I stress this key to my colleagues: If you are from a State—and virtually every State in the Nation is impacted by this problem—that either now receives unwanted out-of-State trash, or might be a recipient in the future, this legislation gives you protection and deals with the problem.

Our one chance to do it is right now, and I, therefore, will join with Senator METZENBAUM from Ohio and others in resisting other amendments, even though I might favor them, even though at one time I may have suggested them or even offered them.

Obviously, this is not partisan issue, or I would not be joining with Senator METZENBAUM from Ohio. I have, on occasion, referenced Senator METZENBAUM'S positions on issues during my travels in Indiana as a basis for my opposition to those issues, and here we are standing shoulder to shoulder because our States find themselves in similar situations. So it is not a partisan issue at all; it is a matter of geography, and I am pleased to join my colleague from Ohio, as well as my colleagues from Pennsylvania and other States, in supporting this effort.

I also want to thank both the distinguished chairman of the committee, Senator BAUCUS, who patiently and tirelessly helped work this through to a successful resolution—without his efforts, we could not have achieved this result—and the distinguished ranking member, Senator CHAFEE, who has also been tireless in helping us pull this together.

I finally thank my colleagues from New Jersey and New York. This was an issue where passions could have run very high, and in the past they have. That kind of display of emotion may look good in the paper or on television, but it does not solve the problem. And it does not resolve the issues before us. We have—I think on each side—tried to temper that down and work objectively toward a responsible solution to this particular problem. I believe we have done that with this legislation. So I thank all of my colleagues that have been involved for their patience, persistence, their rational, objective approach used in addressing this issue.

I trust that my colleagues will support us in this effort and will resist the great temptation to offer other—legitimate, in many cases—amendments; but under the time situation we are in, realize that this is the one chance this year to actually move something forward which has a chance to be signed into law and to give our States the relief we need.

I yield the floor.

Mr. LAUTENBERG. Mr. President, I note that so many compliments that have been passed around, that it tells you a significant number of States were involved and that the negotiations included lots of views and lots of voices. And the fact that we have worked out an acceptable amendment for parties from very divergent points of view tells you that this was a compromise that was tough to fashion and that, therefore, sits, frankly, on a fragile foundation.

Those that we have heard from thus far are all good friends. I compliment Senator BAUCUS for his leadership, patience, and expert hand in leadership in terms of getting us as far as we have come. I also say to the Senator from Indiana, with whom I have had significant disagreements on this issue—that is understand his point of view. He is saying, "do not send it my way," I am saying that in the State of New Jersey our capacity has been used by friends and neighbors from around our region. They have used our landfills year after year after year, and we tried to stop them and even went to the Supreme Court. But we could not get it done. They said: Too bad, New Jersey, you must take what it is that you are being sent. As a consequence, our capacity has rapidly disappeared to where we were left to our own devices.

So although I do not have precise information, I believe that had we not accepted all of this waste, we would still have enough capacity to deal with our own needs. Be that as it may, it is history now. The fact is that we are out of space. We are scurrying from pillar to post to try to find solutions.

I must say that, with a great deal of pride, New Jersey has done almost miracles. We now lead the country in terms of State recycling programs. We are recycling over 50 percent of our solid waste, and the Governor and our State legislature support a 60 percent target by 1995, not very far away. But we are running some significant risks here, because the best plans, need I tell people in this body, often go awry.

So here we are. We have achieved a very delicate compromise, in my view. Again, my compliments go out to my colleagues who labored so long and so hard. I am pleased that the Senator from Ohio did come in with a suggestion at the end that kind of got the most difficult parts together. The fact is that, by that time, the Senator from Indiana, the Senator from Montana, and I, and a couple of others, including my colleague, BILL BRADLEY, had put in almost 48 hours in terms of time on this measure.

We worked very hard. There was an interest in solving the problem because we had no choice, Mr. President, we had to solve this problem. States were demanding action to reduce the quantities of garbage that were sent to

them. So we have arrived at a solution that we hope will continue to put the pebbles in the shoes of those States that would export more. And we are saying to everybody around this country, listen, get on to solving the problems, get on to a rational approach to waste disposal, because the States today that are importers are very likely to be tomorrow's exporters. There is case after case that indicates that.

So I say, to confirm what my distinguished colleague said already, that is, we are where we are. Time is flying by. We do not have much left. The majority leader has extended the courtesy of elongating the day so we can conclude this business. Therefore, I tell you that any amendments that add injury to my State will receive less than an enthusiastic response from me and from my colleagues from the areas affected.

We will work very hard, and we appreciate the pledge of support from the Senators from Ohio, Rhode Island, from Indiana, from Montana that they are going to resist amendments.

I would say to those either within earshot, or those planning to come to the floor with an amendment with whom we will have a chance to talk, please do not do it, because what you will get is nothing. We will not have a bill. We will not have a lid on the volume of material that is imported to the States and we will give some States that may not have been as aggressive as New Jersey has a chance to deal with their problems further relief from having to structure a sensible waste disposal program.

Mr. President, I am pleased that we have worked out an acceptable amendment with the Senator from Indiana.

I can agree to this amendment only because it protects existing written, legally binding contracts for interstate waste shipments.

The amendment clearly provides that this bill prevents a Governor from taking any action to abrogate existing garbage contracts to the extent that the level of garbage exported to a landfill or incinerator under such contract does not exceed the amount of garbage exported under such contract in 1991 or twice the volume of the first 6 months of 1992 whichever is less.

So existing written, legally binding contracts would be protected under this bill through June 18, 1999.

Mr. President, the committee proposal explicitly protected existing contracts. In doing so, the committee recognized the need for a period of time to allow states to reduce their exports and understood that the sudden abrogation of existing arrangements for waste disposal could impose costly, environmentally destructive measures on communities suddenly finding themselves without an acceptable option for waste disposal.

Mr. President, S. 2877 with this amendment would respect existing legal relationships. This isn't a revolutionary idea. It's in our Constitution. Communities rely on these legal relationships. Termination of these contracts would result in a sudden termination of existing, legal commitments and threaten the ability of communities all across this country to dispose of solid waste in an environmentally responsible manner.

This concept is one of the underpinnings of this compromise legislation: the protection of existing waste disposal arrangements until such time as environmentally sound alternatives can be implemented.

While I am pleased that we were able to reach an accommodation which should improve chances for passage of this legislation, I want to put my colleagues on notice.

A number of amendments have been suggested which are inconsistent with S. 2877 and would be deeply injurious to my State. I would be compelled to do everything I can to see that these amendments are not enacted. So if my colleagues want to see S. 2877 pass today, I urge them not to offer amendments which would modify the philosophy behind S. 2877.

Mr. President, I hope that we will not have to witness anything more than a final vote on this bill to confirm the action that will be taken by this amendment.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I support this modified amendment, because I think it is a substantial improvement over the arrangements which were pending at 1 o'clock today—the time is now 4:50—when I commented on the pendency of the negotiations at that time.

I concur with my colleagues who have articulated the proposition that this really is not a satisfactory bill, not satisfactory from the point of view of the Commonwealth of Pennsylvania, but obviously it is the best arrangement that can be made at this time and certainly better than where the proposed compromise stood at 1 o'clock. As I have said about 4 hours ago, the negotiations were made complicated by the fact that to have no action taken would probably be the worst of the alternatives since if nothing was done there would be no progress at all. In the face of the prospect of having the bill removed from the floor there was considerable pressure to take the best deal that could be obtained, and the modifications which have been made since 1 o'clock are very substantial.

What we are dealing with here, Mr. President, is the effort to stop the interstate transport of municipal waste which has been enormously burdensome to many States like the Commonwealth of Pennsylvania. My preference would have been to have granted the Commonwealth of Pennsylvania the authority to have limited or even better yet to stop interstate waste. It is a complex constitutional issue. States could not do it on their own in what is called a dormant position by Congress but on an expression by Congress that States do have the authority to limit interstate waste disposal.

When the issue was pending at 1 o'clock we were looking at the higher of 1991 or 1992 levels, with 1992 being computed at twice the first 6 months of 1992. There has now been an improvement so that the contracts are protected to the lesser of 1991 or 1992. And for Pennsylvania 1991 will be a lesser burden.

We had considerable concern about the exception for existing contracts, because of the report that contracts may have run for 20 or 25 years, which is obviously enormously burdensome, and that kind of a loophole would virtually destroy the ability of the Governors to limit the importation of garbage and municipal waste. After considerable negotiations and considerable discussions that period has been limited to 7 years. So that the Governors will have the power to abrogate, nullify, or in effect end contracts at that period. I think that is too long, but it is better at least to have legislation today which sets that time limit than to have no legislation at all and have the possibility of contracts extending for 25 years. Equally burdensome, States or State Governors would not have any authority to limit garbage and waste coming into their States.

A very important additional provision was added and that is the concept of ratcheting down, which means that aside from contracts a limit of 30 percent out of State waste would be imposed on landfills which will be reduced to 20 percent, and then to 10 percent. So that in the future we will have a situation where Pennsylvania can limit the amount of municipal waste that comes in from out-of-State to 10 percent, and time does pass.

This issue was first called to my attention many, many years ago when I was in Scranton, PA, where the stench was horrible from garbage at a waste station which stored garbage coming in from out of State. My then-colleague Senator Heinz and I introduced legislation to try to limit the amount of municipal waste that came in from out of State.

I then worked with the distinguished Senator from Indiana who has played a key leadership role and had an amendment passed some time ago which would have been more restrictive. Unfortunately, it could not get through for a variety of reasons which I shall not detail at the present time. But the problem has been with us for a long time, and at least in 1992 we have the prospect of getting a bill passed which, while not perfect, does establish limits

which will be very, very important for a State like Pennsylvania.

Like the distinguished Senator from Ohio I had a number of amendments that I wanted to add relating to toxic waste, and industrial waste, and amendments that would have given financing to local municipalities to have inputs when waste incinerators or other landfills were to be sited in their area, but I shall desist from offering any amendments at this time in the interest of getting this bill passed. I have not made a commitment to oppose any amendments which may come up. I reserve the right to analyze each of them individually.

I would like to take up one issue with the distinguished Senator from Montana, the floor manager, Senator BAUCUS, and also the distinguished Senator from Rhode Island, Senator CHAFEE, and that is on the issue of the new contracts. The legislation as it currently stands preserves contracts for a period of up to 7 years and after the seventh year the Governor has the authority to nullify or abrogate the contract. But the only contracts which were preserved, as I understand it, and I am reasonably sure I am correct on this but I think it is important for legislative history to have the concurrence or opinion of the managers of the bill that if there is a new contract then the new contract is not preserved, that any new contract may be abrogated by the Governor at any time.

Mr. CHAFEE. That is right.

Mr. BAUCUS. That is right.

Mr. SPECTER. I have a couple followup questions I will ask. For implicit purposes that is an accurate statement of this bill.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. The statement of the Senator from Pennsylvania is also the understanding of the managers of the bill, namely that the limitations on the Governors' right to abrogate private contracts does not apply to new contracts.

Mr. CHAFEE. No.

Mr. SPECTER. I ask for the concurrence of my distinguished colleague, Senator CHAFEE.

Mr. CHAFEE. The Governor would have the right.

Mr. BAUCUS. I said the limitation.

Mr. CHAFEE. The limitation does not apply; therefore, the Governor would have the right in a new contract to abrogate that. That would be the 7-year rule would not apply to that new contract.

Mr. SPECTER. So that any new contract which is entered into the Governor has the authority to abrogate or nullify the contract.

Mr. BAUCUS. To be absolutely precisely accurate on this, the provision of the bill provides that new contracts must be host community agreements and the Governor would have the right to abrogate new agreements that are not host community agreements.

Mr. SPECTER. But they must be host community agreements but even so the Governor has the right to abrogate or nullify.

Mr. BAUCUS. Only if the new agreement is a host agreement, that is correct.

Mr. CHAFEE. That is correct.

Mr. SPECTER. The next point I wish to take up with the managers is it is a matter of the State, for example the law of the Commonwealth of Pennsylvania, to make a determination as to what is a new contract.

Mr. BAUCUS. That is correct. It is State law. State contract law applies as to whether the contract with respect to solid waste coming into that State is or is not a new contract.

Mr. SPECTER. I ask my colleague from Rhode Island for his concurrence.

Mr. CHAFEE. The question is, If a new contract is entered into in the shipping State, the State where the trash originates, would the host receiving-State law apply to that contract?

Can you proceed with the next question? I will have to get an answer.

Mr. SPECTER. I am glad to tell the Senator from Rhode Island that is the last question.

Mr. CHAFEE. I am glad to know that is the last question.

If the Senator would just give me a minute to check.

Mr. SPECTER. I would be glad to. It is a very important point.

While you are checking on it, I think the intent is plain here, that since the trash would be deposited in the host State, that it would be the host State that would have the governing law. The contract would be entered into by someone who would be shipping from out of State to in State landfills. Therefore, it would be the receiving State which would have the burden of landfilling the waste. So that it would follow that it would be the host State which had the burden, which would have the State law to govern whether or not it was a new contract.

Mr. BAUCUS. Mr. President, the Senator from Pennsylvania is a very able lawyer and he asks a very good question, and that is, which State contract law applies? That is the essential question.

The amendment and the bill are silent on that question. I suppose there are really two answers. One is that it is a question that would be resolved in the ordinary course of contract law between the two States anyway. Some State contract law is going to apply.

Mr. SPECTER. If I might interrupt, if my colleague would yield, we had this discussion as part of very laborious negotiations—and I join my colleagues in praising the distinguished Senator from Montana—but to bring a cloakroom conversation to the floor, which I think is entirely appropriate, I think my colleague will agree. Senator BAUCUS said to me, "Arlen, you have got the toughest State law of any of the 50 in construing contracts to be new contracts."

And I just want to be sure. Having been a lawyer who has read CONGRESSIONAL RECORDS for establishing legislative intent, I want to make it easy on the judges—They have a lot of work to do—what our intent is here.

Senator BAUCUS said to me, "Pennsylvania has the law which is most favorable on construing any changes as a new contract."

I just want to be sure that that is what the managers concur with.

Mr. BAUCUS. It would be my preference that the host State contract law would apply. That would be my preference. If we want to establish a record here, at least one Senator believes that is what law should apply.

Mr. SPECTER. If the distinguished Senator from Montana would yield for just a brief followup.

When you say "preference," that is your intent?

Mr. BAUCUS. That is my intent.

Mr. SPECTER. That is my intent and that is your intent.

And now we have Senator CHAFEE.

Mr. CHAFEE. I just want to say to the distinguished Senator from Pennsylvania, who is a very learned lawyer, that this is a murky field we are getting into, what law controls.

As the Senator well knows, it depends what jurisdiction you are in. Where is the case brought? Is it brought in the shipping State, originating State, or is it brought in Pennsylvania, for example?

So for me to say that the controlling law would be the law of the receiving State, regardless of where the suit was brought, is pressing me further than I would be prepared to go.

I remember in law school, they have entire courses devoted to this subject. So for me blithely on this floor to say that, "Chafee on law speaks forth and says the law controlling will be the law of the receiving State," is going beyond my jurisdiction.

Mr. SPECTER. If the distinguished Senator would yield, let me pursue that in a way which I think will shed some light on our capacity and authority to determine that question.

When contracting parties enter in to a written agreement, they frequently say this contract will be governed, for example, by the laws of the Commonwealth of Pennsylvania. So the parties to an agreement may make a determination as to which law governs.

I think it is reasonably plain that, given the plenary power of the Congress of the United States, we would have the authority to make that determination, especially in a content where, speaking for myself—my agreement on this provision was given with some reluctance, my State bears the

burden of receiving the municipal waste and garbage, that the law of my State will govern. Part of this persuasion was given by the distinguished Senator from Montana, Senator BAUCUS, who said to me, as I have already recited, that Pennsylvania law is the most liberal and allows for the greatest latitude in construing a new contract. I want to see new contracts construed every time we can to give the Governor the greatest authority.

But I think, Senator CHAFEE, where you have the parties with the authority to bind the court on which law applies, that, certainly, the Congress has at least that much authority.

Mr. CHAFEE. Well, I just want to say to the distinguished Senator from Pennsylvania that it is fine by me——

Mr. SPECTER. I accept.

Mr. CHAFEE. If the law of the receiving State applies.

But I am not sure what weight that is going to carry in some court case. But if they want to cite what took place on the floor of the Senate on this particular day, that is splendid.

Mr. SPECTER. Well, I say to my colleague from Rhode Island—if I might supplement it one more time—we cannot determine what any court is going to say at any time. All we can say is what our intent is.

Senator BAUCUS and I have expressed our intent, and if at least your intent is the same, that is as much as we can do.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER (Mr. SHELBY). The Senator from Montana.

Mr. SPECTER. May I have a response from the Senator from Rhode Island?

Mr. CHAFEE. That would be my intent.

And if the case comes up sometime, I would be glad if the Senator from Pennsylvania would send me a copy of that case and see how far we got.

But in answer to his question, yes.

Mr. SPECTER. I thank my colleagues.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I wonder if the Senator from Pennsylvania would continue with a colloquy.

Upon further reflection, I do not know, based upon the questions raised by the Senator from Rhode Island, whether it is good public policy for the Congress to say that only certain State contract law applies. I would suppose that in most cases these contracts specify which State contract law applies. I think ordinarily, in most cases, that should be a matter left to State law and the contracting parties.

This is my problem, upon further reflection. The more we say that the host State contract law applies, the more the host States are going to be tempted to either change their contract law or to work out some arrangement to the detriment of the importing State contracting party. I would think that in most cases it would be better for the parties themselves to work that out.

Now it very well may be that when the State of Pennsylvania or a municipality or the Governor, whomever, say a municipality or a landfill company is negotiating an agreement with a community in New York or New Jersey, they would discuss which law applies.

I think, in fairness to States and other parties, that they be able to negotiate various terms.

But I think it is a bit unwise to say, in all cases, regardless of what the parties agree to, that the host State's contract law applies.

For example, what if the parties do not want the host State contract law to apply? What if the host State party agrees that, for whatever purposes, it makes sense for some other State—let us say the exporting State—contract law to apply? Do we want to say, regardless of what the parties may want, that only the host State contract law applies? I do not think we want to do that.

Mr. SPECTER. I would reply to my distinguished colleague that this legislation is quintessentially governmental regulation because of necessity to control what contracting parties are going to do on municipal waste. The essence of this legislation is to say to contracting parties, you may not make decisions for yourself. A city in New Jersey may not send to Pennsylvania garbage without limitation. And the reason the Congress ought to act on this provision is that it may well be in the interests of New Jersey to have New Jersey law govern and the interests of Pennsylvania to have Pennsylvania law govern. And Pennsylvania may legislate on the subject and say Pennsylvania law will govern the receipt of any municipal waste and New Jersey may legislate to the country, wanting to maintain an upper hand on having its law govern or provide that all suits would have to be brought in New Jersey. And that is precisely the reason—when we are working through very, very, very difficult issues among the States—the reason the Congress was created. We have this contentiousness between New Jersey and Pennsylvania because they are shipping smelly garbage that is stinking up cities in Northeastern Pennsylvania such as Scranton, but we have hammered out an agreement.

With all due respect, Senator BAUCUS, we had the conversation in the cloakroom where you assured me that you are in good shape in Pennsylvania because you have a State that interprets the law, new contracts, most broadly. I think we ought to decide this here and now.

One of the things Justice Scalia is widely known for saying is Congress never says what the intent is. There will be cases in court where lawyers will be arguing at length and judges will be pondering congressional intent and trying to figure out what has happened. Senator BAUCUS said he intends this to have the host State govern. Then he raised a question as to whether it is good public policy. Right now it is a very muddled record in terms of our colloquy.

Senator CHAFEE and I, I think, have established the point.

So I hope the Senator would resolve—when he came back and said he does not think it is good public policy—that really is our function as Senators, to establish public policy, and we would make it clear-cut and say that the host State law governs.

Mr. BAUCUS. I just wonder. Does this means in every State, Congress is going to determine what State contract law applies?

Mr. SPECTER. Absolutely not. I would say it is an extraordinary matter we have here, an extraordinary proceeding which we have this afternoon. This is a key point in coming to my agreement.

Mr. BAUCUS. I am not prepared to say that in all cases host State contract law applies. I just am not prepared to make that statement and say that is my intent. I say that because, as the Senator from Rhode Island pointed out, this is such a murky area. I do not know that it is good policy for us to establish at this time.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

## THE WAR ON DRUGS

Mr. KERRY. Mr. President, I know my colleagues are trying to work out this thorny issue. I do not want to slow up the proceedings here. But I did want to take advantage of this moment to make a few comments, if I may. I will not prolong the effort to move back, if they are prepared to do so. But I did want to take this opportunity to make a few comments with respect to a couple of events today which the President of the United States took part in which evidence a desire by the President to highlight the issue of drug use and drug abuse in the United States.

It is my perception that under the "leadership" of the President—I put quotations around that—that the drug war has really become the forgotten war, especially in our major cities where the epidemic of drugs and drug-related violence has never been worse. Frankly, for 3½ years, now, all we have

heard from the President on the issue of drugs is how much progress we have been making and how we have turned the corner and how, finally, we are winning the war on drugs.

I think that most Americans have a different sense of what is happening with respect to drugs and I think it is that kind of Presidential pronouncement of a different reality in the face of that which most Americans are experiencing that helps to divorce the average citizen from government and helps to underscore the cynicisms that exist in this country today regarding the political process and those of us who try to govern.

I would not suggest that there has not been some progress in certain areas. But principally that progress has been in reducing the casual use of drugs in the suburbs of America. And that is a result of drug education. We ought to take a measure of hope and satisfaction from the fact that drug education, addressed to a particular community, does have the capacity to have some impact. In fact, in the last few years we have observed that education about smoking has had an impact and has diminished the number of people taking up smoking in America. Education about alcohol abuse has had an impact and has diminished people's proclivity to use hard liquor and, indeed, has changed drinking patterns in America.

So education about drugs, addictive drugs—nicotine and alcohol are addictive drugs—does have an impact. So, as I said, we can take some hope from the fact that over the last few years, education about narcotics has had an effect.

But even here the progress we have made has in recent months started to reverse itself. Last year cocaine use in every single category started up for the first time since 1985. That means there is more cocaine on our streets and in our communities; that means that, once again in America, more of our children are trying, buying, and even selling cocaine in and around our schools and our playgrounds. That is the situation in our suburbs.

When it comes to our cities, the drug-related crime is as bad as it has ever been in the United States, with pushers threatening to turn some of our urban neighborhoods into mini versions of Beirut, complete with bombings, as we witnessed in Boston only last week.

Mr. President, as I mentioned, astoundingly, a couple of weeks ago in Boston, a car that belonged to a resident of one of our Boston housing developments was firebombed in apparent retaliation for the owner's cooperation with the police, who had indicted drug traffickers who were using that particular housing development as their home base.

The woman whose car was firebombed had been trying to open a teenage center for the housing development in order to provide alternatives to the drug gangs. Within hours of the arrest of these individuals who were indicted, two of the major drug traffickers were released from jail on bail, and the woman's car was firebombed 48 hours later.

As Boston Mayor Ray Flynn commented after the attack, it was an incident that puts everybody to the test. And the question was: Are we going to protect and stand with law-abiding people who have the guts and courage to get involved and fight for their communities, fight for their kids, and fight for their families? If we do not fight for them on this one, then whoever is going to believe us?

Unfortunately, I believe that the kind of tough-on-crime rhetoric and the kind of staged events, where the President goes out, as he did today, to talk to Americans about the importance of this subject, only underscores the way in which we have not really fought for a domestic agenda that makes real a war on drugs.

I believe it is important for people to understand that when we wanted to take funds away from building new nuclear weapons in the last couple of years, weapons that were aimed at Gorbachev's and Yeltsin's Russia, and we wanted to put those funds into getting treatment for drug addicts, we were fought every step of the way, tooth and nail.

I recognize that President Bush has long contended that his real expertise and his real interests lie in the international arena, rather than in domestic policy. But his international war on drugs has been even less successful than the efforts at home. We have poured hundreds of millions of dollars into the Andean drug strategy, but coca leaf production is not down; it is up. Cocaine manufacturing is up, and cocaine traffickers have established new bases of operation throughout our hemisphere. Cocaine remains widely available on our streets. The price of cocaine is coming down, and the purity of cocaine is going up.

What is more, the Andean nations now refuse to extradite drug traffickers to the United States. Drug enforcement operations have been suspended in Peru, the largest coca leaf producer in the world, because the government there has abandoned democratic procedures. In Colombia, drug kingpin Pablo Escobar is shipping drugs and ordering murders on a daily basis in the luxury prison cell that he himself had designed.

In Panama, the families of American servicemen who gave their lives in Operation Just Cause I think would be stunned to learn that fighting drugs is considered a low priority, a back-burner issue by the successors to Noriega. Drug trafficking and money laundering continue as before. The main difference is that under Noriega, there was organized crime. Under President Endara, there is disorganized crime, and as much cocaine trafficking and more money laundering than ever.

Today, the world and our urban neighborhoods literally are awash in heroin. Heroin use in the United States is much higher than it was in past years, and we see that production is on the rise in Southeast Asia, Syrian-controlled Lebanon, and in Colombia. The DEA now estimates the purity level of heroin sold in our city streets is four times what it was a decade ago, and the price of heroin has plummeted. And cocaine dealers have joined forces with heroin salesmen to provide one-stop shopping in poison and in death.

It is really no wonder that the New York City police commissioner was quoted recently as saying:

> I look at the message coming out of Washington that we are winning the war on drugs, and I don't know what they are talking about.

Earlier this year in my State of Massachusetts, a 2-year-old girl was found at a day-care center carrying 11 vials of crack cocaine in her pockets, thinking that they were candy. Elsewhere, we read about a kindergarten child who found a gun in a stroller and used it to kill his little sister. We read about 3-year-old and 4-year-old girls seeing their mothers killed in drug-driven crossfires.

We learned that one American student in five reports carrying a weapon to school, and that metal detectors are used in more than a quarter of our large urban school districts; that a crime, usually a crime related to drugs, occurs on or near a school campus every 6 seconds in America.

We know that America now spends $20 billion a year maintaining more than a million of our citizens in jail, and that our per capita imprisonment rate far exceeds that of any other nation on Earth.

If you add that up, Mr. President, I do not believe that we have grounds for patting ourselves on the back. I do not believe we have grounds for staging political events of congratulations.

I do not think we have the grounds for pride or satisfaction. We have instead a need that remains as urgent as ever to make real the war on drugs and to have action and to have change. It is my belief that we need to worry a lot less about funding corrupt militaries in places like Lima and La Paz and worry more about helping the police and community leaders and teachers and kids in places like Boston, Chicago, New York, Washington, Seattle, and Los Angeles, every city in America. We need to spend less trying to buy off the coca farmers of Northern Bolivia and more trying to help students stay off or kick drugs at home. Above all, we need to spend a lot less time trying to take election year credit for the ex-

traordinarily modest and limited gains with respect to the lack of casual use of cocaine when in our cities hard use remains as heavy as ever.

Mr. President, it is clear that every expert in this Nation suggests this is a country wealthy enough and considerate enough to have treatment on demand for those addicts who need that treatment in this country. After the seventh or eighth declaration of war on drugs, only about 20 out of every 100 addicts in America get that treatment. So we are essentially saying we have a war, but for 80 percent of the addicts there is nothing. The same for our kids in school. Only 55 percent of the kids in our schools are being educated about the problems of drug use. What are we saying to the other 45 percent? That they are not part of the war, that they are not part of the country, that we do not care?

So, Mr. President, I suggest that the President of the United States ought to think hard before he tries to make the war on drugs an election year issue and before we see in this country an even greater gap between citizen and politician, between citizen and Government on the question of what our rhetoric is really backed up by. It seems to me that the more we pat ourselves on the back for things not accomplished and for things unreal, the more we underscore to people in this country the degree to which Washington is out of touch and the degree to which there is a different set of real concerns and real needs in America to which the citizens are going to demand we respond.

I cannot think of anything more telling than a police commissioner in the city of New York saying to us, "I do not know what they are talking about in Washington, because that is not what I see in my streets." And I can tell you that is not what you see in any of the court systems of this country or in any of the back alleys or in any of the tenements. We are a nation under siege, and it is time for the President to understand that and to put the resources into a real war.

When it came to Desert Storm, we did not have to struggle in this country. We found those resources for a war far away. There is a threat at home today. If Desert Storm was the President's Normandy, I will tell you the war on drugs is the President's Waterloo because this President has simply not put the resources there, nor the leadership necessary to deal with this problem. I think all of us are sick and tired of being part of the process where we have more and more rhetoric, more and more promises, and less and less delivery.

I yield the floor.

## INTERSTATE TRANSPORTATION OF MUNICIPAL WASTE ACT OF 1992

The Senate continued with the consideration of the bill.

Mr. SPECTER. Mr. President, Senator BAUCUS and I have had a discussion and I think have come to an agreement that it is the intention of Senator BAUCUS and myself and the legislation that the host State law will govern as to the issue of what is a new contract.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, the Senator is correct. With respect to only one issue, one issue only, that is whether there is a new contract or not, the host State law will apply.

Mr. SPECTER. I thank my colleague from Montana. That was the one issue that concerned me.

Mr. BAUCUS. But to make the record as clear as possible, a la the concerns of Justice Scalia, with respect to other contract provisions it is an open question as to which State law applies.

Mr. SPECTER. Only as to whether it is a new contract, because if it is a new contract, then the Governor has abrogation authority.

Mr. BAUCUS. Exactly.

Mr. SPECTER. It is only as to that one issue.

Mr. BAUCUS. With respect to contracts signed after June 18, 1992.

Mr. SPECTER. Correct. I thank my colleagues.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. SPECTER. Mr. President, I ask for the yeas and nays.

I withdraw the request, Mr. President.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 2736) was agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WELLSTONE. I rise to support the efforts of my distinguished colleague from Montana to report balanced and reasoned legislation regarding the interstate shipment of municipal solid waste.

While most States find themselves engaged in this controversy as either a waste exporter or waste importer, Minnesota is one of the States in the middle—little waste is imported into Minnesota, and little is exported.

Minnesota does not import large amounts of waste because of the significantly higher tipping fees at Minnesota's solid waste management facilities—partly due to the State's standards for the protection of public and environmental health and safety. And with respect to those wastes shipped out of my State, the State's policy is to see that the wastes are disposed of in an environmentally sound manner.

Much of the debate surrounding amendments to S. 2877 centers on the controversy over State authority to restrict or prohibit waste imports. This misses the critical point of achieving safe, economical waste disposal. Moreover, by addressing these issues out of the context of reauthorization of the Resource Conservation and Recovery Act [RCRA], this debate misses the critical issues of waste reduction and materials reuse and recycling.

My distinguished colleague from Montana has worked hard to produce legislation addressing these issues, S. 976, but it appears that this Senate may not be able to address reauthorization of RCRA due to the controversial nature of many of the provisions in the bill and possible amendments. Absent the time and political consensus to address these issues, the Senate has deferred to consider this limited issue—interstate transport of municipal solid waste.

While there has been much spirited debate over the last 3 days, I fear that while we have felt much heat we have seen little light. Political posturing can be a disservice to rational materials and waste management—and to achieving needed environmental and public health objectives. Promoting warfare between the States is largely counterproductive to the basic and most important questions of reducing, reusing, and recycling waste materials and achieving their safe disposal.

For those States which are concerned about imported wastes, I would encourage them to establish strict standards for all waste disposal—standards which will ensure the protection of public and environmental health and safety. States which establish high standards will find that the cost associated with those requirements will help encourage recycling and discourage waste imports—perhaps even more effectively than the provisions of this bill.

Mr. President, I ask unanimous consent that two letters appear immediately following my remarks. I believe that these two letters effectively capture the dilemma faced by all of us today.

The first is a letter from a range of public interest groups urging Senators to oppose all amendments to S. 2877 and support a strong RCRA reauthorization. The second is a letter from the U.S. Chamber of Commerce urging Senators to oppose all amendments to S. 2877 and arguing against many of the provisions which would be addressed in a strong RCRA reauthorization.

In conclusion, I support the efforts of my distinguished colleague from Montana in seeking balanced and reasoned legislation addressing the interstate shipments of municipal waste. However, I encourage him to redouble his efforts to bring before this body legislation to address the underlying issues—legislation to reauthorize the Re-

source Conservation and Recovery Act. While, as the letters following my remarks demonstrate, taking action on a strong RCRA reauthorization will engender conflict between interest groups and Washington lobbies, it is what the public wants and what we should find the political will to accomplish.

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

*July 20, 1992.*

DEAR SENATOR: We urge you to oppose all amendments to the Interstate Transportation of Municipal Waste Act, S. 2877, when it comes to the floor of the U.S. Senate. We strongly believe that this bill should not be used to end debate and consideration of legislation to comprehensively reauthorize the Resource Conservation and Recovery Act (RCRA). A comprehensive RCRA bill should include provisions to:

Reduce the threat posed by unregulated industrial waste;

Give people the right to know about the toxic chemicals used and emitted in their neighborhoods;

Require companies to develop plans to voluntarily reduce their use of toxic chemicals;

Clean up oil, gas, and mining wastes;

Prevent the exemption of a significant portion of the hazardous waste from existing environmental waste management requirements under RCRA;

Restrict the construction of new hazardous waste incinerators and cement kilns until toxics use reduction programs are established;

Establish a time out on the construction of new municipal solid waste incinerators in order to establish recycling programs;

Create markets for recycled materials;

Establish a national beverage container recycling program; and

Eliminate the lead and other chemicals from used oil before it is burned.

We look forward to working with you to enact legislation that includes these essential public health and environmental protection provisions.

We also urge you and other Senators appointed to a Senate-House conference on this bill to vigorously oppose adding any provisions to S. 2877 that do not deal with the interstate transportation of solid waste provisions of S. 2877, should the bill go to conference with a bill from the House of Representatives.

Thank you very much.

David Gardiner, Sierra Club; Gene Karpinski, US Public Interest Research Group; Brooks Yeager, National Audubon Society; Marchant Wentworth, Izaak Walton League; Manik Roy, Environmental Defense Fund; Will Collette, Western Organization of Resource Councils; Philip Clapp, Clean Water Action; Allen Hershkowitz, Natural Resources Defense Council; Velma Smith, Friends of the Earth; Carl Casebolt, National Council of Churches; Becky Cain, League of Women Voters.

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CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA,
*Washington, DC, July 20, 1992.*

*Washington, DC, July 20, 1992.*

*Members of the United States Senate:*

The Senate will soon consider S. 2877, the Interstate Transportation of Municipal Waste Act of 1992, introduced by Senators Baucus and Coats. The U.S. Chamber of Commerce Federation of local and state chambers of commerce, businesses, and associations has identified reauthorization of RCRA to improve solid waste management in the United States as a 1992 National Business Agenda policy priority.

We believe it important that S. 2877 not be amended. Only a "clean" bill is likely to pass. Toward that end, we oppose mandated recycling or a national beverage container deposit requirement, as well as any attempt to codify the "mixture" and "derived-from" rules pertaining to hazardous waste. Our positions are set forth more explicitly, below.

We understand that amendments may be offered to require recycling of packaging, including to require deposits on beverage containers. We ask that you oppose any such amendments because—as I will summarize—packaging is not the problem in municipal solid waste. Conventional wisdom may say otherwise, but the statistics do not support the notion. Requiring recycling of packaging, or a national deposit system, raises prices on the store shelf and is anti-consumer. Costs are disproportionately applied in urban and rural areas.

According to EPA data, from 1975 to 1988, packaging waste grew at a rate of 0.6 percent per year, below the rate of growth in population of 1.0 percent per year, and below the rate of growth of all municipal solid waste (MSW) of 2.0 percent per year. Other categories of MSW grew at much greater rates. Because of new materials and new designs, packaging is the best waste reduction success story we have.

The recycling provisions in S. 976, or in H.R. 3865, will hardly affect MSW. For example, if everyone chose the recycling option in H.R. 3865, rather than the other options of recycled content, reuse, or lightweighting, EPA statistics show that packaging recycling would increase 1.6 percentage points, comparing 1988 performance to 2000. With the present system in the hands of the states and municipalities, performance is already better than this—without federal interference. At the same time, forcing packaging recycling will not solve the MSW problem. There simply isn't enough recyclable packaging in MSW to make a large difference, mostly because of the ongoing packaging-waste reduction.

Beverage containers make up three percent by weight, and 2.5 percent by volume, of the MSW discarded. Whereas recycling the containers saves energy during manufacture, the return system consumes more gasoline and diesel fuel for collection. Unclaimed deposits can exceed the entire cost of the municipal solid waste management system. Deposits regressively affect the poor. Based on analyses from the General Accounting Office (GAO) and others, a deposit system raises the cost of municipal recycling systems. Deposits reduce the litter from beverage containers, but local jurisdictions must still collect all the other litter. Total litter reduction is better achieved by total community programs, such as Keep America Beautiful.

Based on a GAO opinion survey, there is a mistaken belief that the general public overwhelmingly supports a deposit system. The survey was flawed in several respects; GAO admits to one of the flaws in their report. Contrary to any such survey, 38 states have recently rejected beverage container deposit legislation.

We ask that you vote against any attempt to add mandated recycling or a national beverage container deposit requirement to S. 2877.

We also understand that an amendment may be offered by Senators Durenberger and Chafee to codify the so-called mixture and derived-from rules for the management of hazardous wastes. These rules are arbitrary and arcane and are best left to the regulatory process. We ask that you oppose any such amendment for the following reasons.

The mixture and derived-from rules were first proposed in 1978 when the hazardous waste management system was in its infancy. Recently, the Supreme Court held that the rules were improperly proposed and instructed the Environmental Protection Agency (EPA) to correct the deficiencies. EPA immediately re-established the rules on an interim basis (through April 1993) in order to maintain continuity in the waste management program. EPA on May 28, 1992 proposed a substitute rule. This rule better reflects the current state of waste management, and reveals an understanding of how to protect human health and the environment. Until a new rule is adopted, the hazardous waste program continues unchanged. When an appropriate new rule is adopted, the program will be that much better off.

Because the EPA had begun work on the new rule long before the Supreme Court's recent decision on interstate transportation of solid waste, they were able to move quickly once the decision was announced. Their new formulation was announced on May 8, 1992, and notice published in the Federal Register on May 20. EPA held a series of four round table discussions with interested parties in June and July, and held a public hearing on July 9. Final comments are due July 24, and the deadline for rulemaking is April 28, 1993. This ambitious schedule, and outreach, enables the full participation of the many affected parties.

According to the mixture rule, virtually any amount of hazardous waste, mixed with anything else, makes the entire mixture hazardous. The derived-from rule requires that any waste derived from the processing or treatment of a hazardous waste be treated as hazardous, whether or not it contains a hazardous constituent or displays a hazardous characteristic. Both rules have led to endless difficulties and needless costs.

Because these rules are so out-of-date, they "create" hazardous wastes that are not hazardous. These new "wastes" contribute to the problems of transportation and disposal capacity.

The problems with these rules span technology, chemistry, engineering, toxicology, state roles, implementation, and more. It is overly simplistic to say the old rules should be retained or that the Supreme Court "gutted" the program. The investment by the public and private sectors to replace bad rules, to address a complicated subject, and to improve solid waste management, should not be abandoned.

We urge you vote against any attempt to codify the mixture and derived-from rules.

Sincerely,

WILLIAM T. ARCHEY.

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AMENDMENT NO. 2737

(Purpose: To modify the definition of out-of-State municipal waste)

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. D'AMATO] proposes an amendment numbered 2737.

Mr. D'AMATO. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 11, strike lines 3 and 4 and insert the following new paragraph:

"(3) With respect to a State, the term 'out-of-State municipal waste' means municipal waste generated outside of the State. The term shall include municipal waste generated outside of the United States.".

Mr. D'AMATO. This amendment is a rather simple amendment. It would allow States to regulate garbage coming from other nations, from other countries, in the same manner as garbage coming from another State.

I commend my colleagues for attempting to deal with a very vexing problem, the problem of having unrestricted amounts of garbage coming into their States. That is the genesis of the legislative efforts of Senator COATS. I understand that. I appreciate that.

At the same time, I want to be sure that the people of my State are protected from something that grows more onerous on a daily, weekly, monthly basis, and that is unrestricted garbage coming from over the border from Canada. It is coming in more and more. It is coming in huge volumes. It is coming in because it is economically advantageous for the Canadians to ship it out.

Now, I am prepared to speak at great length, if necessary, to bring this point home. But I wanted to just give you a little capsule of this. By the way, this garbage is totally unrestricted in terms of amount, volume, and type. There is no inspection of this trash. Up until July 1991, the Agriculture Department had controlled the flow of garbage coming from Canada. Under pressure from Canadian garbage haulers, the Agriculture Department reversed that policy. They said that they had no authority to do this. So now not only do we have unrestricted, in terms of volume, garbage coming in but also not being able to ascertain whether there are any special hazards in that garbage.

That is simply not justifiable. If a State should have the ability to see to control the amount of trash it receives from a sister State, certainly we should have the right to control the amount of trash coming from another country.

So this Senator, while I am very cognizant of the amount of time and efforts that my colleagues have devoted to the subject, says we want the same consideration as it relates to foreign governments.

If there is a treaty covering this situation—such as the Basel Convention—then so be it. Then the treaty can take precedence over it, if that be the case. But for us to sit back and wait for the treaty that may or may not take place a year from now, 2 years from now, or 5 years from now, or, in the real world, maybe never, is not good enough for this Senator.

Let me say that I could have had this amendment relating to this issue of Canadian garbage accepted on the agricultural bill, and we were at that point asking not that there be any prohibitions or restrictions or limitations, but that there be inspections made. And at that point in time I was asked by some of my colleagues not to go forward with that amendment because of the negotiations related to the shipment of garbage, and that any mention of trash would open the so-called Pandora's box.

The Pandora's box is open. This is exactly the legislation that my friends and colleagues at that time were talking about. For me to look away and simply say, well, sure, you can take care of all these other problems but we do not have to worry about New York and about our problem as it relates to the dumping in our landfills or garbage that comes from outside this country is something that I simply cannot stand by and allow to take place.

So, Mr. President, I hope the managers of this bill will see fit to give—by the way, it is New York today that gets the lion's share of this garbage. As our landfills become increasingly overtaxed, and closed down, that same garbage is going to find its way into other municipal and State streams.

It seems to me that it makes good sense to provide this protection for all of our States because indeed if Canada can find cheaper methods of disposing of this waste, they will do it. So today it is the landfills of New York, tomorrow they will be the landfills of Pennsylvania, and the next day who knows. I do not think they will get as far down as Alabama, but if you have a cheap landfill and it is profitable, they will do this.

By the way, the municipal governments in Canada are not in opposition to this legislation. As a matter of fact, the local government unit in Toronto has lost about $200 plus million in revenue and is deeply concerned. Since July of last year, approximately 1.5 million tons of waste has been shipped into the United States. And the Toronto metropolitan government reports that until the United States stopped its restrictions of Canadian solid waste—its municipal landfill received essentially all the commercial and municipal solid waste from the surrounding areas. Now that waste is being shipped across the border because it is cheaper.

Mr. President, it is a matter of economics. Currently it cost about $150 per ton to landfill garbage in Canada. But in the United States, landfill owners charge about $35 a ton for landfills. So Canadians can now get rid of their garbage at a bargain price, and the Canadian tide of trash will increase as a result. Landfill space, and the prices of landfilling to businesses and municipalities in our region will skyrocket.

This is a growing problem. The New York Department of Environmental Conservation has said that the amount of solid waste crossing the border is increasing. In the last quarter of 1991, the amount of waste received by several New York landfills increased fourfold. The Department of Environmental Conservation has also informed us that many truckloads pass on through New York for disposal elsewhere.

We have heard a lot of talk on this floor about communities that must cope with the problems of out-of-State waste. Let me tell one story that I think the supporters of this interstate regulation can relate to.

The city of Auburn in Cayuga County, NY, has been ordered by the Department of Environmental Conservation to close its landfill by September 1993. In the meantime, the previous mayor apparently entered into contracts with Canadian haulers to generate additional money from this landfill in order to finance the construction of a new landfill that meets new, tougher State and Federal environmental regulations.

As if that is not bad enough, the city of Auburn under the contract reportedly charges $64 a ton for a local landfill user, but only $30 a ton for garbage coming from Canada. It has been estimated by the New York Department of Environmental Conservation that the city has been receiving 75 to 100 tons a day from this out-of-country garbage.

Those of us who have supported the free trade agreement know that the open-border policy was not intended as an opportunity to make the United States the garbage capital of North America. This abuse of the agreement must be halted.

Mr. President, if we are going to deal with out-of-State trash, we should deal with all out-of-State trash. That is what my amendment does. It does not change the basic agreement that was made. It simply says all out-of-State trash, even that generated outside of the United States.

It seems ridiculous to me that we are setting up a system that allows States to restrict trash coming from a fellow State but leaves open the door to a tide of trash from outside of the country. It seems unfair that we would permit, in effect restrict, trash from New York going someplace else but continue to force out-of-State trash down the throats of New York and other States from landfill operations that are located outside of the United States.

I ask those who support the concept of allowing States to restrict the flow of garbage across State lines to apply the same reasoning to allow New York

and other States to control the unwanted movement of trash across our Nation's borders.

Mr. President, I hope that we can accept, the managers of this bill will accept, the amendment. If not, I will push for a vote or ask for a vote on this because I believe that it is important and good legislation, and it certainly does not do violence to the free-trade agreement that we have established with Canada, although some may claim that to be the case.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Mr. D'AMATO. Mr. President, in that case I am prepared, unless we get an opportunity to vote on this matter, to continue to hold the floor if that is what the managers want. I do have other things to do but I will say that this is a rather important matter.

Mr. BAUCUS. Mr. President, will the Senator yield?

Mr. D'AMATO. Certainly.

Mr. BAUCUS. Let me look at the amendment to see what it is. As I understand the Senator's amendment it says the term out-of-State municipal waste means municipal waste generated out of the State, and the term shall include municipal waste generated outside of the United States.

So it is the Senator's intention that the pending bill, with respect to provisions applying to out-of-State waste imported to a State, also applies to out-of-country waste?

Mr. D'AMATO. Correct.

Mr. BAUCUS. Whether it is from Canada, Mexico?

Mr. D'AMATO. Anyplace. The theory being that certainly if a State should be restricted and have reasonable restrictions placed on it sending garbage to other States, certainly our States should have the same protection as it relates to waste that would be generated from outside of the borders of our country coming in. Certainly, States should have that same kind of protection that is being considered within the bill. I am not attempting to make it more restrictive or less restrictive, but apply to garbage that would be generated from out of the Nation. Yes.

Mr. BAUCUS. I have just received the amendment. This is a different version from the earlier amendment that the Senator was indicating he might offer. I will have to study it to see if we can accept it or not.

If the Senator wishes to speak, fine, otherwise I will suggest the absence of a quorum.

Mr. D'AMATO. I will suggest the absence of a quorum. I hope we can undertake this because again it seems to me that we had better look at this. And the Senator raises a point. I do not know if he intended to, but certainly he clarified an issue.

This does not single out any country. I do not know what happens if we do not have some legislation like this. Do we enter into some other free trade agreements? Are we going to be told then that the shipment of garbage from Mexico to the United States can be unrestricted, et cetera, and people would say, are not you stretching?

No, I am not.

Would that then take place because some landfill operator has the ability to take the vast amounts of trash that cannot be generated locally in his vicinity, nearest the country of Mexico, or anywhere else in a future time?

So I think if we are going to give States these rights—and I am not arguing against it, it is a very vexing problem—then certainly we should broaden it to protect us against the unrestricted garbage coming in from out of the country.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BAUCUS. Mr. President, it is with reluctance that I am going to have to oppose this amendment. I say that because I understand what the Senator from New York is attempting to do here. I must oppose it because the effect of the amendment would be to discriminate. The State of New York—or any other State for that matter—would be in the position of discriminating against waste from other countries and particularly against Canadian waste. Canada is a signatory to the United States-Canadian Free-Trade Agreement. We are now in negotiations with Canada and Mexico under the North American Trade Agreement negotiations.

The U.S. Constitution provides that with respect to actions we take within our own country under the commerce clause, or the supremacy clause, that in some cases, the Congress can enact legislation which will allow some kinds of discriminatory effects, as we are now doing in this interstate bill. That is, this bill will allow Governors of States to abrogate contracts involving out-of-State waste and will, in some cases, give some preference to waste, generated within a State.

The Constitution allows the Congress, within our own country, to do so. We, however, do not have that same constitutional right with respect to other countries, particularly when the United States and other countries—in this case Canada—have agreed to certain trade provisions. Actions taken by the United States which discriminates against Canada, will violate the United States-Canadian Free-Trade Agreement. We do not want to enact provisions that would have the effect of violating that agreement.

Although the State of New York receives solid waste from Canada, at the same time, Canada receives hazardous waste shipped from New York. If we were to enact this amendment, Canada would certainly claim a violation of the United States-Canadian Free-Trade Agreement. But Canada also might begin to discriminate against hazardous waste from New York going to Canada, or they might enact fees or other discriminatory provisions with respect to solid waste or hazardous waste from any other State.

Knowing the Canadians as I do, they are tough negotiators. They stand tall for their people. They will probably look for other areas which will justify actions they are taking against the United States, pointing to this amendment which discriminates against Canada.

So I think it is unwise, for us to adopt this amendment. I think it will cause more problems than it will solve for the reasons mentioned. I respectfully urge the Senator from New York to reconsider offering his amendment.

In the free-trade agreement, the United States and Canada have both agreed not to impose discriminatory regulations on imported goods. Under this amendment, Canadian waste is discriminated against vis-a-vis waste generated in New York. So even though the provisions of this bill can apply within our country, our Constitution does not provide for the same kind of discrimination with respect to other countries, particularly when the United States and Canada have expressly agreed not to pass laws and regulations which discriminate against imported goods. So I, at the appropriate time, will move to table the amendment, if it is still before us.

Mr. D'AMATO. Mr. President, let me attempt to address this issue. I certainly do not question the sincerity of the colleague who raises this. This seems to be the old bugaboo. We get so hung up on this free trade business that we do not really see the reality of what takes place.

Then I hear my same colleagues complaining about when the trade provisions are not enforced fairly. That is as a little aside. The truck that comes into this country as a car and mysteriously becomes a truck for other purposes and escapes the fair taxation provisions, and then when it is in here, it does not have to meet any of the safety standards.

This is one Senator who says free trade has to be fair trade. Let us talk about it. The free trade agreement implies that waste could be defined as a "good." Under the trade agreement, bilateral trade in goods is generally subjected to the General Agreements on

Tariffs and Trades, known as GATT. Under GATT, our State prohibitions on out-of-State waste could be seen as a restriction on a trade product.

However, under article 22(b) of GATT, it can be allowed, if it is necessary, to protect human and animal health and safety.

So I ask my colleague to reexamine his opposition to this position. The fact of the matter is that States should have a right to say, yes, we are going to have garbage that comes into our State regulated to the same degree, the same standards, as the quantity, quality, and safety, as we do garbage generated within the United States of America.

This business as to the waste and how much hazardous waste the United States sends over to Canada and vice versa, if they want to work on this, they can; but the fact of the matter is that in recent years we have been taking more of this waste into the United States than Canada takes from us. However, I am talking about garbage now. So let us not mix the two. They are not connected. Hazardous waste is covered by way of various bilateral agreements. So I am not attempting to get into that. So it is specious to bring up that this will somehow affect that kind of waste, because it is not part and parcel of this amendment.

I hope that we can deal with this, because I intend to get a vote on this. It is simply not fair. If people want to say, let garbage come in from out of the country, let it be unrestricted, let us not hold this trash flow to the same standards, then my colleagues should vote on that.

But I do not intend to withdraw the amendment. There is a bilateral agreement on hazardous wastes between the United States and Canada. This amendment would not affect that agreement, not one iota. That is a specious argument.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DOMENICI. Mr. President, I ask unanimous consent that I be permitted to proceed for 2 minutes as if in morning business.

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

The Senator from New Mexico is recognized.

Mr. DOMENICI. I thank the Chair.

(The remarks of Mr. DOMENICI pertaining to the introduction of S. 3001 are located in todays RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DOMENICI. I yield the floor.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DOMENICI. Mr. President, I ask unanimous consent that I be permitted to proceed for 4 minutes as if in morning business.

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

## HIGH VALUE ECONOMIC GROWTH PACKAGE

Mr. DOMENICI. Mr. President, on April 9, Senator SPECTER and I introduced Senate bill 2612. We called it the High Value Economic Growth Act. Since then, we picked up six additional cosponsors, and I will ask unanimous consent that they be made original cosponsors.

Mr. President, I ask unanimous consent that the Senators from New Hampshire [Mr. RUDMAN and Mr. SMITH], the Senator from Wyoming [Mr. SIMPSON], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Montana [Mr. BURNS], and the Senator from Virginia [Mr. WARNER] be added as cosponsors to S. 2612, the High Value Economic Growth Act of 1992.

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

Mr. DOMENICI. The elements of the bill are familiar to the Senate: passive loss reform to end discrimination against real estate professionals and to encourage property owners to hold on to money-losing properties; $5,000 first-time homebuyer credit; penalty-free withdrawal of IRA and other pension funds for down payments on first homes and automobiles; provisions to make it easier for pensioners to invest in real estate, and a 15 percent investment tax allowance.

They are familiar to the Senate because they are five of the seven provisions that the President asked the Congress to pass by March 20, 1992.

The President asked the Congress to pass an economic growth package in a form he could sign, with a deadline of March 20. Instead, Congress sent the President a bill he could not sign. The President vowed he would not support a tax rate increase that so adversely affected job-creating small business, so he vetoed the bill this Congress sent him. Unfortunately, the economic growth package the President asked for is 124 days late.

What is the real world effect of this missed deadline?

Jobs that could have been aren't—approximately 1 million of them; 1.2 million families could be moving into new homes. Instead, houses that would have sold are still on the market, empty, with "for sale" signs instead of signs of children playing in the front yard.

People could be driving new cars.

And the boxes of new equipment to make workers more productive could be arriving right now in response to the investment tax allowance. Instead of doing something, we keep talking about competitiveness. The Senate Banking Committee held its 23d hearing on how to make America more competitive.

The bill I introduced last April includes five provisions. Each of these provisions meets a very high test: They create jobs, reduce the cost of capital; reduce the cost of labor; and act as investment incentives for the here and now to keep us on the track of economic recovery. This is my definition of what a high value economic growth package should be and do.

The package does not include the capital gains tax cut. We left it out because it is so controversial and too political. Several key Senate supporters of capital gains, as well as the President, recognize the difficulty in enacting a capital gains tax cut, but also realize the importance of doing something appropriate and meaningful now to ensure a continued economic recovery. They are willing to support a package that does not include capital gains even though they remain committed to its importance.

The included provisions would be effective, limited, and short term. They are the type of action we need right now.

We will soon debate another tax bill in the Senate, and it will have many elements that the President, Senator SPECTER, and I recommended several months ago. It would not be hard to modify the High Value Economic Growth Act to include other tax changes which are vital to the Nation's economic health. The compromise enterprise zone provisions from H.R. 11 can be added, as well as repeal of the luxury excise tax. We can also add the extension of most of the expiring provisions, and, it can be paid for.

Alan Greenspan recognized that the 1991–92 recession was different. In his opinion the one unique factor threatening an economic recovery this year is the serious downward spiral in real estate values.

His concern is well-founded. When the economy started to pick up last spring, the real estate sector, in general, was weak. Homebuilding did not begin to recover with the rest of the economy; it stayed weak. Consequently, it can be said that the fragile real estate sector held the economy back from recovery in early 1991.

The High Value Economic Growth Act focuses on this weak sector of the economy. The focus is not just for real

estate's sake, it is for the entire economy's sake. There is a direct, but not so obvious relationship, between the strength of our real estate market and the strength of our financial institutions.

A decline in real estate values causes balance sheet problems for financial institutions. As real estate values have fallen, regulators have required banks to write down or write off many real estate loans. Financial institutions have been required to increase loan loss reserves. This has contributed to the credit crunch.

The resulting tight credit has hurt small businesses because banks don't have the money to lend because of the high reserve requirements required for their real estate loan portfolio. These small businesses have to do without the loans they need to expand. These small firms doing without are the same firms that generate most of the new jobs in our economy.

The High Value Economic Growth Act would help strengthen the real estate market. A stronger real estate market will improve the condition of our financial institutions, enhance credit availability for other small businesses, ease State and local budgets, and improve the overall economy.

There aren't many working days left in the 102d Congress. The President asked us at the beginning of the session in his State of the Union Address to enact a package of short-term investment provisions with the aim of increasing the Nation's good, encouraging economic growth and jobs. He asked us to do what is right and what will work.

We could have been on the road to a stronger recovery months ago. More people would be working. More homes would be sold and under construction. More new cars would have been purchased. We didn't act then, we should act now.

If we enact the High Value Economic Growth Act which is a short-term package the American public would say, "For once Congress came through."

Obviously, we have left out of this package the capital gains, so we have essentially assets of provisions that it seems everybody supports. Our best estimate is that it would add between 1 million and 1.2 million jobs for Americans. We could add to that, because such is working its way either through the Senate or the House, we could add the provisions for the enterprise zones. We could add the extension of the relevant extenders. Everybody understands those. Many of those are thought to be economically advantageous for our country: research and experimentation tax credit, a health insurance for the self-employed, the targeted jobs tax credits, mortgage revenue bonds, and others that are thought to be very important.

That package, in its entirety, with the ones that I mentioned that are part of the Domenici-Specter bill, will cost the Treasury $20.3 billion over 5 years. I include those in a list to show what we could do. In addition, I show how we would pay for them. It gets easier to pay for because we are about $10 billion less on the revenue negative side, because capital gains is out.

Obviously, I am in favor of capital gains, but I am also in favor of doing what we can now to add to the job base in this country to create good, solid jobs. I do not think we have to do that by spending money for projects if, indeed, we can put money in the hands of our people by sensitizing the Tax Code or the like and cause jobs to be created in a much more dispersed area than if we spent public money for Government programs.

So it seems to this Senator that the time has come for the President to join with Democrats and Republicans to pass a package like this. Essentially, it would add to the enterprise zones that everybody thinks we should do, or substantial numbers, in both Houses. It would add to that the extenders that are relevant to sustain economic growth and, in addition, it would take all of those actions that the Senate took when we passed the jobs bill but we included in that capital gains and then the Senate and the House included tax increases.

We leave those two out and we have a very good short-term package of job-creating measures. My best estimate is—and those of experts—that this would create in the short term more than one million new jobs.

I believe the time has come to do something like this. I urge the President to advocate something like this. I urge Democrats and Republicans here to adopt something like this. The American people want us to take positive action, and this indeed is positive. It is productive. It will cause significant new jobs on the American economic scene.

I ask unanimous consent that a table relating to this subject be printed in the RECORD.

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

REVISED HIGH VALUE ECONOMIC GROWTH ACT—FISCAL YEARS 1992–97

[In billions of dollars]

| | 1992 | 1992–97 |
|---|---|---|
| Short-term growth proposals: | | |
| 15 percent investment tax allowance (effective Feb. 1, 1993) | ..... | −2.3 |
| Simplify and enhance AMT depreciation (H.R. 11) | (1) | −1.4 |
| Passive loss relief (H.R. 11) | −.1 | −2.5 |
| $5000 first time homebuyers credit (effective Feb. 1, 1993) | ..... | −6.1 |
| Penalty-free IRA w/d for 1st time homebuyers (effective Feb. 1, 1993) | ..... | −.6 |
| Facilitate real estate investment by pension funds (H.R. 11) | (1) | −.3 |
| Enterprise zone/urban—rural distressed areas (H.R. 11): | | |
| Create 50 enterprise zones | ..... | −2.5 |

REVISED HIGH VALUE ECONOMIC GROWTH ACT—FISCAL YEARS 1992–97—Continued

[In billions of dollars]

| | 1992 | 1992–97 |
|---|---|---|
| Additional assistance for tax enterprise zones | ..... | −.5 |
| Extension of expiring provisions for 18 months: | | |
| Research and experimentation tax credit | −.2 | −1.7 |
| Health insurance for self-employed | −.1 | −.6 |
| Targeted jobs tax credit | (1) | −.6 |
| Mortgage revenue bonds and credit certificates | (1) | −.4 |
| Qualified small-issue bonds | (1) | −.2 |
| Repeal luxury excise tax on airplanes, jewelry, furs, and boats, index automobile luxury excise tax | (1) | −.5 |
| Subtotal, revenue losers | −.4 | −20.3 |
| Offset options: | | |
| IRS 45-day processing rule | ..... | .3 |
| Eliminate CSRS lump-sum | ..... | 5.0 |
| Patent and trademark surcharges | ..... | .2 |
| Customs user fees | ..... | 1.5 |
| VA housing reforms | ..... | .8 |
| FEHB reforms | ..... | .4 |
| Extend depreciation period for certain real estate | (1) | 3.1 |
| Mark-to-market for securities dealers | .1 | 2.7 |
| Taxable years of partnerships | ..... | .2 |
| Tax treatment of certain FSLIC financial assistance | .2 | .4 |
| Corporation estimated tax, modify and extend permanently | ..... | 3.2 |
| Tax precontribution gain on partnership redemptions | (1) | .2 |
| Extend 53 percent and 55 percent estate tax rate on large estates thru 1997 | ..... | 1.4 |
| Reporting for seller-financed mortgages | (1) | .6 |
| Increase excise tax on certain ozone-depleting chemicals (on top of increase in energy bill) | ..... | .3 |
| Repeal diesel fuel tax exemption for motorboats | ..... | .1 |
| Subtotal, possible offsets | .4 | 20.3 |
| Deficit impact | 0 | 0 |

[1] Gain or loss of less than $50 million.

Mr. DOMENICI. I thank the Chair and I thank the Senate.

I yield the floor.

## INTERSTATE TRANSPORTATION OF MUNICIPAL WASTE ACT OF 1992

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Is there further debate on the D'Amato amendment?

Mr. BAUCUS. Mr. President, I think we have an agreed modification to the D'Amato amendment.

I wonder if the Senator has yet written that modification.

Mr. D'AMATO. Mr. President, I am going to ask my amendment be modified. I will sent it to the desk.

Basically the amendment will say that, "to the extent that it is consistent with the United States-Canadian Free-Trade Agreement and the General Agreement on Tariffs and Trade."

So that there will be no doubt that, if this indeed is consistent with that, this will give us the ability to have unrestricted garbage from out of the country from Canada fall into the same restrictions that we have here in the country.

May I ask that my other amendment be withdrawn and I will send this amendment to the desk and ask for its consideration.

I ask unanimous consent that the D'Amato amendment that is now pending be modified.

The PRESIDING OFFICER. The Senator has a right to modify the amendment. The amendment is so modified.

The amendment (No. 2737), as modified, is as follows:

On page 11, strike lines 3 and 4 and insert the following new paragraph:

"(3) With respect to a State, the term 'out-of-State municipal waste' means municipal waste generated outside of the State. The term shall include municipal waste generated outside of the United States to the extent that it is consistent with the United States-Canadian Free-Trade Agreement and the General Agreement on Tariffs and Trade.".

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. CHAFEE. I think we just want to make sure exactly what the amendment says and what we are doing here.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

On page 11, strike lines 3 and 4 and insert the following new paragraph:

"(3) With respect to a State, the term 'out-of-State municipal waste' means municipal waste generated outside of the State. The term shall include municipal waste generated outside of the United States to the extent that it is consistent with the United States-Canadian Free-Trade Agreement and the General Agreement on Tariffs and Trade.".

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. BAUCUS. Might I suggest a further modification: "To the extent that it is consistent 'with' the North American Free-Trade Agreement and GATT."

The PRESIDING OFFICER. Does the Senator from New York modify his amendment?

Mr. D'AMATO. Yes.

Mr. CHAFEE. It would be the United States-Canadian Free-Trade Agreement, not the North America Free-Trade Agreement.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. D'AMATO. Mr. President, on behalf of Senator MOYNIHAN and myself, I would like to first withdraw our initial amendment, and send another amendment to the desk that has been modified. And I believe the managers of the bill are prepared to accept it.

The PRESIDING OFFICER. Amendment 2737, as modified, is withdrawn.

The amendment (No. 2737), as modified, was withdrawn.

AMENDMENT NO. 2738

(Purpose: To modify the definition of out-of-State municipal waste)

Mr. D'AMATO. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

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The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. D'AMATO], for himself and Mr. MOYNIHAN, proposes an amendment numbered 2738.

Mr. D'AMATO. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 11, strike lines 3 and 4 and insert the following new paragraph:

"(3) With respect to a State, the term 'out-of-State municipal waste' means municipal waste generated outside of the State to the extent that it is consistent with the United States-Canada Free-Trade Agreement and the General Agreement on Tariffs and Trade, the term shall include municipal waste generated outside of the United States.".

Mr. D'AMATO. Mr. President, I thank both managers of the bill for their input. I believe we can now deal with the question of waste generated outside of the country fairly, and their suggestions are most appropriate. I thank them for having worked to make this acceptable. I hope it will deal with the problem which my State and other States will be confronting and have been confronting, which is trash coming in from outside the territories of the United States.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I think the amendment as modified strikes a fair balance between the goals we are attempting to accomplish.

On the one hand, we like States to be able to treat out-of-State and out-of-country solid waste in the same way. On the other hand, we do not want to pass legislation here that is going to violate the United States-Canada Free-Trade Agreement. The actions here, if they have the effect of discriminating against waste from another country, do have that effect. The modification strikes that balance by providing out-of-country waste will be treated the same as out-of-State waste, only to the extent it does not violate the terms of the United States-Canadian Free-Trade Agreement or GATT.

I think it is a good modification. I wholeheartedly suport it.

Mr. CHAFEE. Mr. President, I commend the Senator from New York. I think he has done an excellent job on this, and was very helpful in agreeing to rectify the problems we were confronted with, namely the problems arising under the United States-Canada Free-Trade Agreement and the General Agreement on Tariffs and Trade.

So I think the Senator has accomplished his goal very successfully, and I want to congratulate him on one more victory he has achieved.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 2738) was agreed to.

Mr. D'AMATO. Mr. President, I move to reconsider the vote.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. D'AMATO. Mr. President, if I might, I would thank the distinguished Senator from Montana, my colleague, for his help; and I thank Senator CHAFEE from Rhode Island for coming up with a thoughtful way to deal with what otherwise might have been a problem.

I thank my colleagues, and I also thank the senior Senator from New York [Mr. MOYNIHAN] for cosponsoring this legislation.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

AMENDMENT NO. 2739

(Purpose: To grant the Governor of a State the authority to prohibit, limit, or impose a differential fee on, the disposal of out-of-State municipal waste)

Mr. REID. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID], for himself, Mr. DASCHLE, Mr. CONRAD, and Mr. BRYAN, proposes an amendment numbered 2739.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

Beginning on page 2, strike line 1 and all that follows through page 13, line 7, and insert the following new section:

**SEC. 2. INTERSTATE TRANSPORTATION OF MUNICIPAL SOLID WASTE.**

(a) IN GENERAL.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) is amended by adding at the end the following new section:

**"SEC. 4011. INTERSTATE TRANSPORTATION OF MUNICIPAL SOLID WASTE.**

"(a) OUT-OF-STATE MUNICIPAL WASTE DEFINED.—For the purposes of this section, with respect to a State, the term 'out-of-State municipal waste' means municipal waste generated in another State.

"(b) AUTHORITY OF GOVERNOR.—

"(1) IN GENERAL.—Subject to the conditions of paragraph (2), the Governor of a State may prohibit, limit, or impose a differential fee on, the disposal of out-of-State municipal waste in any landfill or incinerator that is subject to the jurisdiction of the Governor.

"(2) CONDITIONS.—In carrying out an action under paragraph (1), the Governor shall—

"(A) carry out the action in accordance with guidelines that the Governor, in consultation with local governments of the State, shall establish to ensure that the authority under paragraph (1) is exercised in a manner that does not discriminate against any particular geographic area of the State; and

"(B) ensure that the action is not taken in a manner that discriminates against the disposal of out-of-State municipal waste on the basis of State of origin.

"(3) APPLICABILITY.—This subsection shall apply with respect to the disposal of out-of-State municipal waste on or after January 1, 1995.

"(c) EXEMPTION.—Nothing in this section shall be construed so as to prohibit a State that had in effect a State plan on May 31, 1992, that was approved by the Administrator not later than June 1, 1982, from carrying out the requirements of the State plan that relates to the disposal of out-of-State municipal waste. Notwithstanding any other provision of this section, the Governor of each State described in the preceding sentence may restrict the disposal of out-of-State municipal waste in any landfill or incinerator subject to the requirements of the State plan in the manner prescribed in the State plan.".

(b) TECHNICAL AMENDMENT.—The table of contents of the Solid Waste Disposal Act is amended by adding after the item relating to section 4010 the following new item:

"Sec. 4011. Interstate transportation of municipal solid waste.".

Mr. MITCHELL. Mr. President, I wonder if the Senator will yield to me for a moment to propose a unanimous-consent request?

Mr. REID. I am happy to yield to the majority leader.

## UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. I thank the Senator.

Mr. President, under a prior order printed at page 2 of today's calendar, I have the authority to determine the time on which a cloture vote will be held on the motion to proceed to the energy bill, following consultation with the Republican leader, the time under the order to be during today.

I have consulted with the chairman of the Energy Committee, I have consulted with the distinguished Republican leader, and with the manager of the bill. It is my conclusion that all interests would be served if the cloture vote on energy were held tomorrow, which would give the managers the opportunity to complete action on this bill during the day tomorrow.

Accordingly, following that consultation with the Republican leader, the manager, and the chairman of the Energy Committee, I now ask unanimous consent that a cloture vote on the motion to proceed to H.R. 776, the energy bill, occur on Thursday, July 23, 1992, at a time to be determined by the majority leader after consultation with the Republican leader, provided that the mandatory live quorum required under rule XXII be waived.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. No objection.

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

Mr. MITCHELL. Mr. President, I thank my colleagues. That will permit two things to occur. First, it will give an opportunity to complete action on this bill, on which so much effort and time has already been expended. And I commend the managers for their diligence in this regard.

It will also permit ongoing discussions with respect to the energy bill to continue with the possibility that they will be resolved—or the issues there will be resolved—during the day tomorrow.

So I will tomorrow consult again with the distinguished Republican leader, and at sometime during the day I will announce a decision with respect to the cloture vote on the energy bill.

I thank my colleagues for their cooperation.

Yes?

Mr. DOLE. The leader may be about to say it, but will there be one additional vote this evening?

## ORDER OF PROCEDURE

Mr. MITCHELL. Yes. I was about to say it is my understanding that Senator REID either has just offered or is about to offer an amendment which will be contested by the managers, and which will require a vote.

What I suggest is that we go ahead and complete action on that. I understand that will take approximately an hour for consideration—if I am wrong, I stand corrected—that we would have a vote on that, and then conclude our business for the day and return tomorrow, with the Senate back, resuming consideration of this bill in the hopes we can complete action on this bill during the day tomorrow, and then have the cloture vote on the energy bill.

Mr. REID. Mr. Leader, if you will yield?

Mr. MITCHELL. Yes.

Mr. REID. As to the time, I cannot give any assurance that is the case. There are a number of cosponsors of this amendment. They all have indicated they want to speak. I do not know how much time the managers will take in opposing the amendment. We will move through it as fast as we can, but I cannot make that commitment.

Mr. MITCHELL. I appreciate the remarks of my colleagues.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada has the floor.

## INTERSTATE TRANSPORTATION OF MUNICIPAL WASTE ACT OF 1992

The Senate continued with the consideration of the bill.

Mr. REID. Mr. President, for myself, Senator DASCHLE, Senator CONRAD and Senator BRYAN we offer this amendment, No. 2739, to the Interstate Transportation of Municipal Waste Act, because I think it is important that we have this discussion.

I commend the efforts of Senator BAUCUS, who has addressed this difficult issue, now, for several days here before the Senate. I know he has worked long, hard hours to reach a compromise generally on this waste issue.

This is a divisive issue that has grown in complexity over the years, and threatens relationships between States throughout this country.

I am, though, Mr. President, happy to see that Congress is coming to grips with this problem, in working forward a solution that will meet the needs of the many State interests that are involved.

This is one of those issues, as difficult as it is, that we must address. This deals with garbage.

Senators BAUCUS and COATS have worked and have developed a bill which tries to give States more control over importation of what we refer to as municipal waste. While this legislation is a step in the right direction, it is my opinion that it simply does not go far enough. S. 2877 allows Governors to limit waste imports only—and I repeat, only—on the request of local governments or planning units.

But what States really need are Governors who can control waste imports to meet the needs of the State without limitations or without requests by local governments.

I think we can examine and view in our own individual States what would happen if a Governor did not have control to determine an overall plan where garbage can come in. In fact, it would be whatever plans were developed would be thrown out of kilter by virtue of some small local government. It could be an entity of 10 people, 100 people, or 2,000 people that could throw the whole State out of balance.

Until now, there has been a clear imbalance of State responsibility versus State control of waste disposal practices. States are fully responsible for waste planning but do not have control over the waste disposal programs of local governments. This imbalance toward local authority to accept out-of-State waste creates a number of problems. It severely undermines State and regional planning efforts by encouraging local jurisdictions to act independently. This local siting of waste disposal facilities ignores multijurisdictional efforts, and certainly it ignores multijurisdictional effects such as transportation corridors for hauling waste and migration effects of waste into soil and groundwater.

Furthermore, Mr. President, it leads to exploitation of poor, rural, and economically depressed areas with disproportionately high displacement of waste facilities. In effect, what I am saying is some local government which is not fortunate enough to have natural resources or some other employment base must look for ways of creating employment, creating income in their jurisdiction by doing a number of things, including hauling garbage, allowing garbage to be hauled into their areas.

This problem, Mr. President, is especially acute in the large Western States with many undeveloped rural areas where there is little opportunity for economic development but wide open spaces. Unlike many of the Eastern States where local communities actively seek to avoid waste placement facilities, in the Western States we have the opposite problem. Our undeveloped rural communities are too easily lured into accepting sites for imported waste disposal with too little regard for the long-term effects and the consequences for the rest of the State. Local governments take the economic gain of importing waste but leave the infrastructure costs of roads and environmental mitigation for State and neighboring communities to deal with.

Enough cannot be said about this, Mr. President. Local governments do not manage, control, or build the roads generally. This is a State transportation function. But yet what would happen if, in the center of a State, some local government decides they would accept unlimited amounts of solid waste of garbage? The infrastructure of that State is the one that is affected.

Situations like this, I do not believe, Mr. President, should be acceptable. Recognizing these problems, several States have attempted to limit their waste imports only to have the courts strike down the limitations or fees, based on the interstate commerce clause. It is time for Congress to address this issue and allow the States to take control of their imported waste program or programs. To correct this imbalance of State responsibility versus State control over waste programs, the States must be given more authority to control solid waste imports. I believe this authority should rest with the Governor in each of the 50 States, who can act in the best interests of the whole State. The Governor should have authority and decisionmaking on waste management plans, including importation of waste, without being forced to wait for a request from a local government in order to say no to waste importation.

By giving, Mr. President, the Governor authority over waste import limits, States can then properly plan their waste programs, giving due consideration to all the factors involved, such as economics, liability concerns, management costs, transport corridors, and protection of human health and environment. This approach would provide a more balanced and well-planned waste management system than the one called for in the legislation that is now before the Senate, which restricts the Governor's authority to cases where local governments request limitations.

I ask all Senators and all staff members who may be watching this proceeding today to understand this simple amendment. Basically, what we are saying is that local governments should not determine what garbage is brought into a State, but yet the Governor of the State should have that. Every Senator who votes against this amendment is going to rue the day when their State is, in effect, ruined by some local government saying, "We will take whatever garbage you want to bring." In effect, that is what voting against this amendment would mean.

I respectfully suggest to my friends in local governments that, too often, they look for short-term economic gain without due regard to the long-term consequences of these waste imports, such as waste migration, incineration construction implication, and landfill capacity issues.

Furthermore, a system of State control over waste imports would provide more incentive for States to better manage their own waste through reduction and recycling rather than simply transferring their waste problems to neighboring States.

I also suggest that this amendment also has interstate implications because what is done in one State can affect another State. If, in effect, a State on the border of another State decided to take some type of garbage through water migration, through other ways of moving garbage, and moves it over the State line, the arbitrary borders we have established as State lines would not, in effect, stop a migration of these wastes.

How can we expect States to make the hard choices necessary in managing their own waste when they can so easily ship their garbage to another State sometimes for only $5 per ton or less? The amendment that has been offered will not shut down all interstate waste shipments. The complex of interstate shipments will continue to operate, but the system can evolve into one based on the economic and environmental needs of each State according to their own unique situations. If it is worthwhile for a State to import or export garbage either for logistical, financial, or environmental reasons, they will continue to do so, but they will do so as partners in the system. They will no longer be forced into accepting out-of-State waste by their local community waste facility.

I believe the Governor of each State should have the authority to manage their waste plans in the manner most efficient, appropriate, and protective for their own citizens. This means allowing the Governor, the administrator, the chief executive of each State to control imports of out-of-State garbage as deemed necessary to meet their State planning goals. This is precisely what this amendment does. This amendment allows Governors to prohibit, limit, or impose differential fees on out-of-State waste according to the needs in each State, effective, though, Mr. President—and this is important for everyone, again, listening to the debate on this amendment—effective as of 1995. In addition, it gives the Governor of any State with pre-1982 EPA-approved solid waste plans the authority to continue with those solid waste plans already in place. These two provisions are extremely important. This would not become effective until 1995 and, also, it gives the Governor of any State that has already gone through the EPA standards, that if it is a pre-1982 EPA-approved solid waste plan, it gives the Governor the authority, or those programs the authority, to continue with those solid waste plans already in place.

This provision, Mr. President, addresses the problem of counties which want to prohibit importation of waste from other counties within their own State. This is the authority that States want and this is the authority Congress should give these States. States overwhelmingly support more authority for State control.

Keep in mind what we really are doing if this amendment is not adopted. We are saying we have a solid waste bill, but, in effect, we are doing absolutely nothing to help the overall management of waste in the States. The Governor is hamstrung. The Governor would have little authority. The only authority he would have is, if he is called upon by a local government, to stop waste from coming in. This is the authority that States want and this is what Congress should give them. States overwhelmingly support more authority for State control.

This amendment is supported both by the National Governors Association and by the National Conference of State Legislators from our States, all 50 States. The National Governors Association is composed of Governors from all over this Union. Their association approves this amendment, as does the Association of State Legislators, as stated, Mr. President, in a letter from the National Governors' Association, dated July 17, of this year:

> S. 2877 stops short of giving the States the tools needed to respond adequately to the interstate waste problem.

Mr. President, I ask unanimous consent that this letter dated July 20 directed to me by the National Conference of State Legislatures, signed by Senator Patrick Deluhery, from the Iowa State Legislature, and a letter dated July 17 from the National Governors' Association be printed in the RECORD.

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

NATIONAL GOVERNORS' ASSOCIATION,
*Washington, DC, July 17, 1992.*

Hon. HARRY REID,
*U.S. Senate, Hart Senate Office Building, Washington, DC.*

DEAR SENATOR REID: We are writing to you about S. 2877, the interstate waste bill intro-

duced by Senators Max Baucus and Dan Coats. This bill addresses interstate transportation of municipal solid waste and its disposal in unwilling states and communities, one of the most pressing problems facing state environmental managers.

The nation's Governors have agreed that state self-sufficiency in the management of municipal solid waste is the best long-term solution to this problem. We also agree that differential fees and limited bans to protect and ensure optimal use of state capacity offer the best way to encourage states to take responsibility for their own waste, while avoiding short-term disruption of interstate waste markets. In our view, S. 2877 is an important step forward in empowering states and communities to deal with interstate waste, but stops short of giving states the tools needed to respond adequately to this problem.

We suggest the following improvements:

Provide Governors Direct Authority to Protect Wider State Interests. We recognize the important and legitimate interests of local governments in the issue of waste importation. This bill, however, must also give Governors direct authority to represent the numerous state interest and responsibilities that lie beyond those of a single local government.

States are responsible for coordinating state-wide solid waste management plans including long-range disposal capacity planning and source reduction and recycling efforts. We also have a stake in the effect on transportation patterns, the disposal facilities on the state's economic, political, and ecological environment, potential near and long-term environmental liabilities of a facility, and the state's overall economic development philosophy and image.

The bill, as written, provides no direct authority, even to the four largest importing states, to protect state interests at facilities that did not receive waste in 1991 and at future facilities. States would not be able to protect in-state capacity needs or limit the development of capacity that far exceeds states needs and is used primarily for waste imports.

Because there may be an economic incentive for a community to accept waste from outside the state rather than waste from a neighboring community, more communities may be hurt than helped by a system that does not encourage the coordination of capacity needs. These conflicts can be averted by allowing states to ban waste imports that would conflict with in-state capacity needs. In addition, states should be permitted to set limits on waste imports so that facilities handle primarily in-state waste. These limits could be expressed as a ratio of in-state to out-of-state waste handled at each facility, unless a waiver is granted.

Authorize states to impose a fee on waste imports that will compensate the importing state for the costs of state oversight of facilities as well as for long term liability costs. Unfairly, citizens of importing states end up subsidizing the costs of state programs to carry out these responsibilities for waste generated outside the state.

Authorize all states to freeze waste imports at 1991 or 1992 levels at facilities that received waste in 1991, upon the Governor's initiative. As written, the bill allows only four states currently importing more than one million tons per year of out-of-state waste to exercise such authority.

Delete the loss of authority section. This provision requires that all operating landfill cells in the state meet the 1993 federal design and location standards by 1997 or be on a closure schedule for the year 2000. If a facility fails to meet this test, the Governor of the state in which the facility is located loses all interstate waste authorities. This provision is illogical from an environmental standpoint because it requires that if one landfill cell in the state is not meeting design and location standards then the floodgates must open to out-of-state waste. This inappropriately places the burdeon on the importing rather than exporting states.

Unlike the bill, the federal landfill rule makes no reference to operating landfill cells. It sets standards for the landfill as a whole based on whether it is an existing or new facility. If the effect of this ambiguity is that the more stringent standards for new facilities will be applied to all operating landfill cells, even if they are part of an existing facility (one that was receiving waste in 1993), a Governor would be forced to decide between shutting down an environmentally-sound facility that a community may depend upon or losing all interstate waste authority. The bill also does not recognize that states will be permitted flexibility under the rule for design standards if the state has an approved permit program.

Allow either the affected local government or the local waste management planning unit, if one exists, to request a freeze or ban. The bill requires that both entities initiate the request.

State governments are implementing a wide variety of progressive solid waste programs. Interstate waste transport, along with market development for recycled materials, are areas where we need assistance from Congress. While we have raised serious reservations about this bill, S. 2877, with the above changes, would provide a predictable means of reducing waste flows, encourage waste reduction and recycling efforts in both importing and exporting states, and contribute to better capacity planning efforts.

Sincerely,

GOV. GEORGE A. SINNER,
*Chairman, Committee on Energy and Environment.*

GOV. NORMAN H. BANGERTER,
*Vice Chairman, Committee on Energy and Environment.*

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NATIONAL CONFERENCE OF STATE LEGISLATURES,
*Washington, DC, July 20, 1992.*

Hon. HARRY M. REID,
*U.S. Senate, Washington, DC.*

DEAR SENATOR REID: The National Conference of State Legislatures (NCSL) supports the Senate's willingness to move ahead solely on the matter of solid waste transport. S. 2877, the Interstate Transportation of Municipal Waste Act of 1992, represents an encouraging starting point for resolving interstate solid waste transport questions that the U.S. Supreme Court has clearly determined can be resolved by Congress. NCSL believes, however, that a comprehensive reauthorization and expansion of the Resource Conservation and Recovery Act continues to be essential to the long term management of solid waste. We remain willing to work with the Senate in drafting such legislation once the interstate transport question is resolved.

S. 2877 offers state and local governments some of the tools necessary for controlling the movement of solid waste, and planning for its disposal. NCSL firmly believes that there is definite linkage between state solid waste management planning, its implementation, and disposal of imported waste. Because S. 2877 does not address state planning activities as has other omnibus RCRA legislation, NCSL suggests that S. 2877 be amended to include the following ideas:

1. States, through their Governors, should be authorized to manage out-of-state waste (in Section 4011(a)(1)(A)) in addition to responding to local government requests to accomplish the same.

2. States should be authorized to impose up to a $3 per ton fee to cover justifiable costs of accepting out-of-state waste.

3. In lieu of the Governors' being unable to directly control out-of-state waste, NCSL urges that the one million ton threshold in Section 4011(a)(2)(d)(2) be lowered to give states broader flexibility to manage out-of-state waste.

4. Section 4011(c) should be deleted in order to eliminate the possibility that a single landfill cell could coopt state authority to manage the disposal of out-of-state waste. It is inappropriate public policy for a federal determination of incompliance regarding one landfill cell in a state to jeopardize the ability of the Governor to manage the importation of out-of-state waste.

The addition of these amendments would strengthen S. 2877, ameliorate our concerns regarding the interstate issue, and solidify our support for this legislation.

Sincerely,

Senator PATRICK J. DELUHERY,
*Iowa State Legislature,*
*Chair, NCSL Environment Committee.*

Mr. REID. These two letters from the National Association of State Legislatures and the Governors' Conference state their support for full authority to their Governors for managing State waste programs. This amendment submitted by me and Senators DASCHLE, CONRAD, and BRYAN gives the Governors the authority to regulate waste import as best suits his or her State. It does not grandfather facilities, set timetables for compliance with Federal standards, or treat States differently depending on how much waste they import. All it says is a State can manage out-of-State waste as it sees fit.

The Interstate Transportation of Municipal Waste Act of 1992 is a well-intentioned bill that simply does not go far enough in meeting State needs for authority over their own waste management. It only addresses the problems of a few Eastern States while doing nothing for the problems of most of this country. I urge Senators who care about giving States the real power over waste management that they need and want to vote for this amendment.

Mr. DASCHLE. Mr. President, the distinguished Senator from Nevada has laid out the case for the amendment very well. I applaud him for his leadership in offering the amendment and certainly for the way in which he has described the purpose of the amendment to all of our colleagues.

Let me also reiterate something he said early in his remarks. The managers of this bill have done a remarkable job in dealing with a contentious and extraordinarily controversial issue, and I applaud them for their leadership and their effort to bring us to this point in the debate.

The purpose of our amendment, as the distinguished Senator from Nevada said so well, is really to provide a simple authority for States to manage out-of-State waste as they have need. Nevada may be different than South Dakota. South Dakota may be different than North Dakota. Our States would be different than Montana or Indiana. And the differences clearly reflect the need for some leadership at the State level to consider all of the ramifications that the State is facing in discussing and ultimately making a determination about an issue of this consequence.

They could prohibit out-of-State waste imports. They could limit them or they could charge fees. They would have a range of options. But, indeed, they would have options, options that they are not given in the bill today as it currently is proposed.

As the Senator said, the amendment does not grandfather facilities; it does not set timetables for compliance with Federal standards; it does not treat States differently. Depending on how much waste they import now or in the future. All it does is say States can manage out-of-State waste as they may require.

This is the authority States have indicated they need, as is indicated by both the letters from the legislators as well as the Governors' association. That is what Congress ought to give them as we consider an issue of this magnitude for all States affected.

The compromise version that has been worked out with diligence all afternoon is flawed for several reasons. First and foremost, it only addresses one aspect of the waste imports debate, namely situations where out-of-State waste is flooding local landfills. This is an issue to be sure, but it is not the only issue. And that is the reason those of us offering this amendment felt the need to come to the floor to attempt to improve it.

In States like the Dakotas, that is not the problem. In our States waste companies target small, poor towns or reservations and make them offers they believe they cannot refuse. These areas may have 1,000 people, 500 people, they may have 10 or 20 people. The economic rewards offered them may be extraordinarily handsome. But they are not the only ones that would be affected by a massive interstate waste dump.

Neighboring towns would have serious concerns about direct or indirect environment effects. The transportation infrastructure may be seriously attacked by waste caravans.

Questions will necessarily arise regarding who would pay for the new costs. It will not be the host town; it will be the local county, and I can guarantee you it is going to be the State.

Questions will also arise concerning the State's responsibilities for preparing and overseeing comprehensive waste management plans. And Governors ask how a State is supposed to plan for waste disposal, source reduction, and recycling when the next day a town can announce a multimillion-ton waste project, completely changing the entire waste management picture for the State.

Picture it. A State legislature works for perhaps years coming to grips with problems that they have in dealing with a comprehensive waste management plan. They pass a law. The next week or the next month a local community of maybe 10 or 20 people announces that it has a $100-million contract with an out-of-State waste company that completely destroys whatever effort had been made to put the fragile compromise together affecting waste management throughout the whole State, not just that local community.

That is what we are up against in South Dakota and have been for several years. Frankly, that is what is happening more and more in many of the Western States today.

The ability to manage interstate waste will help States comply with their environment needs. Almost every State in the Nation is currently struggling to meet EPA mandates on landfills. EPA has told communities to bring landfills into compliance or to shut them down. But as with so many Federal mandates, no resources have been provided to comply with the mandates.

Our amendment would provide the ability to charge fees on out-of-State waste and this could provide a revenue source to allow States to come into compliance with EPA regulations.

If we do not give the Governors the latitude to deal with waste the way they want, national objectives will also be undermined.

First, what incentive is there for any metropolitan area to make the hard choices necessary regarding waste reduction and recycling when they can ship their garbage to another State for $5 a ton.

Second, without broad State discretion, the States have no leverage whatsoever to negotiate a fair deal with waste haulers or with other cities if the State does decide to accept out-of-State waste. In fact, under S. 2877, unless the local community complains, the State does not even have a say in the matter today.

There will be those who claim that this amendment was generated solely by parochial concerns and that it will effectively block all interstate movement of waste. This is a fallacious claim for one central reason: If it is worthwhile for a State to take out-of-State garbage either for logistical or financial reasons, they will do it; but they will do it as partners, as equals. They will not have deals rammed down their throats.

These are the reasons why the National Governors' Association opposes S. 2877 in its current form and these are the reasons, as stated by the distinguished Senator from Nevada, that State after State throughout the entire West has come to us and indicated their very grave concern with the way the legislation is worded today.

There are those who will argue that a Governor can block a project through his or her use of the permit process. A proposed out-of-State landfill can simply be denied a permit. We are told that our amendment, for that reason, is unnecessary. But the reason we are debating this bill is the Supreme Court clearly pointed out that States cannot discriminate against out-of-State garbage. If a Governor simply keeps denying permits to landfills because they will contain out-of-State waste, such denials are not likely to stand up in court. Moreover, many landfills are already permitted and would simply be expanded by adding out-of-State waste.

If Governors had the power that the question implies, we would not be here today.

Mr. President, in closing, the interstate waste bill had very noble intentions when it was first proposed and when it was first passed in the Senate 2 years ago. It gave the States the discretion that they need. For a lot of reasons we have backpedaled a long way since then. Now we have a bill that the waste companies support and that only addresses the problems of a few States.

For most of the Nation this bill does nothing if it becomes law. It statutorily guarantees that many States could become waste dumps for the Nation and there will be nothing they can do about it. If Senators really care about giving the States the powers that they need and want, they will want to vote for this amendment. If they want business as usual to continue, they will want to vote against our amendment and for the bill in its current form.

I yield the floor.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. I thank the Chair.

Mr. President, first I want to salute my colleague, Senator REID of Nevada, for his leadership on this issue, and also my colleague from South Dakota, Senator DASCHLE, because this is an important amendment.

Mr. President, I hope that Senators who are listening in will pay attention to this debate. It is an important debate.

What is it about? Mr. President, the trash is coming. That is what this amendment is about. The trash is coming. It is coming to your State, and the question is do you want your Governor to be able to stop it if it is not in your State's interest? That is what this amendment is about. Make no mistake about it.

For Senators who were listening to the earlier debate, you may believe after listening to that debate that the Governor could stop new contracts. That sounds good. That sounds like it makes sense. But do you know what? It is not true. The Governor could not stop new contracts unless he got the concurrence of the local community or local planning district that entered into the contract.

Think of it, Mr. President. Think of it, colleagues who are listening in. A little town hard-pressed economically, has the trash merchant come to call because now the big volume States have protected themselves in the legislation that is before us. And the trash merchants all of a sudden start looking around the country. Where are we going to dump this stuff? We can go to a little town someplace that is in economic trouble. We can go to that town and we can make a sweetheart deal, and we can enter into a contract and nobody can stop it.

Mr. SYMMS. Will the Senator yield for a question?

Mr. CONRAD. I do not want to yield at this point.

Mr. SYMMS. I would like to ask a question.

Mr. CONRAD. I would like to finish my statement, and then I would be happy to yield.

Mr. President, in my State, we have 368 incorporated towns; 111, 30 percent, are under 100 people. Mr. President, 45 are under 50 people, 4 towns are under 10 people. It does not take any great imagination to figure out that the trash merchants after being limited by Indiana, they have been taken care of here; or Ohio, they have been taken care of here; or Pennsylvania, they have been taken care of here. The rest of us have not. The trash merchants identify some vulnerable small town and go and make a sweetheart deal, and all of a sudden the trucks start rolling, truck after truck of trash, truck after truck putting pressure on the highway system, truck after truck putting pressure on the taxpayers of your State.

"Mr. Senator, you did not stand up to allow your Governor to determine what was in the State's interest. You allowed a situation to develop in which a town of 10 people can make a decision that affects a whole State." I think not, Mr. President. I cannot believe that my colleagues would buy a legislative package that would allow a city of 10 people, a town of 10 people to make a decision that would impact surrounding communities, a whole region of a State, and not allow the Governor to interpose the State's interest.

Mr. President, I hope my colleagues and their staffs were listening, and understand what is at stake. The trash is coming. The trash is on the move. Those few States that have been protected here, fine. We understand their need. But we also understand what comes next. We understand those that pedal the trash once they are limited in Ohio, Indiana, Pennsylvania, they are going to look west, they will look south, and they will be on the move.

They will pick out those little towns that are vulnerable. They are going to make them offers they cannot refuse. And under this legislation that is before us now, the Governor is not going to be able to stop it. And the trash will roll.

Any Senator that does not vote for the Reid amendment, the Daschle amendment, the Conrad amendment, that is before us, is putting themselves in the position of being asked when that happens, where were you? Where were you when there was a chance to give your Governor the opportunity to stand up for the State's interest? That is what this amendment is all about, Mr. President. I hope none of us lose sight of that.

I think there may be other misunderstandings in listening to the earlier debate, because if you listen to it it sounded as though your State can be protected if the importation of trash increases over previous years. That is true if you have a certain volume of trash. Just a few States are affected by that position. The vast majority of States are not. We become the targets of the trash merchants, and with no ability to stop it.

Mr. President, this amendment should pass. The National Governors Association has gone on clear record on this issue. They say, please allow the Governors to review this so we can determine what is in the State's interest, not just some small community's interest.

As I say, Mr. President, in my State there are four incorporated towns of under 10 people. So you could have 6 people decide they want to enter into a big contract with a trash merchant, that impacts the surrounding community, impacts a region of the State, and the Governor cannot do anything about it.

Mr. President, that cannot be the outcome here, today. That cannot be the outcome.

So I ask my colleagues, I plead with them, to give careful consideration to this amendment, because if we are not successful here today we know what is going to happen. Nothing could be more clear. The big volume States get protected, the trash merchants look for new targets of opportunity, and we know where they are coming. They are coming to my State, they are coming to your State.

Do you want your Governor to be able to stand up and represent the State's interest, or do you want any vulnerable small town to be able to enter into an agreement and override the State interest?

I think the answer is very clear. I urge my colleagues to support the Reid amendment.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. SYMMS. Mr. President, I appreciate the enthusiasm and the zeal with which my colleague from North Dakota speaks, and it is a great States rights argument.

But I want to go back to what this Senator said on the floor yesterday. Madison predicted this would happen. What the Senator from North Dakota is really saying, Mr. President, is that we are going to deny the town of 10 people who may own this property and may comply with every single law, Federal and State law, to comply with solid waste disposal. Through this amendment, we are going to deny them an economic opportunity that they may see is good.

The Senator likes to talk about trash. Trash is a commodity that is transported, and it just happens that sometimes it is more efficient to go across a State line to dispose of it. I can tell you, I have already been called by my Governor's office today. He says he supports the Reid amendment. And mark my words, this is just the first step. What the Governor really wants is to be able to stop the transfer of other sensitive materials, namely nuclear materials.

Mr. President, I got into this debate yesterday because I felt it was important to discuss the configuration of the original 13 colonies and the document that was written to guide their future. James Madison and others had the wisdom and foresight to anticipate what the future might hold. That local and State politicians, if they are given this authority, might posture on this position because it will have great short-term popular appeal. However, they could also foresee that no long-term statesmanship would be realized, in relation to what might be the most efficient actions for the country as a whole. And that is why they did not grant States authority in their commerce clause. They reserved for Federal authority, the commerce clause so this country could enjoy the free flow of goods and services between and among the States. I made the point yesterday on the floor.

How many Senators here think that there would not be some States who would like to pass laws to keep certain commodities out of their State? The only reason they do not is because of the commerce clause of the Constitution.

So I say that in this Senator's opinion, I think the amendment as offered by Senator COATS is highly risky. We have already established on the floor here yesterday that it is the intent of the authors of the amendment to not let it expand to any other products or

any other classifications of materials. But I am here to tell you that if you let this tiger out of the tank, so to speak, or this camel's nose under the tent, we will regret this action. This is not, as I hear tonite a discussion about States' rights. I almost have to laugh. A lot of the same Senators who talk about States' rights on this issue, and the Governors who talk about States' rights, have a totally different view when it comes to States' rights in the use and disposition of land within their borders. I would use as an example the management of Federal lands.

Mr. President, this is a very, very serious issue. We are literally inviting a wide range of legislation. If this bill passes, I predict there will be more bills and more bills and more bills that will pass the Congress in the future, and I think a real effort has been made to tone down this bill to where it may be workable.

But if you pass the Reid amendment, which sounds good, and I know it is popular politics at home to give the Governors the authority, what you are doing is denying local people a potentially economic opportunity where they may have the most efficient, cleanest, and safest place, an ideal, natural place to permanently store municipal solid waste.

They may have that opportunity, and they may want to do that, and they can comply with every law and can demonstrate they will do no damage to the environment; but you light a political firestorm that cannot be stopped, so everybody who is running for office on a 30-second TV spot is going to claim they will stop it all at the borders.

That is great politics. They can stand at the border with the State police and stop the trucks, and maybe they will even get elected if they do that. But in terms of running an efficient country that believes in markets and freedom and lowest cost production and, yes, lowest cost of disposal, it just makes no sense to interfere with the free flow of commerce between the State lines.

That is why I again refer to my colleagues what it was that Madison had to say. I will quote:

> States which imported or exported products through other States have been forced to pay taxes or other forms of duty on other forms of transit, and such duties have weighed heavily on both manufacturing and consumers. All Americans, we may be assured that such a practice would be introduced by future contrivances.

Madison and others could see that the problem would arise. It is amazing in many ways that it has not happened sooner. Madison predicted some 200 years ago that we could reach this point.

Mr. President, he went on to say in his writing:

> We may be assured that such a practice would be introduced by future contrivances, and both by that and a common knowledge of human affairs, that it would nourish unceasing animosities and not improbably terminate serious interruptions of public tranquility. Thus, Congress granted the power to regulate interstate commerce in order to ensure the free flow of goods and protect against economic warfare among the States.

Mr. President, I grew up in the produce business in the Pacific Northwest. Our biggest market in California. It is a great State with a high level of population, and they use a lot of Idaho potatoes. But the California produce industry throughout history has always tried to protect themselves from competition—from Washington, Idaho and other States—that grow these products. If it were not for the commerce clause, it would not be a great market for those farmers in the Pacific Northwest. If the farmers in California could get the political muscle to stop you at the border, for one reason or another, they would. They could say that the product is contaminated and may be infested with some kind of pest or weed.

I would think that my colleagues who are familiar with how our friends in Japan use nontariff trade barriers can see how a situation like this can be set up between States. We are setting up a situation where State Governors will be able to interfere with the commerce in this country, and it is only the first step.

Mr. DASCHLE. If the Senator will yield, I can appreciate the point the Senator is making, and I respect him for it.

I, first of all, would emphasize, and ask if he would not agree, that the Governors have all kinds of opportunities to intercede with regard to communities and areas within their States right now.

But my real question goes to a point the Senator made early in his remarks, and that is, why should a Governor have the right to intercede when a community of maybe even 10 people, as I think the Senator said, is entering into a contract with a large out-of-State waste facility? What would the Senator advise those of us supporting this amendment to tell a community which may be next door, a community whose entire economy may be based on tourism or recreation?

Say they have a beautiful lake within 10 miles of this other community now in contract for a huge waste facility; what do you tell the other communities in the county which now are faced with a prospect of building new roads and maybe a rail spur in order to accommodate this small down; what do you do to those in the area, not directly affected, who have property values which will plummet as a result of a waste facility of this kind going in next door; what do you tell all of the communities which will be adversely affected, which will not have an opportunity to benefit directly from this contract entered into by a community of maybe 10 people?

Mr. SYMMS. Mr. President, here is what I would tell them. The Senator asked the right question. He poses a hypothetical question that is a very real question. I can give him a good illustration of this.

In my own State, the beautiful city of Coeur D'Alene, ID, we have the world's best—as reported by Travel magazine—destination resort on the lake, the Coeur D'Alene Resort. It is a beautiful, magnificent facility, with spectacular lake for recreation, with spectacular skiing nearby; and at a certain time of the year, the grass growers in that area that grow bluegrass seed need to, because of their agricultural practices, burn the fields. This smokes up the valley, and it is a disruption to the tourist industry. That is a classic example.

So it is a problem.

What I tell the Senator is that I question the advisability of giving the whips and guns of bigger, forceful government to the State. To intercede with a command and control economy is a mistake if local people in the community can work it out; concern for private property would be the cornerstone for that effort. We already have laws to make people comply to health standards, safety standards and environmental standards. If those people in that community cannot work that out, you are not necessarily going to make it any better by granting more authority to Governors so they can then popularize the issue or posture at the State line.

You are not going to make it any better than if you just let them try to work it out. That is what I would try to tell people. The best way to solve these problems is to let people in those areas work out those problems. The Senator from New Jersey comes from a State that I understand has a pretty high water table; is that not right? I see the Senator nodding in agreement. It may well be that it is much more difficult to store waste in New Jersey than it is in some other State that is nearby that may have a much lower water table.

What we are doing here is setting up a situation where maybe the safest place, the cleanest place, the most efficient place, and the cheapest place for the community to dispose of waste is eliminated. Would they not be better served by less interference of more government? Let's allow these people to work these problems out in compliance with the standard that we have agreed to. But we are setting a stage where it becomes a political issue and so, instead of being decided on the lowest cost and the safest place to handle it, it is decided by posturing politicians at the State line. I am telling my colleagues, if you do it on this issue more will follow. I have already told you, and I warn my colleagues, my State Governor's office is calling me. They

are for the Reid amendment, but not for what it has in it this time. They want to stop any nuclear material from coming into my State. It is a popular political position to take, but let's look at some recent history.

It just so happens that the Federal Government has spent billions and billions of dollars in my State to develop one of the finest facilities in the United States of America; the best equipped; staffed by the best people who are well trained to handle sensitive nuclear materials; to either process the waste for reuse or to process it for storage in a permanent repository.

If you put this in the hands of the Governors. I can tell my colleagues what you are setting up. You are setting up a situation where, because of popular press and media and emotionalism, they are going to be saying "Stop the trucks; we do not want them crossing the State line."

I think it would be a big mistake, a big mistake for this Senate to pass the Reid amendment here tonight on this short notice and short debate. Senator CHAFEE, Senator BAUCUS, Senator COATS, Senator LAUTENBERG, and others, have worked for a long time on bringing the amendment to where we are right now. And I personally believe that if you pass the bill that is before the Senate, it is highly risky. It sets a pattern to take us down a road that the Senate will regret. That is why we have a Senate, Mr. President, so that somebody can raise their hands and question these actions.

You are setting up a situation that is inviting local political posturing by Governors, because the small community in North Dakota may not have the population of say Fargo, and so there are more votes in Fargo. Some small community may have the best site in the world that does not hurt anything, and they may be denied the opportunity because of a politician who stands at the border and gets the votes on the short-term issue.

For the short term, it may look great politically; for the long term it does not make any sense at all.

That is why I say to my colleagues, the commerce clause was not put in the Constitution without a lot of thought. We are skating on very thin ice by considering the Coats-Baucus bill. But to go this one step further is only an invitation to completely disruptive commercial activities in a commodity called trash. It sets the stage for hazardous materials, for nuclear materials, and for heaven knows what else. If you can establish it on one commodity, if you can break the back of the commerce clause, then you can go on into other products.

So I urge my colleagues, at least temporarily, without a lot more thought than has gone into this and a lot more debate than has gone into this on the floor tonight, to not accept this amendment. I do not do that lightly, because I come from a State that only has 1 million people, and we have other States around that have a lot more people. But I am telling my colleagues this is a very, very serious matter.

I agree with my colleague from North Dakota that this is a very serious matter. But I would only hope that the Senate would listen to the advice of the managers of the bill on this and not accept this amendment.

The PRESIDING OFFICER. The Senator from Nevada [Mr. REID].

Mr. REID. Mr. President, I suggest to my friend from Idaho, a man who I serve with on the Committee on Environment and Public Works, that the fact of the matter is, with all due respect, he did not answer the question of the Senator from South Dakota. That is, what happens when you have a small community of a few people next to a large resort community, as an example, and they decide they want to have a waste facility there? The answer is obvious. It should not take place. There should be in the State an overall plan that the Governor has some control.

To talk about the commerce clause, of course, we have a commerce clause. We all know that. And the Supreme Court has taken that into consideration as it has ruled on a number of occasions. The last rulings came just a couple months ago in two cases involving the States of Minnesota and Alabama, and the fact of the matter is they have invited the Congress to take action; the Court has invited Congress to take action to set some reasonable standards, and that is in effect what we are doing.

I came to this Senate floor—time goes fast, but not long ago—when my friend, the Senator from Indiana, who has worked on this legislation, offered an amendment to stop, in effect, importation of wastes into States. I supported my friend from Indiana on that amendment. I would suggest that he has worked hard on this legislation, as I indicated in my opening statement. I cannot understand how he could not support this amendment. It would give the Governor of the State the authority to control what comes into his State.

I also suggest, Mr. President, that my friend from Idaho talks abut property rights, and this may be a way for a small community to get ahead. We had hearings on this matter. The hearings occurred before the Subcommittee on Environmental Protection of the Committee of Environment and Public Works of this Congress. In effect, that subcommittee found waste facilities employ very few people and those they do employ are at very low-wage jobs. Few people benefit from this hauling of garbage. In effect, I think it goes without saying that those who benefit from hauling the garbage are the garbage companies.

Mr. LAUTENBERG. Mr. President, will the Senator yield for a question?

Mr. REID. I will yield in a minute very briefly to my friend from New Jersey.

Also, Mr. President, let us not confound or confuse this issue. It is easy, because peoples' ears perk up like antennas whenever the words "nuclear waste" are mentioned. Let us understand that this has nothing to do with nuclear waste. There is no contemplation of this Senator or any of those who offered the amendment that it would apply to nuclear waste now or at any time in the future. This applies to garbage. It does not apply to hazardous waste. It applies to garbage. That is what it applies to.

I suggest that the Supreme Court has said that the States cannot do what all the Governors and the State legislators want. And remember the Council of State Legislators, and their letter is in the RECORD, is composed of people from all over the State, people from rural communities, people from metropolitan communities. They acknowledge that the Governor should have some control over what is hauled into the State in the way of garbage.

I am surprised at my friend from Idaho, who I have sat with and gotten to know very well and have great respect for. But here is a man that I have heard lecturing—and I use that in a positive sense—about the importance of States rights.

And if there were ever an example of where in the 50 States there is an indication of a need for a State to have sovereignty, it is in this issue where States, other States, are indiscriminately hauling into another State garbage.

I will now be happy to yield to my friend from New Jersey.

Mr. LAUTENBERG. I would just ask the Senator a question, because he posed a situation before that suggests a question.

That is, he said: What should—I do not think he used the word fancy, but he used a resort community—what should it say to this little—he did not use this term—dinky town that wants to use some garbage?

Mr. REID. I used small community.

Mr. LAUTENBERG. I used the words "dinky town." It is a little more descriptive.

What I would ask is: Would this fancy resort town with all that high income say: "Listen; don't put that waste facility in there—that perfectly sound, environmentally protective waste facility—to gain some income. Do not do that. We are going to give you the money that would replace that."

Do you think that would be the response from the resort town?

Mr. REID. I would say to my friend from New Jersey, in referring to the hearings that were held on this, I re-

peat: Waste facilities employ very few people, and those they employ are at very low-wage jobs. Few people benefit substantially.

And so I would submit that the State that has areas in it that are oriented toward tourism would and should be very concerned about areas around them that want to suddenly establish a garbage dump, because the Governor of the State has to be concerned about the whole State, not just part of the State.

And I would suggest that my original question is a valid one. That is, the Governor of the State must take into consideration what has taken place in that tourist-oriented area and not, I would think, allow garbage to be put on the entrance to the resort area.

Mr. LAUTENBERG. Will the Senator recall, for my benefit, his recollection of the hearings that we held in the Environment Committee, the outcome in front of the committee of the proposal that the Senator now makes on the floor of the Senate?

Mr. REID. Yes. Mr. President, I offered this amendment before the Environment Committee, and it failed to pass. I indicated at that time that I would bring this to the floor because I felt, the way the committee was constructed, that the people on the committee did not recognize the significance and the importance of western United States, and I felt this matter being brought before the full Senate would give us an opportunity to present our case in a better fashion.

Mr. LAUTENBERG. I remember that it failed, Mr. President, and I appreciate the Senator's refreshing my memory. I wanted to be certain that the RECORD reflects that it failed in the Environment Committee.

I thought it failed by an overwhelming voice vote, but that may be a subjective analysis. Failure is failure, nevertheless.

Mr. REID. I would respond to my friend that that is why we have the opportunity on matters that are decided at committee level to bring them to the floor, because that is not an ultimate decision. And I think all 100 Senators should have the opportunity to decide whether they want the Governor to control this.

Mr. CONRAD. Will the Senator yield for a question?

Mr. REID. Yes; I am happy to yield to my friend from North Dakota.

Mr. CONRAD. I would ask my colleague if it does not strike him that our friend and colleague from the State of Idaho has stood principle on its head here. The Senator from Idaho says a small town. In my State, as I indicated earlier, I have 4 towns with less than 10 people—less than 10 people. And it seems to me the Senator from Idaho is arguing that the minority rules—the minority rules.

What happens if a very small town close to a larger city decides they want the trash to come? Does the Senator from Idaho——

Mr. SYMMS. They have to comply with the laws of the land and handle the proposal in a proper way.

Mr. CONRAD. Mr. President, I have the floor. I reclaim the floor.

The PRESIDING OFFICER. The Senator from Nevada has the floor.

Mr. CONRAD. Mr. President, I am asking the Senator from Nevada if it does not stand principle on its head to suggest a small town, which may be close to a larger city—in my State, as I indicated, I have 4 cities of 10 people or less—that they would be in a position to dictate to the larger community, under the provisions of this bill, without the Reid amendment; is that not correct?

Mr. REID. I would respond to my friend from North Dakota that I have indicated I do not understand the logic of my friend from Idaho, who has lectured not only me—and, again, I use that in a positive sense—and the entire committee that I have served with him on or for 6 years, but the entire Senate about the importance of States rights.

And so I agree with my friend from North Dakota that I am logically without explanation to understand how that would apply to this legislation.

Mr. CONRAD. I thank the Senator from Nevada.

I would just say to the Senator from Nevada and the Senator from Idaho, I thought majority rule was the principle upon which this country was founded. And to have a situation in which a tiny minority can dictate the outcome to the larger community makes absolutely no sense to this Senator.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I very much appreciate and understand the concerns of the Senators from South Dakota and North Dakota and Nevada, and it is a real concern.

Essentially, larger States in the West—my State of Montana is certainly one—States with large geographic areas, where communities are spread far apart, are States which have terrific scenic beauty. The Rocky Mountain States certainly do.

We have many resort towns in our State of Montana—Flathead Lake, Whitefish Lake—I could name many. The same resorts and the same types of communities exist not only in the States of Nevada and South Dakota and North Dakota, but all across this Nation.

I understand the concerns of the Senator. I think we have to realize that we are here as 50 States trying to find a solution to a problem. What is the problem? The problem is the interstate shipment of municipal solid waste.

Some States in this country are shipping a lot of waste, into other States. Those States tend to be populous States. They are Eastern States with a lot of people, not a lot of land. And it is difficult for those States to find the landfill capacity to accommodate their needs.

I must say, those States are doing an exemplary job. New Jersey, for example, recycles more waste than any other State. Now, one can question the definition of recycling because New Jersey includes scrap material along with other commercial recycling in that statistic of 50 percent today. New Jersey is probably leading the Nation in the amount of material it is recycling under a program instituted just a few years ago. Governor Florio of New Jersey is the main architect of the program, and he has done a tremendous job.

In addition, the State of New York, which now exports a lot of solid waste, is also going out of its way to control the disposition of the waste it generates.

Tom Jorling, the commissioner of environmental conservation in the State of New York, has publicly stated several times that it is the intent of and the policy of the State of New York, to be self-sufficient in managing its own solid waste in the next several years. They are trying to control the waste they generate, and they are going the extra mile.

Forty-three States in our Nation export solid waste to some other State and 42 States import waste from another State. That is a lot of waste shipments. And if one were to see a map of the United States with arrows indicating States that import solid waste and States that export solid waste, one would see a mass of arrows going in all directions.

And it is because virtually every State in this Nation imports and/or exports solid waste.

Now, what is the effect of the amendment under consideration? The effect of the amendment could be to potentially slam the door on the transportation of solid waste in our country overnight. Immediately. Why? Because this is such a politically sensitive issue. It is the NIMBY, "not in my backyard" problem. People tend not to mind accepting their own waste. They tend, however, to mind accepting somebody else's waste.

I assume that the waste from one State has the same amount of contaminants as waste from another State. Waste is waste. It tends to be bottles, plastics, paper. It is just the stuff we all throw out in the garbage everyday.

Because it is so sensitive politically, Governors are going to be under tremendous pressure from various communities to stop that out-of-State waste. They will say stop that out-of-State waste. That is a very, very tempting provision. It is easy in the short term to just say "no out-of-State waste, period."

Let us examine that a little bit. What are the logical consequences of that? The logical consequences are that every State must deal with its own waste and not ship to any other State. Does that make any sense? Some cities are on borders of other States. There are lots of cities in our Nation. Let us take Washington, DC. We are adjacent to Virginia, to Maryland. There are countless examples where cities are next to State borders, and it just makes sense sometimes to ship that waste 10 miles even if it just so happens to be another State. Just because there is some artificial boundary there, why should that make a difference, so long as wherever the waste is disposed of it meets strong, solid environmental standards?

Let us not yet address what a State can do. Let us address what the Federal Government is providing with respect to solid waste. The Environmental Protection Agency has promulgated higher standards for all solid waste sites in the Nation, for present landfill disposal sites and for newly constructed sites. The standards for present landfills, do not go into effect, until 1993. But these are higher standards that will apply, that will apply to all landfill sites in the Nation. In addition, the EPA has promulgated rules that apply to newly constructed landfills.

Senators worry about potential newly constructed landfills. But the fact is newly constructed landfills, at least by 1993, must meet the new standards, which are very stringent. They include monitoring, odor controls, and liners. These are tough standards that the Federal Government is applying to future landfills.

The question of the Senator, why can't a State stop a community that wants to accept out-of-State waste? Frankly, it raises a very philosophical question. It is a public policy question. The question really is the degree to which local governments should make their own decisions on these matters.

Solid waste is much different than other environmental issues. This is not air pollution. Air pollutants travel around the country, across State lines, around the world. This is not water pollution where contaminants travel from upstream to downstream and affect people in lower areas. This is solid waste. This is an environmental matter which is much, much more local in nature than is air pollution or water pollution.

Mr. DASCHLE. Will the Senator yield just on that point?

Mr. BAUCUS. I will in a few minutes.

That is why we have a Clean Air Act that sets national controls with respect to air pollution and why we have a Clean Water Act, which also sets national controls. But solid waste disposal is essentially a very local problem. The States and cities deal with solid waste, but for the provisions, I mentioned.

Now, States and Governors still have tremendous authority and control over landfill sites in their own States. States can set up any number of criteria that would apply to those landfills. For example, these could be any kind of disposal restriction. The State could prohibit recyclables from being disposed of in landfills in ones State. That would be a very salutary step a State could take. That would encourage more recyclables.

Or a State could impose siting restrictions. They could prohibit landfills within a certain number of miles of a lake, a stream, a national park, or a State park, or anything. So long as the State does not discriminate against out-of-State waste, a State has a number of ways in its control to protect its citizens, particularly those citizens in an area which, in some way or another, may or may not be affected by another local government decision because it wants to accept solid waste. Or a State could address the issue by assessing higher fees on its trucks, on the disposal trucks that may travel down the highways and pound the highways, if you will. Or it could raise its own environmental standards to such a high level, it would create higher tipping fees and very much reduce the incentive for any out-of-State waste to come in.

The basic points are this is a complicated problem which requires a somewhat complicated solution. Usually in life there is no silver bullet, no simple solution which immediately solves all of our problems. It is tempting to say just let Governors close the doors and that will solve the problem, but it will not solve the problem. This stuff is going to pile up somewhere. So many States export waste right now, where is the stuff going to pile up? It will go somewhere. If all Governors start saying no all the time, those 43 exporting States have to do something with it immediately. There is no phase-in provision in this amendment. It is immediate.

Mr. DASCHLE. No. 1995.

Mr. BAUCUS. Excuse me, it is 1995 it goes into effect. That is still pretty tight, given all of the waste that is exported around the country.

The second basic point is that States have tremendous power, either through the Governors or the legislatures, to deal with the kinds of problems, legitimate problems that Senators have raised. And, I might add, so many of us here are critical of the "not in my backyard" syndrome. This amendment encourages the "not in my backyard" syndrome. I think we should try to find a solution where we Americans come together and we work with our waste problems together and not encourage going our separate ways.

For all these reasons, I very respectfully urge Senators to resist this temptation to give Governors all this control, this authority, because this bill we have crafted, while not solving all the problems that Senators see, still is, in my judgment, the best compromise that can be worked out for a very, very difficult problem.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I note the authors of this amendment and the supporters of it were experienced politicians. I say that word in the most favorable light. These Senators have held office in their States and in this body for some years.

So they are practical people. They know what can be achieved and what cannot be achieved. The facts are, I say this to them, that in the United States of America today, as a result of the Supreme Court decision in 1976, no State can control the flow of interstate municipal waste. Those are the facts.

What we have done in this bill is to provide significant authority to Governors and municipalities to control that flow. If these Senators in favor of this amendment should prevail in the motion to table, I can guarantee that those major exporting States would filibuster this bill. We would have no bill whatsoever. So in their desire for perfection, they are going to end up with zero nothing. Those are the facts.

The majority leader has determined that we have spent enough time on this bill. We have spent 3 full days, and indeed he has given us part of tomorrow with the belief that we are on the way to passage of this legislation.

So if these Senators pressing this amendment, all of whom are experienced, all whom are savvy governmental operators and know how this body itself works, as well as how their own States, work, but they have spent time in this Senate, know that this bill will be killed and will end up with nothing. So that is their choice.

I strongly believe we ought to adopt the best we can because, as the Senator from Montana has pointed out, we spent 3 days on this, not debating amendments and tabling them, adopting others and accepting others, we spent 3 full days trying to get an agreement. Who has been involved with the agreement? The major exporting States. They cannot survive with this amendment as presented by the distinguished proponents of the amendment. So, therefore, they would filibuster it and we would have nothing.

So I hope they withdraw the amendment or that we can get on with a time agreement and vote very soon on the motion to table, because if they prevail, we are not going to have any legislation whatsoever.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana [Mr. COATS] is recognized.

Mr. COATS. Mr. President, I rise with mixed feelings not only because of

the subject of the amendment offered by the Senator from Nevada, but many of the arguments made by the Senator from Nevada and the Senators from North and South Dakota are arguments that this Senator made on this floor as he originally brought a bill to the floor, at least in the form of an amendment, giving the Governor sole authority to ban, limit or impose fees on the shipment of out-of-State waste.

That was 3 years ago. I have been there. I have been where the authors of the amendment now are. The garbage is still flowing. The argument just made by the Senator from Rhode Island is the pertinent argument, and that is do you want to do something about the flow of garbage interstate with a realistic chance of enacting protection into law, or reserve all authority for the State, and go back to what I originally tried to do. Unfortunately, that legislation has never been enacted. I wish it had more chance, more ability to be enacted into law, but it does not.

The process that we have now been working through for the last year, and particularly the last several months and the last 3 days, is one that is designed to become law and not just to accommodate the needs of those States that are currently receiving out-of-State waste, but to accommodate all States.

I think it is important that the authors and the supporters of the amendment before us understand that when the Environment Committee reported its bill, the authorities under the interstate section were limited to those States receiving the most waste.

This Senator said it is not fair to solve Indiana's problems simply to create another problem in Kansas or North Dakota or Nevada or somewhere else. And as a result of that, with Senator BAUCUS' concurrence, we introduced the bill that we are now debating, S. 2877.

The Baucus-Coats bill provides that freeze authority, not just to the initial States that were the major recipients of out-of-State waste, but provides it to all States. We extended that authority that initially went to four States to all States, so that you would not be involved in this game of "Pass the Trash."

Mr. CONRAD. Will the Senator yield on that point?

Mr. COATS. I will be happy to yield.

Mr. CONRAD. Mr. President, I ask the Senator from Indiana, I was in the Chair during the time there was a colloquy between the Senator from Montana, the very able Senator from Montana, the Senator from Rhode Island, and the Senator from Pennsylvania. And the question was, could a Governor block a new contract? What was the effect of the limitation on contracts that ran over 7 years?

It became clear as I listened to that debate that the fact is that a Governor can only block a new contract in a situation in which a local community concurs with the Governor. It also became clear that the real protection here is for the States that are the high importation States, your State.

With all due respect, it strikes this Senator that when the Senator from Montana says we have a 50-State problem, I agree. The problem is this is a six- or seven-State solution. Those who were negotiating took care of their States. New Jersey is taken care of, New York is taken care of, Indiana is taken care of, Ohio is taken care of, Virginia is taken care of, Pennsylvania is taken care of—the very Senators who were in on the negotiation.

Where are the rest of us? The rest of us are getting ready to have the trash come our way. And I say to my friend from Indiana, whom I have a great deal of respect for, and I know the Senator from Indiana has worked very hard on this issue, his State has a real problem. I do not want his problem to come to my State.

This is not a frivolous amendment. This is an amendment that is advanced at the request of the National Governors Association, 50 State Governors who are interested in a 50-State solution, not a 6-State solution. And, in fact, are we not being asked to solve this for your States but to leave our States vulnerable?

Mr. COATS. Mr. President, if I can reclaim my time and respond to the comments made by the Senator, this is not a bill designed to protect just a few States. The authority to ban or to freeze the shipments of out-of-State waste is granted to every community in the United States. We fought for that. We fought very hard for that because we believe the first line of defense to unwanted out-of-State waste rests with the people where the garbage is deposited.

The Senator from Nevada and the Senator from North Dakota argue that communities will want to receive out-of-State waste, and unless they request the State to intercede, the State can do nothing about it.

But the reality is just the opposite. The reality is that most communities do not want the refuse. They do not want the garbage. Ask the exporters how difficult it is to strike an agreement with a community. The first line of defense ought to go to the people who are receiving the out-of-State waste. They are the ones who have the right in every State, every community, they have the right to petition the Governor to say, no we do not want it.

That is a line of defense that I think is far more important than simply residing sole power in the Governor. With respect to the argument about the National Governors Association, when this Senator had a bill similar to Senator REID's on the floor, I could not get the support of the National Governors Association because they were divided, and my understanding is that they are still divided. The National Governors Association has not taken a clearcut position on this issue because some States favor this position, some States favor our position, some Governors want some different variation. But I can guarantee this: The Governors of the States like yours and mine that are on the receiving end of out-of-State waste want a law enacted this year.

They want a provision that works. They do not want us to talk about it in the Senate. They do not want us to go through what the Senator from Indiana has gone through for 3 years—great rhetoric, no action, no legal authority to stop one pound of waste. This is legislation that is designed to do that.

I think the question comes down to who do you trust the most? The Senator talked about a State being left out in the cold. What about a community, when a Governor in economic straits cuts a deal with an exporter and says we are going to dump this stuff somewhere in North Dakota and that community has nothing to say about it. It is just the reverse of the situation that the Senator talked about.

I think that is just as likely a scenario as a community wanting it. Besides, if a community negotiates a deal to receive out-of-State waste, maybe it is in that community's best interest, and if they want the stuff—and in many cases there are inducements and benefits that run to the community for receipt of that—if they want that, then why not at least give the people who are on the receiving end the choice?

What I think the Senator ought to be concerned about is the significance where a Governor is either neutral on the issue or receptive to the issue of out-of-State waste for an economic benefit, and some poor community of 10 people or 100 people or 500 people has nothing to say about it. So we have extended that authority to every community in the Senator's State, and I think the people in those communities would like to have that authority.

Mr. CONRAD. Will the Senator yield on that specific point?

Mr. COATS. I yield.

Mr. CONRAD. Is it not true that the only States where the Governor can freeze the amount of previous years is in those States that are receiving over a million tons a year? Is that not the case?

Mr. COATS. No, that is not true. Every Governor in every State has the authority to freeze. There is additional authority provided to Governors in States that receive more than a million pounds of trash a year. And that same authority would flow to the Senator's State if that happened.

Mr. CONRAD. But that is the point. The additional authority only resides in those States that are receiving over a million tons a year, and those States are how many in number?

Mr. COATS. The additional authority is only needed in those States that receive over a million tons a year.

Mr. CONRAD. That is in the eyes of the beholder, I say to my friend from Indiana. If I represented a State that was in that category, I guess I would agree on that limitation. My State is not in that category. It believes its Governor ought to have that same right to limit that Governor of Indiana would have. What is good for the goose is good for the gander.

Mr. COATS. Mr. President, let me finish by saying I hope we can move to a vote. We have been debating this now 72-some hours. But obviously other Senators want to speak. I will finish up quickly.

I am not unsympathetic to the arguments of the Senators from North Dakota or Nevada. Those are many of the very same arguments the Senator from Indiana has in the past made.

What I am attempting to do is what I hope the majority, if not all of us, would like to do and that is do something about this problem. I guarantee you if the amendment of the Senator from Nevada is passed, we throw ourselves right back into stalemate, right back into filibuster. The legislation is dead for the year. The trash will continue to flow. No community will have the right to say, "no". No Governor will have any authority whatsoever. It will flow unimpeded as it has year after year after year. That is the practical result of all of this.

We have worked for 3 years, negotiated for more than a year, and intensely negotiated for the last 3 days on this floor to try to write a bill which can become law. If you want to stop the garbage, if you want to stop the out-of-State waste, we have one chance to do it.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, I thank the Chair. I am just going to take 30 seconds. We have been on this bill 3 days. I am kind of an innocent bystander. I have tried to understand the discussion.

Mr. President, I would like to ask the distinguished managers of the bill if it might not be possible—it is now 5 minutes of—to vote by 8 p.m. That is 2½ minutes on a side. Is that a possibility, I would like to inquire of our distinguished managers?

Mr. CHAFEE. Certainly on this side that is possible.

Mr. BAUCUS. Let me check.

Mr. LAUTENBERG. I would have a question that I address to the managers of the bill and to my friend from Arkansas, and that is if not 8, let us say by 10 past, or quarter after. We are talking about 10 minutes.

Mr. CHAFEE. Five minutes.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas has the floor.

Mr. LAUTENBERG. Has the Senator yielded the floor?

Mr. PRYOR. I yield the floor. I just posed that as a question.

Mr. BAUCUS addressed the Chair.

Mr. LAUTENBERG. Mr. President, I would like to be recognized.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, let me try to get a time agreement here. I think we can wrap this up fairly soon. I suggest 10 minutes, 5 minutes on a side.

Mr. LAUTENBERG. Reserving the right to object, if the Senator is willing to give me 5 minutes, I would agree to that.

Mr. BAUCUS. Four.

Mr. REID addressed the Chair.

Mr. LAUTENBERG. Let us extend it to 12.

Four minutes. Is that the proposal, that we speak for 10?

Mr. BAUCUS. Five on a side.

Mr. LAUTENBERG. The Senator from New Jersey gets 4 of the 10.

Mr. BAUCUS. And with the right to move to table.

Mr. REID. Reserving the right to object.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada reserves the right to object.

Mr. REID. I thank the Chair. I am wondering, in responding to the manager of the bill, I have been advised that my friend, the senior Senator from Arkansas would like 2 minutes; I would like 2 minutes; the Senator from South Dakota, 2 minutes. That is 6 minutes on this side.

Mr. BAUCUS. Mr. President, I suggest 6 minutes on a side—12 minutes, 6 minutes on a side.

Mr. LAUTENBERG. Reserving the right to object, Mr. President, is the Senator from New Jersey going to get 5 minutes now?

Mr. BAUCUS. Yes.

Mr. BUMPERS. I would like 3 minutes on the other side from the Senator from New Jersey.

Mr. CHAFEE. The Senator is getting it.

Mr. LAUTENBERG. Talk to the managers.

Mr. BUMPERS. We are talking about a unanimous-consent agreement, Mr. President. Anybody has a right to object if they want. I do not want to object. I am just simply saying I would like to have 3 minutes.

Mr. BAUCUS. Mr. President, let me revise the agreement: A total of 15 minutes, 7½ on a side, the managers fairly allocating it, with a stipulation, a motion to table at the end of 15 minutes is in order and no second-degree amendments are in order.

Mr. BUMPERS. Reserving the right to object, Mr. President, I would like to ask the distinguished manager of this amendment, Senator REID, whether or not, if he agrees to that, he also agrees that I will have 3 minutes.

Mr. REID. It is my understanding the senior Senator from Arkansas wants to speak in favor of the amendment.

Mr. BUMPERS. Yes.

Mr. REID. I would give 3 minutes to the Senator from Arkansas.

Mr. LAUTENBERG. Just to clarify the agreement—I address the manager once again—is the Senator from New Jersey going to have an opportunity to speak? I have worked on this, for 3 solid days I have stood here and now to be paired off against someone who wants to jump in at the last minute, frankly, I might very well object to this time agreement.

Mr. BAUCUS. How many minutes would the Senator like to speak?

Mr. LAUTENBERG. I wanted 5 minutes.

Mr. BAUCUS. The Senator will have 5 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Who is yields time?

Mr. REID. The Senator from Nevada will yield 3 minutes to the Senator from Arkansas out of the 7½ minutes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, this is obviously one of the knottiest issues the Senate has had to deal with in a very long time. We all recognize benefits that we derive from what ultimately becomes waste. We all know that the waste has to be disposed of. But my point is this: no State ought to be burdened by the garbage of any other State.

If New York, which was a magnificent host to the Democratic Convention last week, we could not have been treated better, more cordially—and I do not use New York for a majority of reasons. But if New York is going to generate all of this waste as well as any other State, I can tell you I am standing here because I want the right to say that it is not going to come to Arkansas over our objections. It is just that simple.

And if this amendment passes—and I strongly hope it will—all the States who are generating excess garbage, more than they can possibly handle themselves, will start recycling, they will do all kinds of technology, or at least they will try, to institute technological changes to take care of their own.

But I come from a beautiful State. I want us to have the right to say no. I am not sure what the amendment that was agreed on last night said. The Senator from Nevada and the Senator from North Dakota say it takes good care of New York, New Jersey, Indiana, and Virginia. But I did not see Arkansas. When you talk about a million tons of

waste, which is the threshold in that amendment, it does not include us. I want the right for the Governor of Arkansas to say no.

If you have some small community—we are nothing but small communities. Some of then have a very difficult time financially. If some industry from some other State comes in and says we will make you rich, just let us dump our garbage on you, the first thing you know, instead of a clean, pristine State in which you take tremendous pride, you have one gigantic garbage heap.

I want the right to say no. That is all this amendment says.

So I intend to fully support the Senator from Montana, the sponsor of this bill. He has worked hard. I am a cosponsor of the bill, too. But I want to protect my State, and that is the reason I intend to vote for this. I do not want my State despoiled over our stringent objections. So I plead with my colleagues to support this amendment.

Mr. BAUCUS. Mr. President, I yield 5 minutes to the distinguished Senator from New Jersey.

Mr. LAUTENBERG. I thank the manager.

Mr. President, I rise in strong opposition to this amendment which would allow States to simply ban interstate waste shipments. It fails to achieve the basic standard of giving States an opportunity to reduce solid waste exports.

Mr. President, this amendment was offered and overwhelmingly defeated in the Senate Environment Committee. The committee recognized that there needed to be a balance between the needs of exporting States to have adequate time to reduce garbage exports and the needs of importing States.

It also recognized that almost all States are both exporting and importing States.

So we adopted a balanced approach which is reflected in S. 2877. It was supported in committee by Senators from both importing and exporting States. It has been cosponsored by a number of Senators including Senator COATS. And over the past few days, many Senators have come to the floor to praise the approach taken in S. 2877.

Mr. President, I cannot support any amendment which does not assure that my State has adequate time to make the transition to garbage self-sufficiency which it has committed to.

Solid waste is a national crisis requiring a national response.

But the solution to this crisis is not to allow States to balkanize themselves as this amendment would do. We are the United States of America and national problems deserve national solutions.

This amendment allows States to ban garbage imports. One thing we do know is that bans are not an environmentally responsible approach.

At an EPA hearing, EPA Administrator Reilly said, "we should not create any authorities that operate as a ban on interstate transport of either solid or hazardous waste, thereby inhibiting or restricting development and use of the most appropriate technology for waste treatment or recycling."

The Administrator also said that interstate transport of waste did not present an environmental problem.

He also expressed concern that bans would lead to undesirable disposal of waste including illegal disposal.

So this amendment is not environmentally responsible. It is unfair to States which need time to reduce garbage exports. It is unfair to local communities which want to build environmentally safe landfills and reap the economic benefits from those landfills. And it fails to establish a national solution to a national problem. So I would urge my colleagues to vote for the motion to table this amendment.

Mr. President, I think we have heard this war of words escalate beyond the garbage war. I think we wind up talking to ourselves.

I just heard the distinguished Senator, my dear friend from Arkansas, railing against this bill which he sponsored initially. So that provided him with what he wanted at that time; that was to limit the amount of garbage that could be shipped to his and other States. It is very clearly stated.

So now we hear him saying that he is going to support the amendment that will likely bring down, if it wins, S. 2877 which at least is the beginning of some curtailment of the flow of garbage into the States that do not want it.

Mr. BUMPERS. Would the Senator yield?

Mr. LAUTENBERG. I only have 5 minutes. If the Senator would be courteous enough to let me finish, Mr. President, I will continue to hold the floor.

There has been a lot of labor on this issue. We heard the arguments made by the distinguished Senator from Nevada [Mr. REID] in front of the Environment and Public Works Committee. There was almost a full attendance at that committee when we heard his amendment.

There was only one vote in favor of it, and that was the distinguished Senator from Nevada. Everybody else on the committee said no to the amendment. So here we are, and he is right. He said earlier we have every right to bring up amendments on the floor.

But this bill passed a seasoned group of legislators who have been hearing this discussion on many, many occasions and over a long period of time. It goes back a couple of years now. And the Environment and Public Works Committee said no to the Reid amendment because it is going to disrupt the relationship that is necessary to get a sensible, rational plan for dealing with our garbage.

When I hear the Senator from Arkansas describe his beautiful State, I agree with him. Does that mean my State is not beautiful? That my State which took garbage from everybody around it, particularly New York and Pennsylvania, for years giving away our capacity—shouldn't be treated fairly? We did not want to take garbage. The Supreme Court said we had to do it.

But now we are out of capacity. My State is running out faster than any other State in this country. The distinguished Senator from Montana said so. We are now recycling over 50 percent of our solid waste.

I want to hear other States make that claim. By 1995 we will be up to over 60 percent of recycling our solid waste. We are working hard, we are working fast, we are going to serve as a model for this Nation.

I would also remind many of you here in the room, 43 States have some export relationship with their garbage. Today's importer becomes very quickly tomorrow's exporter.

So I will wrap it up by saying this: There was a debate about whether or not this small town someplace on Earth could say no and control what the majority says. It is pretty clear in this bill. It says

> Definition: The term "affected local government" means the elected official of each city, town, borough, parish, district or other public body created by or pursuant to State law.

Pretty simple: Get the State to change the law establishing these little towns. Take the decisionmaking right away from them, and then you would solve the problem.

I ask unanimous consent, Mr. President, to enter into the RECORD a letter from the National Association of Counties.

The association says:

> The second provision NACo supports would give local governments the authority to decide whether landfills and incinerators can accept out-of-state waste. Local governments are best positioned to assess the health, social economic and physical impact of waste disposal facilities on the immediate community.

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

NATIONAL ASSOCIATION OF COUNTIES,
*Washington, DC, April 27, 1992.*

Hon. FRANK R. LAUTENBERG,
*U.S. Senator, Hart Senate Office Building, Washington, DC.*

DEAR SENATOR LAUTENBERG: As the Senate Environment and Public Works Committee prepares to mark-up RCRA reauthorization legislation, I write to reiterate the support of the National Association of Counties (NACo) for two provisions in the redraft of S. 976. One involves recycling and the other concerns the interstate transport of solid waste.

The first provision addresses the critical need to stimulate recycling markets by re-

quiring "responsible entities" to reuse or recycle a percentage of the products they place in commerce. This strategy responds to the dilemma counties are facing as a result of restricted markets for recycled goods. Counties throughout the nation have established recyclable collection programs. As supplies are increasing, the prices paid for recyclables are decreasing. Many communities are subsidizing costs of their recycling programs with tax dollars at a time when county revenues with which to pay for competing priorities are constrained. I believe that the pending proposal in S. 976, by assigning responsibility to specific large corporations, will assure a measurable reuse strategy and thereby create and maintain markets that will make county recycling efforts more effective.

The second provision NACo supports would give local governments the authority to decide whether landfills and incinerators can accept out-of-state waste. Local governments are best positioned to assess the health, social, economic and physical impact of waste disposal facilities on the immediate community. The bill recognizes that states also have a role which is to ensure that these facilities meet applicable state and federal environment laws.

Thank you for considering NACo's policy on these issues which are of critical importance to my county.

Sincerely,

LARRY E. NAAKE,
*Executive Director.*

Mr. LAUTENBERG. Mr. President, I want my colleagues to understand what the vote on this amendment means—there is going to be a tabling motion—if it is not defeated, we will not pass this bill. That is the end of the line. It is not a nothing or all. It is a something or nothing. That is what we are talking about. There is enough opposition to stop this bill. There has been enough hard work. There have been agreements hammered out that favor both the importing and exporting States. So I urge my colleagues to oppose this amendment.

Mr. REID. The Senator from Nevada, who has 4½ minutes remaining, yields 2 minutes to the Senator from South Dakota.

Mr. DASCHLE. Mr. President, we should not pass this bill. It is seriously flawed. That is the bottom line. If this is the best we can do, then I think we had better go back to the drawing board.

I want to make three very simple points.

First of all, the opponents say that this is a local issue. They are right, it is a local issue. But it is also a county issue, it is a regional issue, it is a statewide issue. Frankly, I do not know of any project in a State which is more transportation intensive than garbage. If the Governor, if the State legislature, if somebody with statewide authority cannot have the authority to deal with the transportation issue then what are we doing to ourselves?

The second point. Without this amendment—everyone should understand this—a community of 10 people can override a county of 1,000 people, a region of 10,000 people, a State of 10 million people. I do not know of a piece of legislation we have ever passed that would give 10 people that kind of authority. That is the most incredible delegation of responsibility that I think I have ever voted on.

The third point. What do we elect our statewide elected leaders for if it is not for this, if it is not to make some tough decisions about how we deal with the complicated and controversial issues having to do with State waste and State transportation and State environment and State economic development? That is what this is all about—to include our elected officials, not to eliminate them, from decisionmaking.

Mr. President, it is that simple. If you want to ensure rational decisionmaking, if you want to ensure that everybody gets included, if you understand that this is not just a local issue but it is a statewide issue as well, you will vote against the tabling motion and for this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. BUMPERS. I ask the manager on this side if he would yield me 30 seconds.

Mr. REID. That is done.

Mr. BUMPERS. Mr. President, first of all, I was a cosponsor of this bill until it got all mucked up last night with that amendment which carefully took care of about 7 States to the exclusion of 43.

My point is this: If you look at who is really championing the defeat of this amendment, it is people who generate tremendous amounts of garbage, and they want to put it on the rest of us. And any Senator from a rural State, a small State, you had better be very careful about how you vote on this amendment because that is what this is all about.

The PRESIDING OFFICER. Who yields time?

Mr. BAUCUS. Mr. President, I yield 1 minute to the Senator from Indiana.

Mr. COATS. Mr. President, as I earlier said, I am sympathetic to the arguments of the proponents of the Reid amendment, that many of them are arguments that I originally made. For 3 years, I have been able to deliver some great rhetoric back home. I have been able to develop some wonderful sound bites but I have not been able to produce results. This legislation that we have so tirelessly worked on that was substantially improved with the Coats-Chafee-Metzenbaum-Specter effort here in the last 2 days is legislation that can be enacted.

If you want to stop the flow of garbage into your State, vote for something that works, for something that has an opportunity to become law. If you do not, and you want the status quo to continue, use all of the good rhetoric, and I guarantee you as someone who has worked for it for 3 years, it is a nonstarter, and it is going nowhere.

Mr. DOLE. Mr. President, I would like to respond to a couple of points that have been raised with regard to this amendment.

First, this amendment defeats the purpose of this legislation giving the communities the right to choose whether they will receive out-of-State waste. There are ample protections built into this bill that take into account the realities of the waste flows in this country. The bill goes a long way toward providing the protection State and communities have demanded since the advent of long-haul flows of wastes began to be a problem.

Second, with regard to the argument that small, economically disadvantaged towns will come running to the opportunity for easy money from sweetheart deals from waste companies who want to prey on them for new sites. In Kansas, we have already addressed this situation. For purposes of what a community is and is defined as, in most cases the county will be the final decisionmaker. Thus, a small town will not unilaterally be able to make a deal that is bad for the area without the approval of the county commission, because the county, unless a city is designated, will be the local subdivision with jurisdiction.

I ask that the Kansas legislative action on this matter in 1992 be printed in the RECORD.

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

KANSAS LEGISLATIVE ACTION—1992

ENERGY AND NATURAL RESOURCES

*Solid Waste Statutes—Amendments*

H.B. 2801 requires counties or designated cities to submit a plan for the management of solid waste in each county. Two or more counties may adopt a regional plan. Plans are required only after a one-year period following the completion of a statewide plan. The Secretary of Health and Environment is directed to assist counties and regions in planning and management, with assistance given through grants. A solid waste management committee, not to exceed 30 members, is to be established in each planning area.

A Solid Waste Management Fund is created, with receipts coming primarily from a statewide fee of $1.50 per ton of waste disposed imposed beginning on January 1, 1993. Authority is given, under certain conditions, to restrict solid waste generated outside the area from being disposed of in a plan area. Each county will impose, on July 1, 1993, a fee of $25 per ton for solid waste generated outside the state and disposed of in the county, with the moneys to be used for closure and postclosure cleanup. Fees are permitted for solid waste generated outside the plan area and for solid waste generated within or outside the plan area which is deposited in privately owned disposal sites. Boards of county commissioners are given ultimate imposition authority over the fees, except for the statewide fee.

The Secretary is to conduct a background investigation of applicants for a permit who also may be subjected to a criminal back-

ground investigation. Authority is given to the Secretary of enjoin acts that pose a threat to public health and to apply to the district court for relief.

Further, the bill: requires reclamation facilities to be permitted; clarifies that scrap material recycling facilities are not required to obtain a permit; gives the Department of Health and Environment authority over privately owned solid waste areas, transporters of solid waste, and nonhazardous special wastes; permits certain cooperative agreements regarding market development for recyclable materials; raises the annual permit renewal fee, establishes an original permit fee for solid waste processing or disposal areas; increases the violation penalty; exempts low rainfall and limited waste generation areas from design and groundwater monitoring requirements; requires local units of government to meet financial and insurance requirements and allows such units to use their ad valorem taxing power to meet financial tests for closure and postclosure; requires owners of disposal sites to be responsible for care of the site for 30 years after closure; and permits counties in a regional plan to withdraw from the plan.

The bill also establishes a nonrefundable income tax credit, under certain conditions, to be effective for tax years 1992 through 1995 with unused credits eligible to be carried forward for up to seven years. The aggregate of any credit is not to exceed $100,000 for any one taxpayer.

Mr. REID. Mr. President, I ask unanimous consent that Senator LEVIN and Senator RIEGLE be listed as cosponsors of this amendment and that Senator RIEGLE'S statement be inserted in the RECORD, together with a Supreme Court decision of Sanitary Landfill, Inc. versus Michigan.

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

Mr. RIEGLE. Mr. President, I rise today in support and as a cosponsor of the amendment offered by Senators REID, BRYAN, DASCHLE, and LEVIN to S. 2877, the Interstate Transportation of Municipal Waste Act of 1992.

For more than a decade Michigan has had a solid waste plan that has combined long-term planning, careful waste disposal, and a goal of self-sufficiency. On June 1 of this year, the Supreme Court struck down a provision of Michigan law that prohibited disposal of waste generated in another county, including waste generated in another State, unless explicitly authorized in the receiving county's plan. The Court characterized it as a protectionist measure that cannot withstand the commerce clause in the U.S. Constitution.

This ruling has the effect of allowing landfill operators to accept solid waste regardless of whether State solid waste plans are in place. The decision undermines the ability of States like Michigan to continue to implement comprehensive waste plans and restrict the flow of waste from other States when it violates those plans. To allow these plans to continue to be effective, Congress must give these States the ability to regulate this type of interstate commerce. The bill in front of us does not take that step.

The amendment we are currently considering will authorize States with preexisting solid waste management plans to continue the practices that were in place prior to the June 1 ruling.

Michigan's State law requires each county to develop a solid waste management plan and to plan for self-sufficiency for waste disposal within 20 years. This law has been in place since 1978.

In Michigan, a county must work together with the municipalities to develop a solid waste management plan. The county then submits the plan to the Governor for approval. Once the plan is approved, it is incorporated into the State's overall solid waste plan. The plans are reviewed and updated every 5 years.

At the time of the Supreme Court ruling, all Michigan counties had a solid waste plan. All were approved by the Governor. And, the State had been proceeding toward the goal of self-sufficient solid waste management for more than 14 years.

This amendment simply allows States with existing solid waste plans that were approved by the Administrator of the EPA before June 1, 1982, to continue their current State waste management plans.

This amendment would affect only a small number of States. As of November 1987 only 22 States had EPA-approved State waste management plans.

The EPA is currently compiling information about how many States have had plans in effect since 1982.

Mr. President, I ask for unanimous consent that a letter from the Governor of Michigan opposing this legislation be included in the RECORD along with the Supreme Court ruling invalidating Michigan's 14-year-old waste management plan.

I urge adoption of the amendment.

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

STATE OF MICHIGAN,
OFFICE OF THE GOVERNOR,
*Lansing, MI, June 23, 1992.*

Hon. DONALD W. RIEGLE, Jr.,
*U.S. Senate, Dirksen Senate Office Building, Washington, DC.*

DEAR SENATOR RIEGLE: On June 1, 1992, the United States Supreme Court rendered its decision in the matter of *Fort Gratiot Sanitary Landfill* vs. *Michigan Department of Natural Resources*. This decision struck down the provisions of Michigan's Solid Waste Management Act which allowed Michigan to effectively control the flow of solid waste between counties, and the flow of solid waste into Michigan from other states.

For ten years, Michigan has had an effective statewide solid waste management planning program which incorporated local concerns through county planning efforts. This process has provided Michigan citizens with a means to ensure environmentally sound, cost effective, solid waste management.

I am requesting your assistance in restoring Michigan's ability to plan for its future solid waste management needs.

I understand that the full Senate may be acting on legislation addressing the reauthorization of the Resource Conservation and Recovery Act (RCRA) this week. I cannot support any efforts that will remove from the states, authority which has long been, and should remain, theirs.

Current Senate and House legislative language provides inadequate control over waste imports, and will not provide any state with a meaningful ability to conduct effective long-term capacity planning. With regard to the control of interstate solid waste, I have the following specific concerns:

Under S. 976, S. 2877 and H.R. 3865, the current proposals, bans may be imposed by the state only at the request of the local government. The Senate bills provide that no facility may receive out-of-state waste unless approval to do so is granted by the local community where the facility is located.

I believe a constructive partnership of state and local governments is required. New facilities and expanded existing facilities should be permitted to accept out-of-state waste only in the context of a state-approved solid waste management plan. This will ensure the protection of state capacity requirements.

I believe that federal legislation should be passed that allows those states that have taken responsibility for the disposal of their solid waste to control the import of solid waste. The legislation should also preclude or limit the export of solid waste by those states that do not have a mechanism in place to guarantee that solid waste landfills and/or incinerators can be sited within their own borders.

Authorization alone does not fully address this problem. I recommend that federal legislation go one step further. States, like Michigan, that currently have comprehensive solid waste management planning mechanisms in place, should be allowed to prohibit the importation of waste from states that have no planning process. States should not be allowed to shirk responsibility for solid waste by not allowing facilities to be developed in their states, thereby, forcing export of solid waste to other states.

Grandfathering virtually every planned or existing facility, and all existing contracts, is unacceptable for Michigan. Such grandfathering provisions penalize those states that have sited sufficient capacity to meet their needs, by allowing that capacity to be consumed by out-of-state waste.

I recognize that existing contracts may need to be honored. However, these contracts must be fully disclosed to the state. This would include, among other information, the duration of the contract and the estimated tonnage being accepted by the landfill. These existing contracts must not be allowed to interfere with a state's ability to plan for disposal of solid waste generated within the state.

These bills require comprehensive oversight of state solid waste plans by the U.S. EPA. Administrator Reilly has made it very clear that he does not want this authority, and for Michigan and other states that already have comprehensive solid waste planning programs in place, it would mean more red tape and a larger bureaucratic burden.

Michigan is among those states that have taken on the responsibility for the disposal of their solid waste. Our state is able to be responsible because local governments are required to develop solid waste management plans. Each county within the state must develop a plan which provides environmentally sound disposal capacity for all the solid

waste generated within its borders for a period of 20 years. Any facility that is proposed must meet all state and federal standards before it can be permitted.

States should be given the flexibility to manage their own borders and to manage solid waste intelligently, and with the sovereign best interests of their citizens in mind. I urge you to support legislation at the federal level which allows states this flexibility. I ask you, a member of Congress from Michigan, to oppose S. 976 and S. 2877 in their current forms as they relate to the control of the interstate transfer of solid waste, and explore legislation that would affirm, under federal statute, Michigan's current program.

The Waste Management Division is available to assist in preparation of alternative legislative proposals to address this important issue. I have asked Dennis Drake, Acting Chief of the DNR's Waste Management Division, to assist you with any questions you may have on Michigan's current program. Mr. Drake can be reached at (517) 373-9523.

Thank you in advance for your consideration in this important matter for the citizens of Michigan.

Sincerely,

JOHN ENGLER,
*Governor.*

Mr. REID. The National Governors Conference sent a letter indicating they support this amendment.

I also suggest, Mr. President, that this legislation should be defeated, as my friend from South Dakota said, if in fact this amendment does not pass. We hear too often on this floor that "If you do not do this, we are going to filibuster, and the bill will be pulled." We would probably have a lot better legislation if we put some of these people to the test to find out if in fact they would filibuster the legislation.

This is a good amendment. It gives the Governor, who must act in consultation with local governments, certain authority. He may not discriminate against any geographic area within the State. They may not discriminate on the basis of State or origin of the waste.

I suggest to my friend from Indiana that if he looks at the testimony given by the Governor of the State of Indiana before this committee on August 6, 1990, where he said, among other things,

Trash is coming into Indiana by the truckload and by the trainload. Large 18-wheel tractor-trailers criss-cross Indiana bound for Hoosier landfills in which to dispose of their east coast trash.

This, Mr. President, should be stopped.

My friend from Indiana, by voting for this bill and against this amendment, will not be fulfilling, in my estimation, the wishes of the people of the State of Indiana, which he is talking about on this floor. I also suggest to my friend from New Jersey that it is true this amendment was defeated in committee, but the fact of the matter is there was every indication that there were people who favored it and would support it when it got to the floor.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BAUCUS. Mr. President, I yield 1 minute to the Senator from Ohio.

Mr. METZENBAUM. Mr. President, this is a good amendment. This is a very good amendment. It is such a good amendment that I voted for it when it was in committee. But I am opposed to it tonight, because this amendment will not become law. This bill will be filibustered, and it will be withdrawn, and there will be no legislation at all. The fact is, at this moment, we have worked out a package that is not as good as I would like it to be, but it is a lot better than what the law is now. It affects contracts and noncontract kind of waste coming into a State, and it brings down the amount appropriately, and over a period to the year 2000 it would be cut down 90 percent.

I say that, yes, the right vote is for the amendment, but when you get all done, you will have won nothing; you will have lost the ball game. The ball game will be over because there will be no bill. So I believe we ought to put this on the table. I think we ought to recognize that there will be another day when we can come back to it; but if we accept it tonight, I think the bill is at an end, and we will have lost a very good piece of legislation.

Mr. DURENBERGER. Mr. President, S. 2877 is a bill to authorize the States to regulate interstate commerce in municipal waste. This bill is before the Senate because the Supreme Court has decided that the States do not have the power to regulate the flow of waste across State borders. The Supreme Court finds in article I, section 8 of the Constitution, in the provision of the Constitution which is called the commerce clause, a prohibition on State laws that would limit the importation of out-of-State waste.

The first case of this type on municipal waste was called *City of Philadelphia* v. *New Jersey* (437 U.S. 617 (1978)). It was decided in 1978. New Jersey found that its landfills were filling up with Philadelphia garbage and passed a law prohibiting the disposal of out-of-State waste at New Jersey landfills. Applying its reasoning from cases going back to 1824, the U.S. Supreme Court determined that the New Jersey law was unconstitutional because it directly discriminated against out-of-State waste.

Justice Stewart writing for the Court in City of Philadelphia versus New Jersey described the constitutional considerations as follows:

Although the Constitution gives Congress the power to regulate commerce among the States, many subjects of potential federal regulation under that power escape congressional action because of their local character and their number and diversity. In the absence of federal legislation, these subjects are open to control by the States so long as they act within the restraints imposed by the Commerce Clause itself. The bounds of these restraints appear nowhere in the Commerce Clause, but have emerged gradually in the decisions of this Court giving effect to that purpose. * * *

The opinions of the Court through the years have reflected an alertness to the evils of "economic isolation" and protectionism. * * *

The New Jersey law blocks the importation of waste in an obvious effort to saddle those outside the State with the entire burden of slowing the flow of refuse into New Jersey's remaining landfill sites. That legislative effort is clearly impermissible under the Commerce Clause of the Constitution.

As recently as June 1 of this year, the theory applied in City of Philadelphia versus New Jersey has been cited by the Court to strike down other State laws on waste management. On that day the Court overturned a Michigan law that allowed countries to refuse out-of-county waste at their landfills (*Fort Gratiot Sanitary Landfill, Inc.* v. *Michigan Department of Natural Resources*, U.S. Sp Crt No. 91-363 (June 1, 1992)). And on the same day the Court also announced its decision in an Alabama case finding unconstitutional an Alabama statute that imposed special fees on hazardous waste brought in from other States, fees that were considerably larger than the fees imposed on wastes generated within Alabama (*Chemical Waste Management, Inc.* v. *Hunt, Governor of Alabama*, U.S. Sp Crt No. 91-471 (June 1, 1992)).

These decisions have left little room for the States to regulate the movement of waste across State borders. And these decisions apply not only to State laws limiting imports, but to export bans, as well. For example, two counties in the State of Minnesota attempted to assure a flow of material to their newly constructed composting facility by passing an ordinance requiring that all waste generated in the counties be delivered to the composting facility. The counties were sued by an Iowa waste hauler who operates a landfill in Iowa and who wanted to dispose of the garbage he collected in his landfill, rather than deliver it to the county composting facility.

The Federal district court for Minnesota ruled in this case that the commerce clause bars regulations that have the effect of preventing waste exports, if the purpose of the export ban is principally to assure the financial viability of an in-State waste management facility (*Waste System Corp.* v. *County of Martin and County of Faribault*, No. 92-1642 MN).

While the Supreme Court has overturned State laws affecting interstate waste movements on constitutional grounds, the Court has also indicated that under the Constitution the Congress may grant State and local governments the authority to regulate in this area. The clearest statement of the congressional power to resurrect State regulations was made in the 1945 Case, *Southern Pacific Co.* v. *Arizona* (325 U.S. 761 (1945)), where Chief Justice Stone writing for the Court said:

Congress has the undoubted power to redefine the distribution of power over interstate commerce. It may either permit the states to regulate commerce in a manner which would otherwise not be permissible or exclude state regulation even in matters of peculiarly local concern which nevertheless affect interstate commerce.

To summarize then, the Supreme Court reads the commerce clause of the Constitution to preclude State laws that discriminate against commerce that has an interstate character, if the purpose of these laws is to protect the State's own economic interests. But the Court also reads the commerce clause to give the Congress power to authorize such discriminatory State laws should Congress choose to do so. This proposition is called the dormant commerce clause, the dormant party in this case being the Congress. If we are dormant, the Court will strike down protectionist State legislation.

We are here today to override the constitutional prohibition on discriminatory State laws as the Supreme Court says we may. We may empower the States to pass protectionist legislation that the Court would, absent congressional sanction, otherwise find unconstitutional. We may.

But should we? I would ask my colleagues to step back from the particulars of the bill now pending and consider the larger questions. If the Constitution does indeed bar discriminatory State legislation, under what conditions should the Congress allow it anyway? If the Congress is to grant power to the States to create barriers to interstate commerce, how should the grant be made and how should this new State authority be exercised?

I am sure that the Members of the Senate have recognized the many unusual features of the bill now before us. It authorizes a Governor to take certain actions, but only if requested to do so by a local government. It grants four States the power to freeze the proportion of out-of-State waste disposed in those States, but denies that same power to others. It authorizes the regulation of municipal waste that will be disposed, but not municipal waste that will be recycled. It authorizes regulation of municipal waste, but not industrial or hazardous waste.

Why is this bill so contorted? Why not just give the States a flat grant of power to regulate the movement of waste across their borders?

There are two ways to answer this question. Those who have spent any length of time in this Chamber will quickly note that all of these conditions and contortions are necessary to get this bill passed. It is a political answer. You don't agree to these limitations on State authority, you don't get a bill. That rather indelicate statement of the realities has been put to the Senator from Indiana by the distinguished manager of the bill several times already.

So, there is the political answer. But a more helpful approach might be a statement of general principles that should be applied by the Congress in these situations. The Court has over many decades developed its theory of the dormant commerce clause. What is our theory of the active commerce clause?

The commerce clause is not some automatic pilot enshrined in the Constitution with little relevance to our work. The Constitution does not bar State regulation of interstate commerce. Rather it grants to the Congress the power to superintend the commercial laws and regulations of the States so that truly national interests might be protected. How should we exercise the power?

S. 2877 is not just a bill on trash. It is a bill of a very particular sort. It overrides a Court-imposed prohibition on State laws that are protectionist, that discriminate against out-of-State commerce. The Congress has been called upon to consider such bills before and will be again. What have we learned about the general exercise of this power that may be useful in guiding our actions in this specific instance?

Mr. President, as I prepared for the debate on this bill, I searched for general principles that might be applied. I am here today to report on that effort. I must say that I am troubled by what I have found. You would think that in the vast literature on our Constitution and our federal system of government that these questions would have thoroughly answered. But that is not the case. There is a great deal written on the history of the dormant commerce clause as seen from the perspective of the Courts. But precious little thought has been given to the congressional decision to override, to the considerations that we should entertain when we give life to our dormant powers.

As one might expect, modern analysts, the people knowledgeable on constitutional law federalism that one can interview on the telephone today, take an almost entirely political view of my question. This political view is that Congress does not have any general principles in mind when it activates its commerce powers. It cannot have a reason, because it is a collection of 535 individuals with a wide range of motivations. That Congress has the power and that Congress chose to exercise the power is all that one can reliably report. No lessons applicable to the next case can be deduced from the last.

I am not satisfied with the political answer. So, I returned to the Constitution itself and to the expectations of those who wrote that magnificent charter.

The Constitutional Convention was called to write the commerce clause. The biggest problem plaguing these States under the Articles of Confederation was their inability to join together in one national economy free from the impediments found at State borders as goods, and people moved across a new nation. Whatever else the Convention might do, it was surely expected to assist in the creation of a truly national economy.

Article I, section 8 of the Constitution says:

The Congress shall have the Power to regulate Commerce with foreign Nations, and among the several States, and with Indian Tribes.

That's the commerce clause. The whole of it. It is a positive grant of authority to the Congress, not to the Courts, but to the Congress.

It says nothing about the power of the States. It doesn't say that the States may regulate interstate commerce or that they may not. And it doesn't say that they may regulate interstate commerce, only if they have the permission of the Congress.

That article I, section 8 does not mention the States and their role is a most important point. By way of comparison, consider the words of article I, section 10 which says:

No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws.

That's a case where the Constitution clearly denies a power to the States unless the Congress shall agree to its exercise. But the commerce clause does not read that way. It is just a grant of power to the Congress.

If one reviews the notes taken by participants in the debate at the convention or the Federalist papers that were subsequently written to encourage ratification by the States, one nowhere finds any of the authors of the Constitution saying that the States are denied the power to regulate interstate commerce by the Constitution. Rather it appears, and the record is not all that clear, there are only four direct references to the commerce clause in all of the Federalist papers, it appears that the Founders expected that both the Congress and the States would be involved in the regulation of commerce and that where conflicts arose they would be decided in favor of Federal law based on the supremacy clause of the Constitution.

It is undeniable that the Founders knew of the evils of protectionist State legislation and expected that the new government would be able to overcome those evils. Madison's views on the temptation to raise revenues on trade originating in other States from the Federalist No. 45 were quoted by the Senator from Idaho during the debate on this bill yesterday. But Madison did not say that the Constitution would bar all protectionist regulation of this type. Rather, he pointed with confidence to the power granted to the

Congress to oversee these State laws and to assert the interests of the Union whenever parochial enactments threaten to hinder a national economy.

Now, that's a far different view of the commerce clause than we have received from the Supreme Court in the waste cases and that has been described by many Members of this body during the debate on S. 2877.

The clearest statement of the Court's view of the commerce clause came in the 1945 case Southern Pacific versus Arizona, where Chief Justice Stone writing for the Court said:

> For a hundred years it has been accepted constitutional doctrine that the commerce clause, without the aid of Congressional legislation, thus affords some protection from state legislation inimical to the national commerce, and that in such case, where Congress has not acted, this Court, and not the state legislature, is under the commerce clause the final arbiter of the competing demands of the state and national interests.

That is the Court's view. And it is, therefore, the law of the land. But it is certainly not the only possible reading of the commerce clause and likely not the reading that the authors of the Constitution intended. There is no restriction on State authority in the commerce clause. State powers aren't even mentioned in the commerce clause. The commerce clause does not say that States may only regulate interstate commerce, if they get the consent of the Congress. If the Founders had intended the commerce clause to operate in that way, they knew how to write the proposition clearly and completely. They made just such a conditional grant of authority in section 10 of article I of the Constitution as I quoted it a moment ago.

This review indicates to me that framers of the Constitution did not intend for the Federal courts to oversee State laws on interstate commerce. Rather it was left to the Congress to mediate among the States and to preempt State enactments which imposed too great a burden on interstate commerce. The power of the Congress to regulate commerce and the supremacy clause making Federal enactments paramount are a complete system in themselves. We do not require a dormant commerce clause to protect the national interest.

A Federal system, part national and part State, or commercial regulation that might have developed if States had been free to regulate interstate commerce, absent congressional intervention, would be very different from the system that has been imposed by the Supreme Court. The Court's system is decidedly anti-State and substitutes the judgments of the appointed Federal judiciary for the policies that might have been enacted by the elected legislatures, national, State, and local, of the people of this Nation.

Because the dormant commerce clause is a legal principle, the courts must strike down every State or local enactment that is protectionist. On the other hand, left to oversight by the Congress, only those State laws that truly offend the national interest would prompt a Federal veto. That is a very big difference in the operation of our federal system.

Take for instance the bill that is now before us. No one can quarrel with me when I describe this as a very narrow bill. The crabbed authority that it grants to the Governors will hardly make a difference in the waste policies of most States. This bill is a compilation of curiosities that make no sense, unless one has been immersed in the debate on interstate waste over the past several months. It is essentially a deal between two exporting States, four importing States and four waste management companies that has little relevance to the waste management problems of the rest of the Nation. It reflects the reality of current waste flows, that may be reversed in a few short months, as the experience of new Jersey so clearly indicates.

Why is a Governor only allowed to act, if requested to do so by a local official?

Why is the Governor given authority under this Federal law to take actions that the legislature of his or her State may not have authorized?

Why does this bill not include authority to impose differential fees on out-of-State waste as the National Governors' Association has requested?

Why are so many landfills given special exemptions under this bill?

Why do States receiving more than 1 million tons of waste in 1991 get more authority than States that received less than 1 million tons?

Why does this bill do so much violence to the role of the States in our federal system?

Because we are on the wrong foot, Mr. President. We are here to override a Supreme Court decision denying States a power that they were meant to have under the Constitution. We recognize the need to restore this authority to the States, but we cannot do the whole job in this bill. Legislation to make a flat grant of power to the States to regulate interstate waste transport would be blocked by Senators from the exporting States and by the friends of the big, national trash companies.

The States are in a most unfortunate position. As the distinguished manager of the bill has already said here on the floor, it's this bill or nothing. If we try to give the States any more authority, this bill will be talked to death.

We heard yesterday an impassioned defense of the commerce clause by the senior Senator from Idaho. He stated as well as anyone can the case for the national economic interest over State rights. His basic point was that our prosperity and the success of our national economy has in no small part been accomplished by setting aside the burdens of protectionist State legislation that had been experienced under the Articles of Confederation. That is true. He asked the Senate to defeat S. 2877 because it might set a precedent elevating the parochial above the national interest.

But the Senator from Idaho also opposes the comprehensive solid waste legislation, S. 976, that has been reported by the Environment and Public Works Committee. If I am not mistaken, he opposes that bill because it would create a Federal garbage man. It would give to EPA powers and responsibilities for the management of municipal waste that have traditionally been left to the states. He argues against Federal power when the subject is S. 976. He argues against State power when the subject is S. 2877.

You can't have it both ways, Mr. President. In fact, I would say that the dormant commerce clause imposed by the Supreme Court on our federal system has been a major factor in pushing traditional State and local concerns like waste management up to the national level. When States have been frustrated in their efforts to solve real problems by the Court's reading of the commerce clause, the Congress has most often responded, not by granting the States the power, but rather by stepping in with Federal regulation directly.

If you want a federal garbage man, the surest way to get there is to be overzealous in your concern for the interests of the national trash companies and their contracts as against the powers of the States.

Mr. President, the Supreme Court has taken the position that it shall supervise State powers over commerce. Even the Court acknowledges that there is nothing in the Constitution explicitly authorizing that view and that the dormant commerce clause has only been discovered gradually over more than 100 years of case law. It is made acceptable only because the Court has invited the Congress to override its judgments and to authorize the State laws it has overturned. But it is not, "six in one, half a dozen in the other," here, Mr. President.

Suppose for a moment that we had been able to step forward with the right foot. Suppose that the commerce clause had been read by the Courts as it is written, allowing States the power to regulate interstate commerce unless preempted by the Congress. Assume also that Indiana and Pennsylvania and Ohio had passed laws barring the importation of municipal trash. Can any Member imagine the Senate passing a bill forcing Indiana and Ohio and Pennsylvania to open their borders to New Jersey and New York garbage? Does anyone believe that such a bill would even be introduced?

It is our responsibility under the Constitution to secure the benefits of a truly national economy. But it is also our responsibility to preserve the institutions and procedures of the States, our partners in a federal system of government. That we are forced to pass a bill like S. 2877 if we want the States to play any role in the regulation of interstate waste transport is a measure of the damage the Supreme Court has done to our Federal system by arrogating to itself powers that were intended to be exercised by the Congress.

It is interesting to note that our capacity to supervise States on the subject of waste disposal will receive another test later today when we address the energy bill. One of the major issues on that bill is whether we will have a national decision to dispose of radioactive wastes, notwithstanding the objections of the State of Nevada. I believe the energy bill will pass. It will reaffirm a national policy on the disposal of radioactive wastes. It is evidence that the national economic interest is not forfeit, if the exercise of the commerce clause is in the first instance left to the Congress rather than the courts.

Mr. President, I would make two additional observations in support of my rather unconventional view of the dormant commerce clause. The first is to note again that it took many decades of evolving doctrine before the Supreme Court finally found the dormant commerce clause so firmly cited today. The dormant commerce clause was not the Court's first impression of the proper allocation of responsibilities. The first case even suggesting exclusive Federal authority was not heard until 34 years after the Constitution had been ratified. And the principle that the Court could strike down State law, because the Congress had not legislated was not fully endorsed by the Court until after the Civil War.

One listening to the debate in the Senate over the past few days would think that the dormant commerce clause was the very bedrock of the Constitution. Far from it, Mr. President. It is a relatively late invention.

Second, I would cite our experience with preemption. One way to test a single timber in our governmental framework is to see how it fits with the parts it joins and the system as a whole. The congressional power most closely related to the power we exercise today, the power to authorize State regulation of interstate commerce, is our power to preempt State legislation. The combination of the commerce clause and the supremacy clause give the Congress the power to preempt State law.

As the so-called regulated community well knows, the Committee on Environment and Public Works almost never preempts State authority. In fact, each of the environmental laws we have enacted, including our national waste law, the Resource Conservation and Recovery Act, make every effort to form a partnership with the States that preserves the broadest possible scope for State action.

We deny the States the power to deregulate commerce by undercutting minimum Federal standards. But we explicitly preserve State authority to impose more stringent requirements. The States have never, in my experience, contradicted our expression of confidence by using this power to discriminate against interstate commerce for the purpose of protecting an in-State economic interest.

We do not preempt. And the actual experience of that policy contributes directly to my belief that the Federal system would work better if the Congress, not the Supreme Court, provided active oversight for the commercial regulations of the States.

Now, Mr. President, you might ask, "So what?" All of us can surely identify alternative readings of one constitutional provision or another. And we have heard many times about the pernicious effects of these wrongly decided cases. But, short of amendment, the Court's determination in constitutional cases is final and in an area firmly decided so long ago, it is unlikely that the views of any Senator, even views more compelling than I am able to offer today, would make much difference.

Well, there is relevance in these considerations, Mr. President. Because we have the power by mere legislative enactment to modify the application of the Constitution to otherwise unconstitutional State laws, the case I have made has relevance to the task now before us.

The question I first asked, Mr. President, is what general principles should a Senator apply when voting on a bill that authorizes States to discriminate against interstate commerce? I have come to the conclusion that we should in these cases, and absent evidence that States have or will abuse their powers for purely protectionist reasons, grant the States the most general and unconditional authorities. Such a grant of power would better reflect the language of the Constitution and the intention of its Framers. It would promote a Federal system of regulation more cooperative and effective than we have experienced under the dormant commerce clause asserted by the Federal courts. And it would lead to a more efficient distribution of regulatory responsibilities, a distribution that more closely reflects the diversity of this great Nation.

If the States subsequently abuse the power, then Congress has the authority under the commerce clause to rein them in.

The bill before us is not a general and unconditional grant of authority. Rather it is the narrowest possible bill that can satisfy the complaints of the handful of States suffering the burdens of out-of-State trash. I have already described the political realities that have produced this narrow bill. Perhaps, S. 2877 will not be the ultimate judgment of the Congress on the proper scope for State action. In the future I shall urge the broadest grant of power to the States to regulate the flow of solid waste.

Mr. President, I realize that I have presented a somewhat unconventional view of the dormant commerce clause here today. Lest my colleagues think these views are uniquely held by this Senator, let me offer the following from the Duke Law Journal of September 1987:

> The dormant commerce clause lacks a foundation or justification in either the Constitution's text or history, and, despite the efforts of respected constitutional scholars, the commerce clause cannot be satisfactorily rationalized outside the text of the Constitution. More importantly, the dormant commerce clause alters the delicate balance of federalism clearly manifested in the constitutional text. By vesting initial oversight power in the judiciary, rather than Congress, the dormant commerce clause shifts the political inertia against the states in the regulation of interstate commerce, and leaves federal oversight of state regulation in the hands of the governmental body traditionally thought to be least responsive to state concerns.
>
> It is time to recognize that the dormant commerce clause is little more than a figment of the Supreme Court's imagination—hardly a legitimate basis, in a democratic society, upon which to premise judicial invalidations of state legislative action. (Martin Redish and Shane Nugent, "The Dormant Commerce Clause and the Constitutional Balance of Federalism, Duke Law Journal, Vol. 1987, Number 4, 617.)

Mr. President, let me turn now to one final aspect of the debate that has been heard on this bill. That is the political justification for State regulation of interstate waste. It is just possible that not every Senator will be persuaded by my constitutional analysis. I will focus, then, for a moment on the more particular issues that might guide a vote on this bill. What are the specific State concerns that justify discrimination against out-of-State waste? I can describe at least two such concerns.

First is the concern for capacity. Capacity to manage municipal waste is the issue most frequently mentioned by Senators on both sides of this debate. There is a capacity crisis in some States. Old landfills have filled up or been closed because of environmental violations. New landfills are hard to site. Waste is exported to distant landfills in the alternative.

The receiving States make this argument on capacity:

> Capacity is a public good. We have worked hard to establish our capacity. It is a precious commodity. If our only reward for creating capacity is to be host to out-of-state waste, sent here by states that have not

made the tough choices necessary to create their own capacity, then why should we bother?

Long-distance shipment of municipal waste undercuts the effort to site new landfills and eventually exacerbates the capacity crisis. That New Jersey was forced by the Court to accept Philadelphia garbage in 1978 may be a contributing factor to the shortage of landfill capacity experienced in New Jersey today.

There must be some appeal in this argument, since it has been repeated so often here on the floor of the Senate. It is even recognized as legitimate by the exporting States who plead for only a little more time to get their own capacity in place.

But the argument is belied to some extent by the real legal situation with respect to trash. To the extent that the State of Indiana or Ohio or Pennsylvania sited and built public landfills to meet their capacity needs, the dormant commerce clause of the Constitution would not require them to open those landfills to out-of-State waste.

There is a so-called market participant exception to the dormant commerce clause. If a State or local government actually builds a landfill and offers space in that landfill in the marketplace, it can refuse to take waste from other States. Acting as a market participant rather than a regulator, a State is free to discriminate against out-of-state waste. The market participant exception has been applied in a waste case where a Federal court upheld the right of Rhode Island to exclude out-of-State wastes from its State-owned landfill (*Lefrancois* v. *Rhode Island*, 669 F. Supp. 1204 (D.R.I. 1987)).

Since 80 percent of the landfills in this Nation are owned by governments, the market participant exception is a significant factor in this debate. To the extent that states act as landfills owners and operators to solve their capacity problems, they need have no fear of the dormant commerce clause.

This bill is about the 20 percent of the landfills that are owned and operated in the private sector. I don't believe that the proponents of the bill are urging it because they think it will create more capacity in the private sector. That is not their objective. I can't imagine the Senators from Indiana or Ohio or Pennsylvania welcoming with open arms a huge, new private landfill in any of their States, even if it would solve the capacity crisis that is being experienced along the East Coast. Capacity, per se, is not what they seek and cannot be a justification for this bill.

A second concern expressed by the States, and one that is more powerful I believe, is the need for long-term care and maintenance of waste disposal facilities. If the record is any guide, over the long run many of our municipal landfills will fail and the public sector will be called on to clean them up. The Superfund program is a measure of the burden that is imposed by old waste management facilities. Fully one-quarter of the 1,226 sites on the Superfund National Priorities List are municipal landfills.

We have been somewhat successful in our efforts to get polluters to pay for the cleanup of Superfund sites. But the ultimate responsibility to clean up failed landfills falls on the taxpayer. If the polluter can't be found, has gone out of business or has a defense to liability, then it is the taxpayer who will bear the burden.

At a municipal landfill that takes no waste other than that generated in the local jurisdiction, our sense of equity is not troubled by assigning the ultimate responsibility to the taxpayer. Those who benefited from the facility while it was in operation are also the ones who stand to pay for cleanup if it fails.

But that is not true when the users of the facility are cities hundreds of miles distant that simply put their waste into interstate commerce and let the haulers decide where it might ultimately find a resting place. It is not surprising that the taxpayers in any locality, who understand the troubled record of so many municipal landfills, are unwilling to see waste brought from long distances into their community. Who will pay when the landfill leaks?

As with the capacity concern, there are factors here that mitigate against State authority to discriminate, as well. One is the Superfund program itself. It imposes strict liability on the generators of trash for any future cleanup costs that may be incurred at landfills where the trash is disposed. If a landfill leaks and must be cleaned up under Superfund, it is possible to reach the cities who merely sent their trash to the site to insist they pay a share of the cost, even if those cities are in another State.

But Senators will remember that only a few weeks ago, the Senate passed an amendment that will undercut the Superfund liability regime. It exempts cities that are merely generators from any liability through contribution suits to recover costs of cleanup at Superfund sites.

That amendment was sponsored by the junior Senator from New Jersey. Today, he defends the right of New Jersey cities to send their trash to out-of-State landfills hundreds of miles distant from his State. A few weeks ago he was the author of an amendment that would reduce the likelihood that his exporting cities might ultimately be held liable for future cleanup costs for the trash they have shipped. The municipal liability amendment that was adopted by the Senate in early June would, if enacted, substantially strengthen the case for state authority to erect barriers to out-of-State trash.

Mr. President, as I said much earlier in this talk, the Constitutional Convention was called to write the commerce clause. On a matter of such importance, they could not have got it wrong. If the founders had intended a dormant commerce clause enforced by the Supreme Court, they certainly would have drafted the Constitution that way. The Congress has the power to realize the federal system of commercial regulation that the Founders actually intended. It is my firm recommendation that we implement now our own theory of the active commerce clause and that we put more authority and more responsibility in the hands of the States. We can do so with every confidence that the prosperity of our people and comity among the States will be preserved.

Thank you, Mr. President.

Mr. GRASSLEY. Mr. President, I rise today to offer my support for S. 2877, the Interstate Transportation of Municipal Waste Act of 1992.

On June 1, 1992, the Supreme Court handed down opinions in two separate cases that invalidated state laws seeking to limit out-of-State waste. In Fort Gratiot Sanitary Landfill versus Michigan Natural Resources Department, the Supreme Court struck a Michigan statute that granted each of the State's counties authority to regulate out-of-State solid waste disposal differently from solid waste generated within the county. The court stated that Michigan did not identify any reason, apart from the place of origin, why solid waste coming from outside the county should be treated differently from solid waste generated within the county as the basis for their decision.

In the other case, Chemical Waste Management, Inc. versus Alabama, the Court struck down an Alabama statute that imposed a $72 per ton surcharge on hazardous waste originating from out-of-State. They said that—

> No State may attempt to isolate itself from a problem common to several States by raising barriers to the free flow of interstate commerce.

Congress needs to express itself in order that States may be able to deal with the intrusion of their borders with out-of-State garbage.

Under S. 2877, the Governor of a State is granted discretionary authority to ban or limit municipal solid waste generated outside the State from disposal in any landfill or incinerator subject to the jurisdiction of a local Government that requests it. The Governor may not discriminate against out-of-State municipal waste based on the state of origin and may not treat landfills within the State differently.

Mr. President, the United States produces approximately 180 million tons of solid waste every year. The generators of this garbage must be held accountable for the garbage. They have many options available to them. Recycling is

a very positive pro-environment approach. Another is the use of landfills to accommodate this waste.

While the solid waste problem continues to increase, we are having more landfill closures without corresponding formation of new landfill sites. We are fast running out of room.

The Environmental Protection Agency estimates that 75 percent of the Nation's current landfills will be closed in the next 10 years. The problem is that in years past, landfills were created without much consideration for the environmental impact.

Because capacity is shrinking for landfill sites, States have been shipping their garbage into other States. In 1987, 10 million tons of garbage crossed State lines.

With the closing of landfills across our Nation, this legislation is needed more than ever. In the future, States can not expect to be able to transport their waste half-way across the country to a landfill site in Iowa or Nebraska. These landfill sites will not be available to them. They are going to have to make accommodations to deal with their waste themselves. They are going to have to make these accommodations beginning now, not 10 years from now when the landfill sites will not be available to them. This legislation will force responsibility, it will force the producers of waste in our nation to be responsible for administering the proper disposal of that trash. Sending it from New York to Iowa is not dealing with it, it is avoidance of responsibility on the part of the waste producers.

This legislation will make it possible for communities across America to restrict the amount of out-of-State waste that comes into their towns. It will also force communities and States to deal with their own waste problems instead of pushing it off on others and transporting it across the country.

The environment is of great concern to many Americans. Iowans take a back seat to no one when it comes to concern about the environment. We are very closely tied to the soil and the environment of our State. We make a living through the proper management of this soil, this environment. We are greatly concerned that we do the right thing when it comes to the maintenance of the environment, and this extends to the way we handle the waste that we generate.

If Iowa can properly handle the maintenance of its waste, there is no reason why other States throughout the United States can not do the same.

If I can ask the indulgence of my colleagues, I would like to take this opportunity to discuss this issue as it relates specifically to the State of Iowa.

First let me point to a few communities in Iowa and discuss how they handle their solid waste:

The city of Dubuque and Dubuque County operate their own landfill that has a capacity that should last another 20-plus years. They do not accept out of state trash and would like to continue this practice. The solid waste management supervisor for Dubuque, states that this legislation "sounds good. We would be in favor of the legislation."

Burlington is part of a regional solid waste commission which maintains a landfill with adequate capacity and also has an aggressive recycling program. They, too, support this legislation.

Fort Madison and Keokuk in southeast Iowa are part of the Lee County Solid Waste Commission. There are also two counties in Illinois that are part of this cooperative effort. They have a regional solid waste plan. The legislation that we are discussing today works well with this cooperative agreement. If States are willing to enter an agreement in a collaborative manner, this legislation will not restrict that agreement.

The city of Sioux City has a similar bi-State agreement with Jackson, NE.

The city of Council Bluffs takes their solid waste to the Douglas County Landfill in Nebraska, where they pay a fee. They are attempting to find an alternative in Iowa to handle their own garbage in their own area. Again, this is yet another example of a community in Iowa working effectively with an area in a border State to deal with their solid waste problem.

At the same time that Council Bluffs has dealt effectively with their own solid waste, they have been the unfortunate victims of garbage coming from the east coast. This trash has come into Council Bluffs on its way to Nebraska. While in Council Bluffs the trash boxcars have oozed liquid. This liquid was analyzed by the city sanitarian and was found to contain dangerous quantities of unsafe materials generally found in solvents and paint thinners.

Mr. President, this legislation is needed, and will hopefully be acted upon immediately by this body and be made into law. We must act immediately to effectively deal with the garbage our society creates. This legislation will move us closer to dealing with this problem. Our children's future depends on our actions today.

Mr. BAUCUS. Mr. President, I strongly urge Senators to support a tabling motion which I am about to offer. I would like to say to the Senator from Arkansas that the amendment adopted earlier did not "muck" up this bill. In fact, the amendment gave importing States even more authority than they previously had. That amendment was supported by importing States because it gave them more authority than they would have had without it.

Second, this is a 50-State solution to a 50-State problem. Every State, Governors, and communities, have more authority than they presently have.

Finally, the statement of the Senator from New Jersey is a statement we must take very seriously.

Frankly, New Jersey and New York had serious reservations about this bill. But they have gone the extra mile to help find a solution. Let us remember that States can do a lot to protect their own local communities. Because a half loaf is better than no loaf, I urge Members to support the tabling motion.

Mr. President, I now move to table the Reid amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Texas [Mr. BENTSEN], the Senator from North Dakota [Mr. BURDICK], the Senator from Tennessee [Mr. GORE], and the Senator from Colorado [Mr. WIRTH] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Oregon [Mr. PACKWOOD], the Senator from California [Mr. SEYMOUR], and the Senator from Alaska [Mr. STEVENS] are necessarily absent.

I further announce that the Senator from North Carolina [Mr. HELMS] and the Senator from Delaware [Mr. ROTH] are absent due to illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 60, nays 31, as follows:

[Rollcall Vote No. 149 Leg.]

YEAS—60

| | | |
|---|---|---|
| Adams | Garn | Mack |
| Akaka | Gorton | McCain |
| Baucus | Graham | McConnell |
| Biden | Gramm | Metzenbaum |
| Bond | Grassley | Mikulski |
| Boren | Harkin | Mitchell |
| Bradley | Hatch | Moynihan |
| Brown | Hatfield | Murkowski |
| Burns | Heflin | Pell |
| Chafee | Inouye | Robb |
| Coats | Jeffords | Rudman |
| Cochran | Johnston | Sarbanes |
| Cohen | Kassebaum | Simon |
| Craig | Kennedy | Simpson |
| Cranston | Kerry | Smith |
| D'Amato | Lautenberg | Symms |
| Danforth | Leahy | Thurmond |
| Dixon | Lieberman | Wallop |
| Dodd | Lott | Warner |
| Dole | Lugar | Wofford |

NAYS—31

| | | |
|---|---|---|
| Bingaman | Ford | Pryor |
| Breaux | Fowler | Reid |
| Bryan | Glenn | Riegle |
| Bumpers | Hollings | Rockefeller |
| Byrd | Kasten | Sanford |
| Conrad | Kerrey | Sasser |
| Daschle | Kohl | Shelby |
| DeConcini | Levin | Specter |
| Domenici | Nickles | Wellstone |
| Durenberger | Nunn | |
| Exon | Pressler | |

NOT VOTING—9

| | | |
|---|---|---|
| Bentsen | Helms | Seymour |
| Burdick | Packwood | Stevens |
| Gore | Roth | Wirth |

So the motion to table the amendment (No. 2739) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAUCUS. I think we are in a position to enter a time agreement on remaining amendments. In just one moment I will have that list of amendments. I think we can reach a time agreement on it.

Mr. President, I would say to other Senators regarding the last amendment, we had an agreement that balanced the various States, and that is why the Reid amendment was not successful, but I very much thank the Senator for his efforts to protect importing States.

UNANIMOUS-CONSENT AGREEMENT

Mr. BAUCUS. Mr. President, I now have a list here of, I think, the only remaining amendments to this bill.

I would like to propound a unanimous-consent agreement with respect to the remaining amendments.

First, an amendment by Senator BINGAMAN concerning border solid waste study. That should be noncontroversial.

Second, an amendment by Senator RIEGLE, concerning States with preexisting management plans.

Third, an amendment by Senator SHELBY with respect to hazardous waste.

And fourth, Senator ROBB's amendment dealing with the District of Columbia dumping at Lorton landfill. That also could be noncontroversial.

In addition, a leadership amendment by Senator DOLE and as well a leadership amendment by the majority leader.

In addition, Mr. President, the managers' technical amendments also would be in order.

Mr. President, I am now advised informally that Senator RIEGLE will not be offering his amendment. I wonder if there is some way I can get confirmation?

I now understand Senator RIEGLE is not going to offer his amendment. Senator RIEGLE's amendment will not be part of this request.

I am wondering if we could also enter time agreements with respect to these remaining amendments?

Mr. CHAFEE. First of all, Mr. President, I suppose the first order of business, if I am correct, would be to agree that this is the total number of amendments that can be submitted tomorrow? Am I correct?

Mr. BAUCUS. Mr. President, I think it is wise to first attempt to enter a consent agreement with respect to the list of amendments only and at a later time attempt a time agreement with respect to those amendments. So I ask unanimous consent that the list of amendments which I have just read into the record be the only amendments remaining in order to S. 2877, the interstate transportation of municipal waste bill; that they be first-degree amendments subject to relevant second-degree amendments; and that the leadership amendments be relevant to the subject matter of the bill; and that there be—I might ask my colleague from Rhode Island how much time would he suggest remaining on the bill? I would suggest, say, 4 hours remaining on the bill at most? I do not think it will take that.

Mr. CHAFEE. Does my colleague mean in addition to the amendments?

Mr. BAUCUS. The time on the bill will be 4 hours.

Strike that, Mr. President. That would be total. It would be just how much time my colleague and I think we would need remaining at the end. I could reduce that down to, say, a half hour.

Mr. CHAFEE. I would think so.

If I could suggest to the manager that he has proposed that there be first-degree amendments subject to relevant second-degree amendments, I believe.

Mr. BAUCUS. Correct.

Mr. CHAFEE. Could we also agree that where the time is indicated on the first-degree, then the second-degree amendment be accorded the same time limitation?

Mr. BAUCUS. Yes.

Mr. CHAFEE. And that all time for debate be equally divided, controlled in the usual form with no motion to commit in order; that upon disposition of the listed amendments, that the bill be advanced to third reading? Then that is where you would like some time?

Mr. BAUCUS. That is correct.

Mr. CHAFEE. I would think at that point half an hour equally divided, perhaps?

Mr. BAUCUS. Yes. That would be fine.

And, further, without intervening action or debate the Senate proceed to vote on final passage of the bill. That is after the half hour and after disposition of the listed amendments.

Mr. CHAFEE. That is fine.

The PRESIDING OFFICER (Mr. ROCKEFELLER). Is there objection? Without objection, it is so ordered.

Mr. CHAFEE. Now, if I could suggest to the manager, I think he has narrowed these down, which I commend him for. As I see it you have managers' technical, Senator BINGAMAN, Senator SHELBY, Senator ROBB, and then each leader.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent to add one amendment to the list, and that be the Inouye amendment.

The PRESIDING OFFICER. Hearing no objection, it is so ordered.

Mr. LAUTENBERG. Will the Senator yield for a question? Has there been a unanimous-consent request propounded at this point?

Mr. CHAFEE. Not in connection—we have not limited the amendments yet.

Mr. BAUCUS. We did.

Mr. CHAFEE. Did we? We did not arrive at a time limit on the amendments.

Mr. LAUTENBERG. We did not arrive at a time limit. What, then, do we have? Simply those amendments that have been discussed are the only ones in order? That is all that this unanimous-consent request asks? I have no objection.

Mr. BAUCUS. That is correct.

Mr. CHAFEE. Could I ask, on Senator INOUYE's amendment, would somebody know whether——

Mr. BAUCUS. It is Indian reservations.

UNANIMOUS-CONSENT AGREEMENT VITIATED

Mr. BAUCUS. Mr. President, I ask unanimous consent that the unanimous-consent agreement for 30 minutes requested time on the bill be vitiated.

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

Mr. CHAFEE. Mr. President, can we get any time agreement on the amendments?

Mr. BAUCUS. We can try. I do not know if the Senators are here. We are willing to agree to time agreements. I do not see Senator SHELBY on the floor.

Mr. CHAFEE. How about the leadership amendments?

Mr. BAUCUS. If I might suggest to the Senator, I think since we have the list of amendments, and looking at the list I do not think very many of them are going to be controversial. For all intents and purposes, it is not that necessary to enter into a time agreement. We will wrap this up, I think, pretty quickly tomorrow.

Mr. CHAFEE. I hope we are successful. I will say to the manager, I do hope that those who have amendments, and here they are, they are very few, will come on over tomorrow early and let us dispose of them. Some can be accepted. It seems that two, the Bingaman and the Robb one, as I understand it, both probably can be accepted to make a little progress. Then the Shelby one and the Inouye one, I do not know how complicated the Inouye one is. Hopefully, we can finish this bill soon tomorrow.

Mr. BAUCUS. Mr. President, I very much agree with the Senator from Rhode Island. Frankly, after giving due notice to Senators to come and offer their amendments, if the Senator from Rhode Island and I are here after several hours' time and Senators are not coming over, and after continuing to give due notice, it will be the inclination of the manager of the bill to move to third reading.

I will many times tomorrow encourage Senators to come to the floor. I will state that ad nauseam, and I will ad nauseam say if we do not get

amendments within a reasonable period of time, let us say an hour, that I will move to third reading of the bill. So Senators who have amendments are on notice that they should come to the floor in a reasonable period of time, as in 15 minutes or something like that, or they run the risk of losing their opportunity to offer amendments.

Mr. President, I would like to amend the consent agreement, if I could to provide that debate on the bill still be permitted following the disposition of amendments, only if necessary.

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

## MORNING BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent that there be a period for morning business, with Senators permitted to speak therein.

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

## NATIONAL BEVERAGE CONTAINER DEPOSIT HEARINGS

Mr. PACKWOOD. Mr. President, you have heard Senators HATFIELD and JEFFORDS speak today about the need for hearings in the appropriate Senate committees on national beverage container deposit legislation. I was very pleased to hear that assurances have been made and that, finally, hearings will indeed occur.

In January 1978, I chaired 3 days of hearings on a bottle bill in the Commerce Committee. Fourteen and one-half years have gone by, but the issue hasn't gone away. More States have adopted beverage container deposit legislation since then, and every Congress has had a bottle bill introduced since then, only to be put away, year, after year, after year.

Well, guess what, we're finding out that there is no away anymore. The issue just keeps coming back. And, there is no away anymore when we discard out empty bottles and cans.

Where is away—on our beaches, in our landfills, on our highways, on our children's playgrounds, in the farmer's fields? The trash train roaming around from the east coast through the midwest last week couldn't find "away." Maybe there just isn't any away. Maybe it is high time we adopted a national beverage container deposit program for reuse, recycling, and renewal of some of our resources instead of trying to find "away."

My thanks to Senators HATFIELD and JEFFORDS, who have worked so hard to raise the consciousness level of the Congress once again on this timely issue. I urge my colleagues to raise theirs. I thank the Chair.

## A ROLE FOR NATO IN CYPRUS

Mr. PELL. Mr. President, I would like to draw my colleagues' attention to a recent piece in the Christian Science Monitor by David J. Scheffer entitled "NATO's First Peacekeeping Mission." Mr. Scheffer argues that Cyprus may be ripe for a NATO/CSCE mission, particularly if the U.N. peacekeeping forces currently manning the green line are withdrawn due to lack of funds. I believe that most would agree with Mr. Scheffer's contention that "Cyprus could become the next Bosnia if it were to lose the international military presence that defuses tensions every day."

As a long-time supporter of the United Nations, my first preference is for a continued United Nations involvement in Cyprus. However, the reality is that just as the United Nations is coming into its own politically, it is strapped financially. Accordingly, regional organizations—such as NATO and CSCE—will have to accept greater responsibility for keeping the peace in their area trouble spots. In this context, Mr. Scheffer offers an interesting perspective on potential NATO involvement in Cyprus, and possibly in other conflicts in the region.

I ask unanimous consent that the text of Mr. Scheffer's article be printed in the RECORD.

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

[From the Christian Science Monitor, July 6, 1992]

NATO'S FIRST PEACEKEEPING MISSION

(By David J. Scheffer)

NATO's new but untried mission to keep the peace in a turbulent Eastern Europe could meet its first real test, not in Bosnia-Herzegovina, but in the oldest conflict of them all: Cyprus. For better or worse, the United Nations will probably continue to lead on any peacekeeping operation or humanitarian intervention in Bosnia, NATO members are participating, but not under NATO's banner.

U.N. talks on Cyprus are in their most precarious stage in New York, guided by a set of now-or-never ideas advanced by U.N. Secretary-General Boutros Boutros-Ghali and recently endorsed by the Security Council. The aim is to unify the country into a federation of Greek Cypriot and Turkish Cypriot "communities" and manage the removal of all but a small contingent of the 40,000-strong Turkish Army.

The Cypriot standoff has faded from our memory, but it offers a laboratory for the new Europe, the Conference on Security and Cooperation in Europe (CSCE), the new NATO, and the new world order. The Greek, Turkish, and Cypriot governments remain locked in a seemingly intractable ethnic dispute. But Cyprus can still be saved and provide a model for the future—before Europe's bloody civil wars offer a precedent for Cyprus.

Any real settlement of Cyprus requires a strong peacekeeping presence during the transition. U.N. peacekeeping soldiers (UNFICYP) have been deployed in Cyprus since 1964 to defuse ethnic tensions. Numbering over 2,000, peacekeepers patrol a "green line" dividing majority Greek Cypriots from Turkish Cypriots, tens of thousands of illegal settlers from Turkey, and the Turkish Army that has occupied northern Cyprus since its invasion 18 years ago.

Mr. Ghali warned that UNFICYP's days may be numbered due to new U.N. peacekeeping missions and the financial burden of debt-ridden UNFICYP. Some fear the force's presence as a buffer between the two sides has encouraged procrastination.

Speculating about UNFICYP's future may be a negotiating tactic, but its implications are grave. Cyprus could become the next Bosnia if it were to lose the international military presence that defuses tensions every day. The world witnessed the consequences of such a withdrawal in 1967 when the UN peacekeeping force was pulled out of the Sinai only to be followed by the Six Day War. It is no coincidence that Greek Cypriot officials recently shopped for cheap arms in Moscow.

If UNFICYP funds aren't raised and the Security Council decides to withdraw it from Cyprus, the United States and NATO allies must be ready to step in with a NATO peacekeeping force to man the green line and help work a transition.

With CSCE, NATO needs double peacekeeping missions where fighting has stopped before it gets overly committed to combat that generates high casualties and whose outcome is uncertain.

A Cyprus mission for NATO—first proposed three decades ago—would give the alliance new experience at fulfilling the many sensitive security and administrative tasks that lie ahead, not only in Cyprus but elsewhere in a turbulent Europe.

The job is daunting. NATO must guarantee the security of Greek and Turkish Cypriots as well as Turkish settlers. Peacekeepers must help with civil administrative duties, including resettlement of Greek Cypriot refugees, resolution of disputes, and repatriation to Turkey of an agreed number of Turkish settlers.

Greece and Turkey are NATO and CSCE members with special responsibilities to cooperate, now more than ever. The time is gone when unilateral interventions can stand indefinitely. Such exercise of power is old world flotsam. The new world demands more of law-abiding nations.

A NATO force in Cyprus could be financed in part by reallocating some of the cold-war US military assistance programs for Greece and Turkey. US soldiers should be part of the NATO Cyprus forces. The US plays an influential role in the Cyprus problem and a US military presence should help ameliorate Turkish concerns about the safety of minorities on the island.

Cyprus is old, unfinished business. But it may offer NATO, working with CSCE, an opportunity to resolve a lingering conflict while learning how to handle new ones.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. I thank the Chair.

(The remarks of Mr. DOMENICI pertaining to the introduction of S. 3009 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

## APPOINTMENTS BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair, on behalf of the majority leader of the Senate and the Speaker of the House, pursuant to Public Law 102-166, appoints the following individuals as

members of the Glass Ceiling Commission:

Marion O. Sandler, of California;

Maria Contreras Sweet, of California; and

Earl G. Graves, Sr., of New York.

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 102-166, appoints Joanne D'Arcangelo, of Maine, as a member of the Glass Ceiling Commission.

## APPOINTMENT BY THE MAJORITY LEADER AND THE REPUBLICAN LEADER

The PRESIDING OFFICER. The Chair, on behalf of the majority leader and the Republican leader, pursuant to Public Law 102-166, appoints the Senator from Maryland [Ms. MIKULSKI] as a member of the Glass Ceiling Commission:

## MARY McLEOD BETHUNE MEMORIAL FINE ARTS CENTER

Mr. FORD. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. 3007, authorizing financial assistance for the construction of the Mary McLeod Bethune Memorial Fine Arts Center introduced earlier today by Senators GRAHAM and MACK; that the bill be read a third time and passed; and that the motion to reconsider be laid upon the table; that any statements appear at the appropriate place in the RECORD.

There being no objection, the bill (S. 3007 was considered, ordered to a third reading, read the third time, and passed, as follows:

S. 3007

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

**SECTION 1. MARY MCLEOD BETHUNE MEMORIAL FINE ARTS CENTER.**

In recognition of the remarkable career of Mary McLeod Bethune, founder and president of Bethune-Cookman College, founder and first president of the National Council of Negro Women, and confident and advisor to Presidents of the United States, and in order to enhance the ability of Bethune-Cookman College to carry on the unique quality of service to the community and to the Nation that characterizes the life of Mary McLeod Bethune, the Secretary of Education shall, in accordance with the provisions of this section, provide financial assistance to the Bethune-Cookman College in Volusia County, Florida, to enable the Bethune-Cookman College to establish the Mary McLeod Bethune Memorial Fine Arts Center.

**SEC. 2. APPLICATION.**

No financial assistance may be made under this Act except upon an application at such time, in such manner, and containing or accompanied by such information as the Secretary of Education may reasonably require.

**SEC. 3. USE OF FUNDS.**

The financial assistance made available pursuant to this Act shall be used for the construction, maintenance, and endowment of the Mary McLeod Bethune Memorial Fine Arts Center; the acquisition of necessary equipment; and the acquisition of necessary real property for the establishment of the Center.

**SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums, not to exceed $15,700,000, as may be necessary to carry out the provisions of this Act. Funds appropriated pursuant to this Act shall remain available until expended.

## BILL READ FOR FIRST TIME— S. 3008

Mr. FORD. Mr. President, on behalf of Senators ADAMS, KENNEDY, and others, I send a bill authorizing the Older Americans Act to the desk and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3008) to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 1992 through 1995, and so forth, and for other purposes.

Mr. ADAMS. Mr. President, I rise today to introduce the Older Americans Act Amendments of 1992 in the hope that we can promptly complete action on this legislation. The provisions in this bill are not new. The contents of this legislation reflect agreement between the Senate and House on a wide variety of improvements to the Older Americans Act [OAA] and related provisions. These provisions have already been approved by the House and most of the provisions were passed by the Senate last November.

Since late in the first session, however, the OAA reauthorization has been gridlocked. Completing action on reauthorizing the OAA has been stymied by a controversial provision—the repeal or liberalization of the retirement earnings test. It is time to end the gridlock and release the Older Americans Act.

I believe that we must liberalize the earnings test. I share the view of most of our colleagues that changes in the earnings test should be properly paid for. But that should not be done through the Older Americans Act. This is a Social Security matter that is within the purview of the Finance Committee, not the Labor and Human Resources Committee.

I am pleased that Senator BENTSEN and the other members of the Finance Committee reported out legislation to dramatically liberalize the earnings test over the next several years. Chairman BENTSEN should be commended for his leadership in finding a way to pay for these important changes. The earnings test has now been addressed by the appropriate committee with jurisdiction over it, and we should act promptly to complete work on Senator BENTSEN's legislation.

We must not, however, continue to delay reauthorizing the Older Americans Act while we strive to find a way to pay for changes in the earnings test. To put it bluntly, the OAA is being held hostage to an entirely unrelated matter. There is no justification for continuing to hold the OAA and its many vital programs hostage. It is unfair to the millions of older Americans—great numbers of whom are poor and minorities—that are served by the diverse programs of the OAA. That is what the elderly and nearly all the organizations that represent them want. That is why I, together with Senator KENNEDY, and other members of the Labor and Human Resources Committee are introducing this bill.

While there are major differences between the Senate and the House on the earnings test, there are no differences to be resolved on the OAA. By passing this bill, we will be in full agreement with the House. We will be able to send the 1992 OAA amendments to the President in the very near future.

By separating out the Social Security provisions from the OAA provisions we are keeping the matters within their proper jurisdiction, we are keeping an entitlement program distinct from a discretionary program. And we are doing what most advocates for the elderly believe to be the right thing to do. Further delay is inexcusable.

Everyone here knows we face an extraordinarily difficult time in the appropriations process this year. Older Americans Act services, such as home-delivered and congregate meals programs and ombudsmen to resolve nursing home problems, badly need increased funding as do so many other critical domestic programs. Meals programs have long waiting lists and some have been forced to shut down meal sites because of inadequate funding. These programs deserve to be considered for increases in the next fiscal year. Yet, if we fail to reauthorize the OAA promptly, these vital programs will likely have no shot at desperately needed increased funding. In fact, it appears that the House Appropriations Subcommittee with jurisdiction over the OAA has frozen funding at fiscal year 1992 levels and then cut the programs across-the-board by 1 percent.

The OAA amendments authorize a much needed increase in the reimbursement rate provided by the USDA for senior meals. The current per meal rate has been held static since 1987. The Appropriations Committee approved for the current fiscal year adequate funds to provide the authorized increase. The USDA will not, however, increase the rate until the OAA is reauthorized. That means if we do not act now, the funds are likely to be lost. And that means that many seniors who need meals will not get them.

In Seattle, for example, one senior meals program faces a 5-percent cut in OAA funding due to Washington

State's budget problems. This cut could at least be offset by the authorized USDA increase, thus holding off the actual closure of meal sites. In other words, without this reauthorization, this meals program will likely be forced to cut off current services for many seniors.

The White House Conference on Aging, which the President has called for 1993, cannot proceed without enactment of this legislation. The House Appropriations Committee has denied the administration's re-programming request to fund the conference staff and planning functions because it has not been authorized. In fact, at this very moment the conference staff are packing their boxes and shutting down their office as of this Friday. This important event, which has occurred each decade since 1961, includes tremendous grassroots involvement. It takes considerable time to execute. The longer the delay in enacting our reauthorization legislation the more difficult it will be to recover from this half in conference planning and proceed with the conference.

This legislation also includes the reauthorization of programs through the Administration for Native Americans [ANA]. These programs are crucial to Indian tribes throughout the Nation. The reauthorization of those programs is also held hostage to the dispute over the earnings test.

Mr. President, there is much more in this reauthorization that will not happen if we do not get these amendments signed into law. While I will not use our time to outline a complete list, I would like to add for the RECORD a list of key agreements reached with the House that reconcile differences between the original House and Senate versions of the reauthorization legislation.

In addition, I also will ask unanimous consent to have printed in the RECORD examples of letters that I have recently received imploring us to complete work on the OAA reauthorization. One of these letters is from the Leadership Council on Aging, an umbrella organization for the majority of the national organizations representing the elderly. This letter, signed by 22 of the member organizations, urges "the immediate passage of the Older Americans Act [OAA] reauthorization legislation."

We must respond positively to this plea. Let us break the gridlock, demonstrate the leadership the American people want of us, and do the right thing. We need to move quickly to pass the Older Americans Act amendments of 1992. Let us do it now.

Mr. President, I ask unanimous consent that the above-mentioned items be printed in the RECORD.

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

SUMMARY OF KEY PROVISIONS IN THE OLDER AMERICANS ACT AMENDMENTS OF 1992 AGREED TO BY SENATE AND HOUSE COMMITTEES OF JURISDICTION

New Elder Rights Title—to consolidate and strengthen provisions, relating to elder abuse prevention, ombudsman services to investigate nursing home complaints, legal assistance, outreach and insurance and entitlements counseling programs.

Increasing Minority Participation—through a number of provisions, including requiring State Units on Aging, area agencies on aging, and service providers to set specific objectives for minority targeting. Also requires intrastate funding formulas to take into account the number of individuals in greatest economic and social need, with particular attention to low-income minorities.

Supportive services for family caregivers of frail individuals—added as a new subpart to title III.

Intergenerational services at meal sites in public schools—to provide meals for older individuals in public schools to promote intergenerational activities with at-risk kids (based upon Seattle's highly successful SPICE program).

Transfers of funds—to limit the amount of transfers between different programs under the OAA, both between title III-B (supportive services) and III-C (congregate and home-delivered nutrition programs) and within title III-C. In particular, significant amounts of funds appropriated for meals have been transferred to other services. Transfers between title III-B and III-C are limited to 30% in 1993, 25% in 1994 and 1995 with an additional 5% waiver, and 20% in 1996 with an 8% waiver. Transfers within the title III-C are also limited to 30%, with an additional waiver of 18% in 1993, 15% in 1994 and 1995, and 10% in 1996.

USDA per meal reimbursement rate—raises the reimbursement rate to 61 cents, adjusted annually to account for increases in the consumer price index or the number of meals served divided into the amount appropriated, whichever is greater. The current rate has been fixed at 57.76 cents per meal since 1987. This ensures that nutrition programs receive the highest rate possible and all the monies appropriated to them.

White House Conference on Aging—authorizes a conference to be conducted no later than December 31, 1994 (the President has called for the conference in 1993). Provides for the first time an expanded Congressional role in the Conference by including Congressional appointees with the President's appointees to the conference policy committee. Specifies that the conference will have a focus on intergenerational policies and issues.

Special consideration for rural areas—requires states to identify the actual and projected costs of delivering services in rural areas.

Minimum funding base for title V older worker program contractors—to ensure a minimum funding base for all national contractors under the Department of Labor administered program to provide part-time minimum wage jobs to low-income individuals age 55 and over. The minimum base would be approximately $5 million and closes the funding gap between national programs serving Indian and Pacific Asian elders.

Database on Long-Term Care Health Workers—to establish national demographic information on non-professional health care workers employed by nursing homes and home health agencies.

Funding for Title IV (Training, Research, and Discretionary Programs)—Includes demonstration and research programs adopted by both the House and the Senate, including programs to provide intergenerational services, pension counseling, ombudsmen for older tenants of publically assisted housing, long-term care research, and others. The total authorization of appropriations for title IV is set at $72 million currently, but in general, no individual program within title IV is earmarked for a specific appropriation. Instead, the programs will receive "such sums as may be necessary."

Authorizations of Appropriations—In general, the higher authorization figures from both bills were accepted for FY 92 and "such sums as may be necessary" authorized in FY 93 and beyond for the Act's many vital services, including congregate and home-delivered meals, transportation, in-home care, information and referral, services for Native American elders, and many others.

Reauthorization of the Administration for Native Americans (ANA)—the bill includes the reauthorization of the Administration for Native Americans Programs Act of 1974. The ANA provides for financial assistance to tribal governments and Native American organizations to promote the goal of economic and social self-sufficiency for American Indians, Native Hawaiians, other Native American Pacific Islanders, and Alaska Natives.

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LEADERSHIP COUNCIL
OF AGING ORGANIZATIONS,
*Washington, DC, June 12, 1992.*

DEAR SENATOR: The undersigned members of the Leadership Council of Aging Organizations [LCAO] urge the immediate passage of the Older Americans Act [OAA] reauthorization legislation. Millions of older citizens depend on programs under the Act for community and social services, nutrition programs, senior centers, legal assistance, homebound care and assistance, research and demonstrations, and employment opportunities. These programs serve at the core of the Federal response to the needs of the most vulnerable among the nation's fastest growing population group—older persons.

This vital legislation will make significant improvements not only in services available under the Act, but in effective administration and targeting of its very limited resources. Further, the legislation authorizes and provides a process and structure for a White House Conference on Aging.

It is critical to pass this important legislation before the congressional appropriations process is completed. Otherwise, important improvements in services to millions of older Americans will go underfunded or completely unfunded.

Sincerely,

HORACE B. DEETS.

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THE FOLLOWING LEADERSHIP COUNCIL OF AGING ORGANIZATIONS HAVE SIGNED-ON TO THIS LETTER

American Association of Homes for the Aging.

American Association of Retired Persons.

AFSCME Retiree Program.

American Society on Aging.

Association for Gerontology in Higher Education.

Association for Gerontology and Human Development in Historically Black Colleges and Universities.

Catholic Golden Age.

Eldercare America, Inc.

The Gerontological Society of America.

Gray Panthers.

Green Thumb, Inc.
National Association of Foster Grandparent Program Directors.
National Association of RSVP Directors, Inc.
National Association of Retired Federal Employees.
National Association of Senior Companion Project Directors.
National Association of State Units on Aging.
National Caucus and Center on Black Aged, Inc.
National Council of Senior Citizens.
National Council on the Aging, Inc.
National Pacific/Asian Resource Center on Aging.
National Senior Citizens Law Center.
Older Women's League.

THE CITY OF NEW YORK,
DEPARTMENT FOR THE AGING,
*New York, NY, June 23, 1992.*

Hon. BROCK ADAMS,
*U.S. Senate, Hart Senate Office Building, Washington, DC.*

DEAR SENATOR ADAMS: I write to you about a matter which is urgent for all senior citizens—the Reauthorization of the Older Americans Act (OAA). The Reauthorization bill should be passed promptly. We understand that it is not being held up by the Older Americans Act itself, but rather one amendment, the Social Security earnings limitation test.

The earnings test limitation must be resolved by Congress. However, this should not hold up the Older Americans Act Reauthorization, which must be passed during this session of the Congress. Unless it is, newly funded programs such as Disease Prevention and Health Promotion cannot be implemented, authorization increases for essential programs will be held up, and plans for the 1993 White House Conference for Aging cannot proceed.

We in New York City hope very much that you will separate the earnings test issue from the Older Americans Act Reauthorization and pass the Reauthorization bill.

We know of your concern about the elderly, and therefore, hope that you will act on this matter before the July 4th recess.

Sincerely,

PREMA MATHAI-DAVIS,
*Commissioner.*

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SENIOR SERVICES
OF SEATTLE-KING COUNTY,
*Seattle, WA, June 11, 1992.*

Hon. BROCK ADAMS,
*U.S. Senate, 513 Hart Building, Washington, DC.*

DEAR SENATOR ADAMS: As the largest provider of Congregate and Home Delivered Meals in Washington State, I am very concerned by the apparent lack of ability of Congress to pass H.R. 2967, a bill to reauthorize the Older Americans Act. Failure to pass this important legislation means a loss of nearly $40,000 to my program alone. This represents 26,000 meals that I will not be able to serve in King County.

The typical Meals-on-Wheels client is an 83 year old woman, who lives alone, who has an income of $600.00 per month and who suffers from two chronic health conditions. Very often, her ability to even remain in her own home is based on her ability to receive this meal. By not passing this legislation, you are taking away her ability to remain in her home. Believe me, any other option will be far more expensive and less humane than to provide this meal. Please continue your historical support for this important program and pass this legislation Now!

Sincerely,

WILLIAM R. MOYER,
*Director, Nutrition Projects.*

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WYOMING ASSOCIATION OF
SENIOR PROJECT DIRECTORS,
*June 17, 1992.*

Hon. BROCK ADAMS,
*U.S. Senate, Hart Senate Office Building, Washington, DC.*

DEAR SENATOR ADAMS: Members of the above Association of Senior Project Directors strongly urge the passage of the Older Americans Act (OAA) reauthorization legislation. Millions of older citizens depend on programs under the Act for community and social services, nutrition programs, senior centers, legal assistance, homebound care and assistance, research and demonstrations, and employment opportunities. These programs serve as the core of the Federal response to the needs of the most vulnerable among the nation's fastest growing population—older persons.

This vital legislation will make significant improvements not only in services available under the Act, but in effective administration and targeting of its very limited resources. Further, the legislation authorizes and provides a process and structure for a White House Conference on Aging.

It is critical to pass this important legislation before the congressional appropriations process is complete. Otherwise, important improvements in services to millions of older Americans will go underfunded or completely unfunded.

Sincerely,

GERALD VINCENT-HASS,
*President.*

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COUNTY OF ORLEANS,
OFFICE FOR THE AGING,
*Albion, NY, June 22, 1992.*

Hon. BROCK ADAMS,
*U.S. Senate, Hart Senate Office Building, Washington, DC.*

DEAR SENATOR ADAMS: I am writing to request action in the Senate on the Older American's Act. Although I understand debate on passage rests on issues surrounding the Social Security earnings limitation test, inaction is harming Older Americans Act programming. We are not able to access 1992 appropriation levels, new funding cannot be utilized and the important White House Conference on Aging remains on hold.

The Older Americans Act is the centerpiece of Aging Network programs. Yet we have been losing funding ground since 1981. Without access to 1992 funding levels we are continuing to chip away at our ability to accomplish core responsibilities: planning and coordination activities, information and referral, outreach, legal services, in home services, transportation, public information and advocacy. All this is to be accomplished for $61,407 per year. Even in a small, rural County such a task is impossible.

And yet the need for the advocacy and planning activities is immense as our older population continues to grow, live longer and strongly want to remain in their own homes.

I urge the Senate to either resolve the earnings limitation test or decouple it from the Older Americans Act Bill. The Aging Network must have full access to Older Americans Act funding in order to accomplish the mission Congress has set for us.

Sincerely,

CARRI BLAKE,
*Director.*

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CLALLAM JEFFERSON
COMMUNITY ACTION,
*June 18, 1992.*

Senator BROCK ADAMS,
*Hart Building, Washington, DC.*

DEAR SENATOR ADAMS: As the Director of the Senior Nutrition Program in Clallam and Jefferson counties, I am keenly aware of the importance of the Older Americans Act. Surely you know that its reauthorization is key to the stability of both congregate and home-delivered nutrition services to frail seniors throughout America.

I urge you to marshal all of your resources and to bring to bear all of your influence to affect swift passage of this legislation. Your action will bring some immediate relief to the program (especially the small increases in USDA appropriations) and will forestall a serious loss of prestige for the Act. More importantly, with the full force of the Act behind us, we will be able to avoid site closures, quotas and waiting lists—all of which are live options at this writing.

For all of your work on the Older Americans Act and for your continued efforts on behalf of our seniors, accept our deepest thanks.

Respectfully,

TIMOTHY L. HOCKETT,
*Director, Senior Nutrition/Centers Division.*

Mr. KENNEDY. Mr. President, I am pleased to join with Senator ADAMS in introducing an Older Americans Act reauthorization bill. This bill incorporates the agreements reached by all parties on Older Americans Act reauthorization issues. It does not include provisions liberalizing the Social Security earnings test. However, action on that measure can proceed on separate legislation reported by the Senate Finance Committee.

The Older Americans Act program has, for more than a quarter century, served millions of senior citizens with critically needed services such as Meals-on-Wheels for the home bound elderly, and the Senior Employment Program for modest income senior citizens who need the security of a job. Equally important, the act has created other vital programs for senior citizens, such as the nursing home ombudsmen, who provide a voice for individuals least able to speak for themselves.

I commend Senator ADAMS for the remarkable job he has done in crafting this reauthorization bill. He has provided leadership in consolidating and improving the most important services under the act which protect the rights, autonomy, and independence of older persons. This effort, S. 1471, the Elder Rights Amendments to the Older Americans Act, is one that I endorsed and which I joined as an original cosponsor. It is now a centerpiece of the consensus bill we are introducing today.

Over the past decade, the increasing population of elderly citizens in the population has caused us to seek better answers to the growing need for long-term care. I am pleased that this consensus bill will continue the long-term care resource centers, including the

Brandeis Center in Massachusetts. It also authorizes a new demonstration project to improve the delivery of long-term care services. The latter project is an initiative which I developed with Senator PRYOR, the chairman of the Senate Special Committee on Aging.

I also commend Senator COCHRAN, the ranking minority member of the Aging Subcommittee of the Senate Labor Committee, for his excellent work on this reauthorization bill. We have before the Senate today a measure which reaffirms our commitment to helping older Americans maintain their independence and dignity, and I urge its enactment.

Mr. FORD. Mr. President, I ask unanimous consent that the bill be read for the second time.

Mr. DOMENICI. On behalf of the Republican leader, I object.

The PRESIDING OFFICER. Objection has been heard.

The bill will be read on the next legislative day.

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees and a withdrawal.

(The nominations and withdrawal received today are printed at the end of the Senate proceedings.)

## MESSAGES FROM THE HOUSE

At 2:18 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills and joint resolution:

S. 249. An act for the relief of Trevor Henderson;

S. 992. An act to provide for the reimbursement of certain travel and relocation expenses under title 5, United States Code, for Jane E. Denne of Henderson, Nevada; and

S. J. Res. 295. a joint resolution designating September 10, 1992, as "National D.A.R.E. Day."

### ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

S. 1150. An act to reauthorize the Higher Education Act of 1965, and for other purposes.

The enrolled bill was subsequently signed by the president pro tempore [Mr. BYRD].

At 5:20 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills and joint resolution:

H.R. 761. An act to waive the foreign residency requirement for the granting of a visa to Amanda Vasquez Walker;

H.R. 1101. An act for the relief of William A. Cassity;

H.R. 1628. An act to authorize the construction of a monument in the District of Columbia or its environs to honor Thomas Paine, and for other purposes;

H.R. 2156. An act for the relief of William A. Proffitt;

H.R. 2193. An act for the relief of Elizabeth M. Hill;

H.R. 2490. An act for the relief of Christy Carl Hallien of Arlington, Texas;

H.R. 3288. An act for the relief of Olufunmilayo O. Omokaye;

H.R. 5059. An act to extend the boundaries of the grounds of the National Gallery of Art to include the National Sculpture Garden;

H.R. 5377. An act to amend the Cash Management Improvement Act of 1990 to provide adequate time for implementation of that Act, and for other purposes; and

H.J. Res. 411. A joint resolution to designate the week of September 13, 1992, through September 19, 1992, as "National Rehabilitation Week."

The message also announced that the House has passed the following bill with an amendment, in which it requests the concurrence of the Senate:

S. 295. An act for the relief of Mary P. Carlton and Lee Alan Tan.

The message further announced that the House has passed the following bill with amendments, in which it requests the concurrence of the Senate:

S. 1671. An act to withdraw certain public lands and to otherwise provide for the operation of the Waste Isolation Pilot Plant in Eddy County, New Mexico, and for other purposes.

## MEASURES REFERRED

The following bills were read the first and second times, and referred as indicated:

H.R. 761. An Act to waive the foreign residency requirement for the granting of a visa to Amanda Vasquez Walker; to the Committee on the Judiciary;

H.R. 1101. An Act for the relief of William A. Cassity; to the Committee on Armed Services;

H.R. 1628. An Act to authorize the construction of a monument in the District of Columbia or its environs to honor Thomas Paine, and for other purposes; to the Committee on Rules and Administration;

H.R. 2156. An Act for the relief of William A. Proffitt; to the Committee on Armed Services;

H.R. 2193. An Act for the relief of Elizabeth M. Hill; to the Committee on the Judiciary;

H.R. 2490. An Act for the relief of Christy Carl Hallien of Arlington, Texas; to the Committee on Armed Services;

H.R. 3288. An Act for the relief of Olufunmilayo O. Omokaye; to the Committee on the Judiciary;

H.R. 5377. An Act to amend the Cash Management Improvement Act of 1990 to provide adequate time for implementation of that Act, and for other purposes; to the Committee on Governmental Affairs; and

H.J. Res. 411. A joint resolution to designate the week of September 13, 1992, through September 19, 1992, as "National Rehabilitation Week"; to the Committee on the Judiciary.

## ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, July 22, 1992, he had presented to the President of the United States the following enrolled bill:

S. 1150. An Act to reauthorize the Higher Education Act of 1965, and for other purposes.

## EXECUTIVE AND OTHER COMMUNICATIONS

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

EC-3610. A communication from the Acting General Counsel of the Department of Defense, transmitting, a draft of proposed legislation to clarify the procedures for nominating candidates for the military academies; to the Committee on Armed Services.

EC-3611. A communication from the Assistant Secretary of Defense, transmitting, pursuant to law, a report on the treatment of post-traumatic stress disorder; to the Committee on Armed Services.

EC-3612. A communication from the Secretary of Defense, transmitting, pursuant to law, a report entitled "Allied Contributions to the Common Defense"; to the Committee on Armed Services.

EC-3613. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on budget rescissions and deferrals dated July 10, 1992; pursuant to the order of 1/30/75, as modified by the order of 4/11/86; referred jointly to the Committee on Appropriations, the Committee on the Budget, to the Committee on Agriculture, Nutrition and Forestry, the Committee on Armed Services, the Committee on Banking, Housing and Urban Affairs, the Committee on Commerce, Science and Transportation, the Committee on Energy and Natural Resources, the Committee on Environment and Public Works, the Committee on Foreign Relations, and the Committee on Labor and Human Resources.

EC-3614. A communication from the Acting General Counsel of the Department of Defense, transmitting, a draft of proposed legislation to authorize the Secretary of the Army to designate civilian employees to act as approving authorities on reports of survey; to the Committee on Armed Services.

EC-3615. A communication from the Acting General Counsel of the Department of Defense, transmitting, a draft of proposed legislation to authorize a military history dissertation fellowship program; to the Committee on Armed Services.

EC-3616. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a report on the transfer of imputed interest on required reserve balances to the deposit insurance funds; to the Committee on Banking, Housing and Urban Affairs.

EC-3617. A communication from the President and Chief Executive Officer of the Resolution Trust Corporation, transmitting, pursuant to law, the financial results of the Res-

olution Trust Corporation's operation for the year ending December 31, 1991; to the Committee on Banking, Housing and Urban Affairs.

EC-3618. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the U.S. Department of Housing and Urban Development's Energy Assessment Report; to the Committee on Banking, Housing and Urban Affairs.

EC-3619. A communication from the Secretary of Housing and Urban Development, transmitting, a draft of proposed legislation entitled "Housing and Community Development Act of 1992;" to the Committee on Banking, Housing, and Urban Affairs.

EC-3620. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation; to the Committee on the Budget.

EC-3621. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on appropriations legislation; to the Committee on the Budget.

EC-3622. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation; to the Committee on the Budget.

EC-3623. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation; to the Committee on the Budget.

EC-3624. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on the State Block Grant Pilot Program; to the Committee on Commerce, Science, and Transportation.

EC-3625. A communication from the Acting Secretary of Commerce, transmitting, pursuant to law, a report on the modernization and restructuring of the National Weather Service; to the Committee on Commerce, Science, and Transportation.

EC-3626. A communication from the Assistant Secretary for Environmental Restoration and Waste Management, transmitting, pursuant to law, a report summarizing the expenditures of the Department's Low-Level Radioactive Waste Surcharge Escrow Account; to the Committee on Energy and Natural Resources.

EC-3627. A communication from the Secretary of Energy, transmitting, pursuant to law, a report on enforcement actions and comprehensive status of Exxon and stripper well oil overcharge fund; to the Committee on Energy and Natural Resources.

EC-3628. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report on the receipt of project proposals; to the Committee on Energy and Natural Resources.

EC-3629. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the annual report of the Federal Energy Regulatory Commission; to the Committee on Energy and Natural Resources.

EC-3630. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-3631. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-3632. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report with respect to trade between the United States and Romania; to the Committee on Finance.

EC-3633. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the Annual Report of the Audit of the Student Loan Marketing Association; to the Committee on Labor and Human Resources.

EC-3634. A communication from the Deputy Executive Director of the Federal Housing Finance Board, transmitting, pursuant to law, the actuarial valuation report for years ending December 31, 1990 and 1991; to the Committee on Governmental Affairs.

EC-3635. A communication from the Benefits Manager of the Farm Credit Bank of Baltimore, transmitting, pursuant to law, the annual reports of Federal Pension Plans; to the Committee on Governmental Affairs.

EC-3636. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "Review of Contracts and Contracting Procedures Within the Department of Corrections"; to the Committee on Governmental Affairs.

EC-3637. A communication from the Administrator of the Small Business Administration, transmitting, pursuant to law, the semiannual report of the Inspector General of the Small Business Administration; to the Committee on Governmental Affairs.

EC-3638. A communication from a Fellow of the Society of Actuaries, transmitting, pursuant to law, the annual report of the Farm Credit Bank of St. Paul Retirement Plan; to the Committee on Governmental Affairs.

EC-3639. A communication from the President of the Federal Financing Bank, transmitting, pursuant to law, the first annual report of the Federal Financing Bank; to the Committee on Governmental Affairs.

EC-3640. A communication from the Assistant Attorney General of the Department of Justice, transmitting, pursuant to law, a report on the legalized alien population; to the Committee on the Judiciary.

EC-3641. A communication from the Secretary of Education, transmitting, pursuant to law, a report on the availability of special education; to the Committee on Labor and Human Resources.

EC-3642. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, a report on proposed regulations governing special fundraising projects and use of candidates name by unauthorized committees; to the Committee on Rules and Administration.

EC-3643. A communication from the Secretary of Veterans' Affairs, transmitting, a draft of proposed legislation to authorize the creation of a Persian Gulf Registry Program; to the Committee on Veterans' Affairs.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GLENN, from the Committee on Governmental Affairs, without amendment:

S. 2624. A bill to authorize appropriations for the Interagency Council on the Homeless, the Federal Emergency Management Food and Shelter Program, and for other purposes (Rept. No. 102-327).

By Mr. GLENN, from the Committee on Governmental Affairs, without amendment:

S. 3006. An original bill to provide for the expeditious disclosure of records relevant to the assassination of President John F. Kennedy (Rept. No. 102-328).

Mr. GLENN. Mr. President, I am joined in the reporting of this important legislation by my colleagues Senator BOREN, Senator SPECTER, Senator MITCHELL, Senator METZENBUAM, Senator LEVIN, Senator LIEBERMAN, Senator AKAKA, Senator STEVENS, Senator COHEN, Senator DECONCINI, Senator WOFFORD, Senator MURKOWSKI, Senator LEAHY, and Senator GRASSLEY.

By Mr. KENNEDY, from the Committee on Labor and Human Resources, without amendment:

S. 2257. A bill to amend the Social Security Act to extend the terms of service of the members of the National Commission on Children, and for other purposes.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. DANFORTH (for himself, Mr. MITCHELL, Mr. PRYOR, and Mr. BOND):

S. 2996. A bill to amend title XVIII of the Social Security Act to clarify the classification of sole community hospitals under medicare; to the Committee on Finance.

By Mr. BAUCUS:

S. 2997. A bill to increase funding for the Small Business Innovation Research Program, and for other purposes; to the Committee on Small Business.

By Mr. RIEGLE:

S. 2998. A bill to provide for the designation of enterprise zones, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SARBANES:

S. 2999. A bill to extend the authorization of appropriations of the National Historical Publications and Records Commission for 6 years; to the Committee on Governmental Affairs.

By Mr. DECONCINI:

S. 3000. A bill to require the Secretary of the Treasury to mint coins in commemoration of the National Law Enforcement Officers Memorial, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DOMENICI (for himself, Mr. DOLE, and Mr. MURKOWSKI):

S. 3001. A bill to amend the Food Stamp Act of 1977 to prevent a reduction in the adjusted cost of the thrifty food plan during fiscal year 1993, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ROCKEFELLER (for himself, Mr. DURENBERGER, Mr. CONRAD, Mr. MITCHELL, Mr. DANFORTH, Mr. BRADLEY, Mr. BINGAMAN, Mr. MOYNIHAN, Mr. INOUYE, Mr. KENNEDY, Mr. CHAFEE, and Mr. HATCH):

S. 3002. A bill to amend title XIX of the Social Security Act to provide for optional coverage under State medicaid plans of case-management services for individuals who

sustain traumatic brain injuries, and for other purposes; to the Committee on Finance.

By Mr. KERRY:

S. 3003. A bill to amend the Marine Mammal Protection Act of 1972 to authorize the Secretary of State to enter into international agreements to establish a global moratorium to prohibit harvesting of tuna through the use of purse seine nets deployed on or to encircle dolphins or other marine mammals, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SANFORD:

S. 3004. A bill to provide for the liquidation or reliquidation of a certain entry of warp knitting machines as free of certain duties; to the Committee on Finance.

S. 3005. A bill to continue the reduction of duties under the Harmonized Tariff Schedule of the United States on gripping narrow fabrics of man-made fibers; to the Committee on Finance.

By Mr. GLENN:

S. 3006. An original bill to provide for the expeditious disclosure of records relevant to the assassination of President John F. Kennedy; from the Committee on Governmental Affairs; placed on the calendar.

By Mr. GRAHAM (for himself and Mr. MACK):

S. 3007. A bill to authorize financial assistance for the construction and maintenance of the Mary McLeod Bethune Memorial Fine Arts Center; considered and passed.

By Mr. ADAMS (for himself, Mr. KENNEDY, Mr. INOUYE, Mr. METZENBAUM, Mr. HARKIN, Mr. SIMON, Mr. BINGAMAN, Ms. MIKULSKI, Mr. DODD, Mr. PELL, and Mr. WELLSTONE):

S. 3008. A bill to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 1992 through 1995; to authorize a White House Conference on Aging; to amend the Native Americans Programs Act of 1974 to authorize appropriations for fiscal years 1992 through 1995; and for other purposes.

By Mr. DOMENICI:

S. 3009. A bill to amend title 10, United States Code, to provide for the payment of an annuity or indemnity compensation to the spouse or former spouse of a member of the Armed Forces whose eligibility for retired or retainer pay is terminated on the basis of misconduct involving abuse of a dependent, and for other purposes; to the Committee on Armed Services.

By Mr. DANFORTH (for himself, Mr. HATCH, Mr. KASTEN, Mr. BROWN, Mr. COCHRAN, Mr. THURMOND, Mr. D'AMATO, Mr. SMITH, and Mr. PACKWOOD):

S. 3010. A bill to encourage, assist, and evaluate educational choice programs, and for other purposes; to the Committee on Labor and Human Resources.

## STATEMENT ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. DANFORTH (for himself, Mr. MITCHELL, Mr. PRYOR, and Mr. BOND):

S. 2996. A bill to amend title XVIII of the Social Security Act to clarify the classification of sole community hospitals under Medicare; to the Committee on Finance.

MEDICARE CLASSIFIED COMMUNITY HOSPITALS

Mr. DANFORTH. Mr. President, I join with the majority leader, Senator MITCHELL, Senator PRYOR, and Senator BOND to introduce the Sole Community Hospital Justice Act of 1992. Congress created the sole community hospital designation in order to provide additional reimbursement to those hospitals that are the sole source of care for people in a particular region. Congress gave additional reimbursement to these hospitals in order to ensure that people would have access to care within a reasonable distance of their homes.

Our legislation is designed to insure that hospitals located outside of rural areas that comply with the spirit and the letter of the regulations defining a sole community hospital receive that designation and the additional funding that accompany it. In defining the term "sole community hospital," Congress carefully refrained from restricting the definition to hospitals in any particular geographic region. In fact, Congress stated that any hospital that meets certain objective criteria specified in statute or by the Secretary should be classified as a sole community hospital.

Initially, the Secretary promulgated regulations that delineated certain objective criteria for designation as a sole community hospital. In particular, the Secretary stated that a sole community hospital must be—

* * * located in a rural area * * * and meet[] one of the following conditions: (1) The hospital is located more than 35 miles from other like hospitals. (2) The hospital is located between 25 and 35 miles from other like hospitals and meets one of the following criteria: (i) no more than 25 percent of residents who become hospital inpatients or no more than 25 percent of the Medicare beneficiaries who become hospital inpatients in the hospital's service area are admitted to other like hospitals located within a 35-mile radius of the hospital, or, if larger, within its service area * * *.

Our objection is to the inclusion of the word "rural" in the regulation. Because the statutory language authorizing the regulation states that—

* * * any hospital * * * that by reason of factors such as * * * location, weather conditions, travel conditions * * * is the sole source of inpatient hospital services reasonably available to individuals in a geographic area * * *.

We do not believe that it was necessary for the Secretary to add the word "rural" to the regulation. In our view, this geographic restriction violated the original congressional intent of this designation.

Last year, we made that exact argument to the Administrator of the Health Care Financing Administration, and her reaction indicated the administration's agreement with our position. Yet, in remedying its initial mistaken interpretation, the administration did not go far enough. Instead of removing its geographic restriction in its entirety, the administration removed that restriction from only one of the objective criteria used to delineate a sole community hospital. In particular, the Health Care Financing Administration permitted other urban hospitals that were located more than 35 miles from other like hospitals to qualify for sole community hospital status.

This legislation is designed to remove the arbitrary geographic restriction from one of the other criteria which determine the sole community hospital designation. We propose to permit other urban hospitals that are located between 25 and 35 miles from other like hospitals and that admit at least 75 percent of the residents or the Medicare beneficiaries within its service area who became hospital inpatients. As one can see from this description, these hospitals are the sole source of health care in a particular area, and if rural hospitals meeting the same criteria earn this designation, there is no conceivable reason why the designation should be denied to other urban hospitals.

There are, in fact, a small number of hospitals in other urban areas which meet the HCFA criteria and otherwise comply with the spirit and intent of the law. These hospitals provide much-needed care to a high percentage of Medicare and Medicaid patients, and without these health care institutions, patients would be forced to travel great distances to other hospitals.

One of those hospitals, Heartland Health System in St. Joseph, MO, provides needed health care to the citizens of my State. Many of Heartland's patients are poor and old, and without Heartland these people would have no place else to go. It was for hospitals like Heartland that Congress created the sole community hospital designation in the first place, and I do not believe that Heartland should be denied the needed aid this designation provides simply because it is not located in a rural area. If Heartland does not meet the definition of a sole community hospital, than something is wrong with that definition.

In order to provide a high level of care to Medicare recipients in the other urban areas of this country, we must extend the same benefits to these hospitals as are received by rural hospitals. In order to do just that, the majority leader, Senator PRYOR, Senator BOND, and I are introducing the Sole Community Hospital Justice Act of 1992.

By Mr. BAUCUS:

S. 2997. A bill to increase funding for the Small Business Innovation Research Program, and for other purposes; to the Committee on Small Business.

SBIR TECHNOLOGIES PROGRAM

Mr. BAUCUS. Mr. President, I rise today to discuss an issue of critical importance to our country's economic future: investment in technology.

As we all know, the cold war is over and America won. And Americans have now begun to realize that our strength in the world is ultimately dependent on our economic strength rather than on our military strength. Our success in the world is now measured by our ability to deliver semiconductors and automobiles to foreign capitals more than our ability to deliver bombs and troops.

And, if America is to remain a superpower in the coming decades, we as a Nation must refocus our energies.

That is why I rise today to introduce legislation to expand the Small Business Innovation Research or the SBIR Program.

Mr. President, since 1980, the share of the Nation's economy devoted to investments, to education and training, children's programs, infrastructure, and civilian research and development has dropped by 40 percent.

Our country simply can not continue down that road.

One important aspect of America's decline in investment has been the lack of a real Federal commitment to supporting research in new technologies.

In the past America has led the world in R&D. Now, Europe and Japan have caught up and are surpassing the United States in funding for research in new technologies.

An important step toward rejuvenating the U.S. R&D effort, is to support and bolster programs with proven track records of commercial success for our Nation's industries.

One such program is the Small Business Innovation Research Program.

SBIR PROGRAM

Small businesses have played a critical role in the strength of our economy. They are responsible for employing over 100 million people in the United States. And they have made significant contributions to the research and development of new technologies and products, ensuring the future competitiveness of our Nation's industries.

The SBIR Program requires all Federal agencies with a budget of $100 million or more for research and development to set aside just over 1 percent of the R&D budgets for allocation to small businesses.

A Government report issued at the time of SBIR's inception in 1983 demonstrated that small businesses were just as successful, if not more so, than large corporations and universities at conducting high-quality innovative research. Small businesses were producing 2½ times as many innovations based on the number of employees than larger corporations. But before the SBIR was instituted, large firms were almost three times more likely to receive public funds for R&D than smaller firms.

Since the SBIR Program was first implemented in 1983, over 18,000 awards have been made to small businesses pursuing technological research.

Take the example of Electrosynthesis Co. in East Amherst, NY. As a result of SBIR assistance they have developed a technology that converts major pollutants into harmless gas. This electrosynthesis system is aimed at the $1 billion air purification device market, and it is used to clean air in spray-paint booths, sewage treatment facilities, and plant compost odor control systems.

The successful marketing of SBIR-related technologies is what has made the program so competitive. One criticism of the U.S. R&D effort has been its inability to commercialize new technologies for the benefit of U.S. manufacturers. The United States does develop new technology, but historically we have not aggressively marketed and manufactured the resulting products.

Under the SBIR Program, the final requirement for any award is to successfully market the new technology as both a point of expansion for further development, and for the financial rewards it brings to both small business and the overall U.S. economy.

Here, too, SBIR has been a success. A significant percentage of the developed technologies are brought to the marketplace for commercialization and further development. A Small Business Administration survey showed that 4 years after receiving SBIR funding, 12 percent of small high-technology companies reported commercial success—and that percentage rose to 18 percent after 5 years and 23 percent after 6 years.

We all know that an investment in R&D is a long-term investment. Time will tell of further SBIR successes.

EXPANDING SBIR

I am today introducing legislation to expand and redirect the SBIR.

First, the legislation increases funding levels for SBIR from 1.25 percent of all Federal agency R&D budgets of $100 million or more to 3.0 percent of those budgets.

Let me be clear: This legislation does not increase the amount of money these agencies will spend. It simply redirects a larger portion of their budgets toward small businesses.

The legislation also creates new awards for research in a number of critical, key-growth technologies.

This list of emerging technologies has been chosen by the Secretary of Commerce with the recognition that,

> When an industry uses a new technology to design or improve a product and successfully carries it to the commercial marketplace, that new or improved product becomes the starting point for development of the next generation of products or services.

While some may argue against this approach, if we are to succeed in the changing global economy, we must have a strong Government commitment to the development of growth technologies. We have to spark a resurgence of American economic and technological leadership.

I have no doubt that we can do it, it's just a matter of moving boldly forward, of restoring our traditional American can-do spirit. Research in areas such as superconductors, biotechnology, and opto electronics begins a process of product development that will bear fruit in an infinite variety of new products and technologies. The SBIR funds will help create the foundation upon which to continue expanding in the future.

My legislation to help expand the SBIR is an ideal first step in reaffirming Government support for R&D. Not only does the SBIR provide valuable funding for small businesses, it also promotes the commercialization of the key commercial technologies for the next century.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

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

S. 2997

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

**SECTION 1. PURPOSES.**

The purposes of this Act are—

(1) to expand and improve the Small Business Innovation Research Program through increased funding; and

(2) to reserve certain awards under the program for small business concerns engaged in critical technologies projects.

**SEC. 2. SBIR FUNDING.**

Section 9(f) of the Small Business Act (15 U.S.C. 638(f)) is amended to read as follows:

"(f) FEDERAL AGENCY EXPENDITURES FOR SMALL BUSINESS INNOVATION RESEARCH PROGRAM PROJECTS.—

"(1) IN GENERAL.—Each Federal agency that has an extramural budget for research or research and development in excess of $100,000,000 in any fiscal year shall expend with small business concerns specifically in connection with a small business innovation research program that meets the requirements of the Small Business Innovation Development Act of 1982 and regulations issued thereunder—

"(A) 1.25 percent of such budget in fiscal year 1993;

"(B) 1.75 percent of such budget in fiscal year 1994;

"(C) 2.25 percent of such budget in fiscal year 1995;

"(D) 2.75 percent of such budget in fiscal year 1996; and

"(E) 3 percent of such budget in each fiscal year thereafter.

"(2) CRITICAL TECHNOLOGIES PROJECTS.—

"(A) RESERVED AMOUNTS.—All amounts expended in any fiscal year by a Federal agency in accordance with paragraph (1) in excess of 1.25 percent of such agency's budget for research or research and development shall be expended in connection with a small business innovation research project involving research in or research and development of the critical technologies listed in subparagraph (B).

"(B) TYPES OF PROJECTS.—The critical technologies projects referred to in subparagraph (A) are projects involving—

"(i) advanced materials;
"(ii) superconductors;
"(iii) advanced semiconductor devices;
"(iv) digital imaging technology;
"(v) high-density data storage;
"(vi) high performance computing;
"(vii) optoelectronics;
"(viii) artificial intelligence;
"(ix) flexible computer-integrated manufacturing;
"(x) sensor technology;
"(xi) biotechnology;
"(xii) medical and diagnostic devices; and
"(xiii) such other technologies identified by the Secretary of Commerce as critical technologies.

"(3) CRITICAL TECHNOLOGIES PREFERENCE.—In expending amounts under this subsection, each Federal agency shall give preference to a small business innovation research project that involves a critical technology referred to in paragraph (2)(B).

"(4) LIMITATIONS.—

"(A) NON-SBIR PROJECTS.—A funding agreement with a small business concern for research or research and development that results from competitive or single source selections other than under a small business innovation research program shall not be counted as meeting any portion of the percentage requirements or paragraph (1).

"(B) DEPARTMENT OF ENERGY DEFENSE PROGRAMS.—Amounts appropriated for atomic energy defense programs of the Department of Energy shall, for the purposes of paragraph (1), be excluded from the amount of the research or research and development budget of that Department.".

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By Mr. RIEGLE:

S. 2998. A bill to provide for the designation of enterprise zones, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

ENHANCED ENTERPRISE ZONE ACT OF 1992

• Mr. RIEGLE. Mr. President, I rise today to introduce the Enhanced Enterprise Zone Act of 1992. We have all heard a great deal in the past few months about enterprise zones as a solution to the lack of economic opportunity and the social decay that confront the residents of many of America's inner cities. I have long supported enterprise zones as an experiment worth trying to bring economic opportunity to inner city residents. But I am introducing this legislation today because I am convinced that enterprise zones as currently conceived are only half a strategy, and half a strategy is doomed to fail unless it is made whole.

In crafting the bill, I have built on what I saw and heard during a recent visit to Benton Harbor, an inner city community in my home State of Michigan. Benton Harbor is home to Michigan's only State-sponsored enterprise zone. The lesson that Benton Harbor has learned from its enterprise zone experience is one we here in Washington must heed as we craft Federal enterprise zone legislation: Tax incentives can be helpful, but tax incentives alone will not provide an adequate new economic start for the poor and minority residents of our inner cities.

Tax incentives tend to empower outside businesses rather than inner city residents. Benton Harbor's enterprise zone has been credited with attracting 100 new or expanded businesses and creating 700 jobs, but only a small fraction of those jobs have gone to residents of Benton Harbor who are largely unskilled, poor, and minorities. While that is helpful, it must be substantially augmented to bring about real economic renaissance.

The people of Benton Harbor and of similar communities throughout the Nation must have the means to improve their job skills before they can fully take advantage of new employment opportunities. The also need better access to capital to start businesses of their own and to buy or upgrade their homes. Job skills and access to capital—along with targeted tax breaks for entrepreneurs—can be the foundation for true economic empowerment. In addition, distressed communities cannot begin to turn themselves around while most of the work force lives in dilapidated housing, has inadequate access to needed child care, and is afraid to walk the streets at night because of high crime rates and a shortage of needed police.

As chairman of the Committee on Banking, Housing, and Urban Affairs, I have crafted an enhanced enterprise zone bill that focuses on programs within the jurisdiction of the committee. This legislation fills some of the gaps in the administration's tax-oriented enterprise zone proposal by targeting additional Federal resources to communities designated as Federal enterprise zones. These resources would empower residents of enterprise zone communities to build new housing and infrastructure, to acquire needed education and job skills, to put more police on their streets, and to generate fresh capital to start business enterprises they will own and manage and which will create jobs.

Specifically, the bill provides $855 million in new Federal resources for enterprise zones and distressed areas in fiscal 1993 and $885 million in fiscal 1994. This is $355 million more in 1993 and $385 million more in 1994 than the enterprise zone legislation recently passed by the House of Representatives. These funds will be targeted to help communities address pressing social and economic needs if they are to offer their residents a true opportunity for empowerment.

For housing, the bill targets to these zones additional housing construction and rehabilitation resources under the HOME investment partnership. The bill provides authorizations of $250 million for the zones in fiscal year 1993 and $260 million in fiscal 1994. The bill also reduces the State and local match requirements for the HOME Program for projects undertaken in the zones and provides them with preferences in the award of distressed public and rural housing grants. Finally, the bill streamlines regulations under the HOME Program to facilitate new construction and other housing production in the zones.

For education and job training, the bill targets to the zones additional funds under the community development block grant program. The bill provides authorizations of $500 million in fiscal year 1993 and $520 million in fiscal 1994. Restrictions on the use of block grant funds are lifted to allow use of as much money as the local communities deem advisable on job training and related services. The bill also provides an additional $5 million in fiscal 1993 and $10 million in fiscal year 1994 for youthbuild training programs in the zones. Youthbuild, a new program established in the pending housing authorization bill, provides grants to community-based organizations to educate and train low-income youth in housing construction and rehabilitation.

To increase access to capital, the bill creates the enterprise capital access fund. The fund would have $100 million in fiscal 1993 and $200 million in fiscal 1994 to make low-interest loans and technical assistance grants to nonprofit community-based lenders for loans to businesses, housing, and other community and economic development activities that benefit residents of the zones and other distressed communities. Community development block grant regulations would also be streamlined to facilitate use of block grant funds to assist small and microbusinesses and businesses in distressed communities.

To promote public safety, the zones would receive preference in the award of public housing drug elimination grants. They would also be able to use the additional community development block grant resources to hire more police or develop innovative initiatives to enhance public safety.

To build infrastructure, the State and local match requirements for urban mass transit would be cut in half for projects designed to increase the mobility of enterprise zone residents. Community development block grant funds could also be used for infrastructure development projects.

The bill also requires the Comptroller General to study and report to Congress on the availability of insurance for businesses and residences in enterprise zones and other inner city areas. The crisis in Los Angeles brought to light evidence of continued discrimination and redlining in the insurance market. News reports surfaced that many businesses and residences destroyed in the rioting lacked insurance because coverage was unavailable. The study required by the bill will contain recommendations for legislative action to enhance the availability of insurance in urban areas. Adequate insurance is a crucial building block of a healthy neighborhood economy.

The bill is just a first step. It provides some of the non-tax elements necessary for enterprise zones to have any chance of enabling the residents of our distressed communities to move themselves into the economic mainstream. In the coming weeks, I will be working with Senator BENTSEN, chairman of the Senate Finance Committee, to develop the tax components of an enterprise zone package that will empower zone residents and not just business owners by linking tax breaks to jobs for zone residents.

Even such a balanced enterprise zone package as this is just the beginning in a comprehensive war on the crisis confronting urban America. Enterprise zones are an important experiment that initially will only reach a limited number of communities. If it works as we think it can, we will greatly expand the program.

Breaking the spiral of decline and putting America's cities on an upward path demands a concerted national commitment to reach all distressed communities. This commitment will require the dedication of substantial national resources—both immediately and over the long-term—by Government and the private and not-for-profit communities alike.

This commitment should build on programs that we know work—programs like Head Start to prepare preschool kids, chapter 1 compensatory education to fund additional educational programs for educationally disadvantaged elementary and secondary school students, and Job Corps to help disadvantaged teenagers develop practical employment skills. But we must also develop new programs in which business and community groups work with the Government in a new urban partnership to shape cities whose residents have the economic tools needed to be self-sufficient and to produce vibrant social and economic communities.

We must make this commitment to enable the residents of our cities to become full participants in the social and economic mainstream of our Nation. We do this not just for reasons of equity and compassion but out of concern for our Nation's future competitiveness in the world economy. For, by the year 2000, 57 percent of the new entrants to America's work force will be drawn from the minority populations that are concentrated in our inner cities. Unless they have world class work skills and economic opportunities to apply those skills, America will undergo serious decline.

I will be working aggressively to shape our national commitment to a new urban partnership in the weeks and months to come, and I look forward to working with my colleagues on both sides of the aisle—as well as the President—for the well-being of the people of our cities and of our Nation as a whole.●

By Mr. SARBANES:

S. 2999. A bill to extend the authorization of appropriations of the National Historical Publications and Records Commission for 6 years; to the Committee on Governmental Affairs.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION AUTHORIZATION

● Mr. SARBANES. Mr. President, for the last 4 years it has been my privilege to serve as the representative of the U.S. Senate on the National Historical Publications and Records Commission; and I am introducing legislation today to reauthorize the Commission for an additional 6 years.

The NHPRC's statutory mandate is to promote the preservation and use of America's historical legacy. Recently, the Commission completed an extensive review of its operations and its future goals. At its February 1992 meeting, the Commission adopted a long-range plan entitled "To Protect a Priceless Legacy." The plan proposed broad goals and specific objectives for the operation of the Commission from now until the end of the century. It is a realistic and challenging document, and I enthusiastically supported its adoption. Absent the increased funding sought in this reauthorization bill, the Commission would be hard pressed to undertake work toward more than the top half-dozen objectives in its comprehensive plan.

NHPRC grants are producing valuable results. Just this month saw publication of the first volume of the papers of Martin Luther King, Jr., completion of the papers of Henry Clay, the diary of Elizabeth Drinker, the papers of Elizabeth Cady Stanton and Susan B. Anthony, and the congressional series of the papers of James Madison—all assisted by NHPRC grants.

It is important that the Commission continue its respected work in preserving this Nation's heritage, and I believe this reauthorization legislation is a practical step in ensuring continuity of the Commission's programs.●

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By Mr. DECONCINI:

S. 3000. A bill to require the Secretary of the Treasury to mint coins in commemoration of the National Law Enforcement Officers Memorial, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

NATIONAL LAW ENFORCEMENT OFFICERS MEMORIAL COIN BILL

● Mr. DECONCINI. Mr. President, I rise today to ask this body to recognize the men and women of law enforcement who have died in defense of their communities and their country. The measure I have sent to the desk is a very simple proposal that is intended to make clear a profound truth: The war in our Nation's streets against crime, drugs and violence is claiming some of the very best and brightest of our citizens: police officers.

As many of you know, there is a majestic National Law Enforcement Officers Memorial just down the street from the Capitol. This includes a "Pathway of Remembrance" where the names of 12,928 law enforcement officers who have died in the line of duty from all parts of the United States are engraved on marble walls. It is the one symbol which reminds us all that there is a domestic war which claims its victims every single day. It is a tribute to the sacrifices made by the brave men and women of law enforcement and their families. The memorial is a constant reminder of the increasingly dangerous occupation which is today's law enforcement. The bill I am sending to the desk today is a further recognition of the bravery displayed by these protectors of the peace.

The National Law Enforcement Officers' Memorial Coin Act, which I am introducing today, will authorize the minting of coins to be issued in 1993 to pay honor and respect to these fallen protectors of the peace. This legislation will allow for a surcharge on the sale of these coins, the proceeds going to establish a National Law Enforcement Officers Memorial Maintenance Fund. The fund will be used to finance major repairs and alterations to the memorial, and when tragedy strikes again, the addition of individual names to the memorial. In addition proceeds from the sale of these coins will cover payment to the Treasury Department for all costs authorized in this bill. Sadly, it is the estimate of law enforcement organizations that another 153 names will have to be added to the memorial by year's end. The bill I am introducing today will authorize the minting of a limited number of both gold five dollar and silver one dollar coins. Sales of the gold five dollar coin will include a surcharge of $35 and $7 for the silver one dollar coin. The Secretary of the Treasury in consultation with officials of the National Park Service and the U.S. Commission on Fine Arts will select the coins design.

From the very inception of the Law Enforcement Memorial to final construction, the funding has come from the private donations of thousands of individuals, corporations and many law enforcement organizations. None of these people had to do this; many have made great sacrifices to complete this silent tribute to their friends, family, colleagues, mothers and fathers. In keeping with the tradition of the memorial, the total cost for production and distribution of the coins will be paid from the surcharge on the coin itself and it will not cost the taxpayer one penny.

This bill will allow the minting of a limited number of two types of coins, a gold coin with a $5 denomination and a silver coin with a $1 denomination. The Secretary of the Treasury, in consultation with officials of the National Law

Enforcement Officers Memorial Fund, the National Park Service, and the U.S. Commission of Fine Arts will, select the coin's design.

We all should be more aware that we are here today, assured in the knowledge that there are unique individuals who are willing to lay their life on the line for our safety and security. It is our responsibility to honor this bravery, dedication to duty and recognize those who paid the ultimate sacrifice.

I can tell you that there is no doubt in my mind that your support for the minting of these coins and the establishment of this fund will touch the hearts and minds of generations of police officers and their families.

Despite the best efforts of all branches of Government our first line of defense against absolute anarchy—the police officer—continues to be killed in the line of duty. Mr. President, I am sure that you would agree this is an abhorrent reality. It is my fervent wish that not a dime from the proceeds of the sale of these coins would be necessary to add another name to the national memorial or any of the hundreds of State and local law enforcement memorials across the country. It is painfully evident that until we as a nation get serious on the crime epidemic, officers will still die, families will suffer and names will continue to be added to these memorials.

I am pleased to inform you Mr. President that this bill will also be a living tribute to the men and women who wear the badge, as well as a memorial maintenance fund. There is a provision contained in this legislation which authorizes the Secretary of the Interior in consultation with the Attorney General to establish an educational scholarship for the immediate family members of law enforcement officers killed in the line of duty, using a portion of revenues generated by coin sales.

The police officer is on duty 24 hours a day, 365 days a year. It is appropriate for my colleagues and I to take just a few moments to help repay that dedication and take this measure under immediate consideration. You will find that this bill is clear and concise, and that it should be considered and passed in an expeditious manner.

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

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

S. 3000

*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 "National Law Enforcement Officers Memorial Coin Act".

**SEC. 2. COIN SPECIFICATIONS.**

(a) FIVE DOLLAR GOLD COINS.—The Secretary of the Treasury (hereafter referred to as the "Secretary") shall issue not more than 200,000 five dollars coins, which shall—

(1) weigh 8.859 grams;

(2) have a diameter of 0.850 inches; and

(3) contain 90 percent gold and 10 percent alloy.

(b) ONE DOLLAR SILVER COINS.—The Secretary shall issue not more than 750,000 one dollar coins which shall—

(1) Weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(c) DESIGN.—The design of coins authorized to be minted under this Act shall be emblematic of the National Law Enforcement Officers Memorial, and shall be minted from stockpiles established under the Strategic and Critical Minerals Stock Piling Act (50 U.S.C. 98 et seq.). On each such coin there shall be a designation of the value of the coin, an inscription of the year "1993", and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(d) LEGAL TENDER.—The coins issued under this Act shall be legal tender as provided in section 5103 of title 31, United States Code.

**SEC. 3. SELECTION OF DESIGN.**

The design for each coin authorized by this Act shall be selected by the Secretary after consultation with the National Law Enforcement Officers Memorial Fund, Inc., the Secretary of the Interior (or his or her designee), and the United States Commission of Fine Arts.

**SEC. 4. SALE OF COINS.**

(a) SALE PRICE.—Notwithstanding any other provision of law, the coins issued under this Act shall be sold by the Secretary at a price at least equal to the cost of bullion, plus the cost of designing and issuing such coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales at a reasonable discount.

(c) PREPAID ORDERS.—The Secretary shall accept prepaid orders for the coins prior to the issuance of such coins. Sales under this subsection shall be at a reasonable discount.

(d) SURCHARGE REQUIRED.—All sales shall include a surcharge of $35 per coin for the five dollars coins and $7 per coin for the one dollar coins.

**SEC. 5. ISSUANCE OF THE COINS.**

(a) PERIOD FOR ISSUANCE.—The coins authorized under this Act shall be issued only through the end of calendar year 1993.

(b) PROOF AND UNCIRCULATED COINS.—The coins authorized under this Act shall be issued in uncirculated and proof qualities, and not more than 1 facility of the United States Mint may be used to strike any particular combination of denomination and quality.

**SEC. 6. GENERAL WAIVER OF PROCUREMENT REGULATIONS.**

No provision of law governing procurement or public contracts shall be applicable to the procurement of goods or services necessary for carrying out this Act. Nothing in this section shall relieve any person entering into a contract under the authority of this Act from complying with any law relating to equal employment opportunity. No firm shall be considered to be a Federal contractor for purposes of 41 C.F.R. Part 60 et seq. as a result of participating as a United States Mint consignee.

**SEC. 7. DISTRIBUTION OF SURCHARGES.**

Of the total surcharges received by the Secretary from the sale of coins under this Act shall be promptly paid by the Secretary to the Fund established under section 11.

**SEC. 8. AUDITS.**

The Comptroller General shall have the right to examine such books, records, documents, and other data of the National Park Service as may be related to the expenditure of amounts paid under paragraph (2) of section 9.

**SEC. 9. COINAGE PROFIT FUND.**

Notwithstanding any other provision of law—

(1) all amounts received from the sale of coins under this Act shall be deposited in the coinage profit fund;

(2) the Secretary shall pay the amounts authorized under this Act from the coinage profit fund to the Fund established under section 11 and to the Department of the Treasury; and

(3) the Secretary shall charge the coinage profit fund with all expenditures under this Act.

**SEC. 10. FINANCIAL ASSURANCES.**

(a) NO COST TO THE GOVERNMENT.—The Secretary shall take such actions as may be necessary to ensure that the minting and issuance of the coins under this Act shall not result in any net cost to the Federal Government.

(b) PAYMENT.—No coin shall be issued under this Act unless the Secretary has received—

(1) full payment therefor;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution the deposits of which are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration.

**SEC. 11. NATIONAL LAW ENFORCEMENT OFFICERS MEMORIAL MAINTENANCE FUND.**

(a) ESTABLISHMENT.—There is hereby established the National Law Enforcement Officers Memorial Maintenance Fund (hereafter referred to as the "Fund"), which shall be a revolving fund, to be administered by the Secretary of the Interior (or his or her designee). Monies for the Fund shall be raised through surcharges authorized under section 8. The Secretary of the Interior may accept donations for the Fund. The Fund shall be maintained in an interest bearing account within the Department of the Treasury.

(b) PURPOSES.—The Fund shall be used—

(1) for maintenance and repair of the National Law Enforcement Officers Memorial;

(2) to add to the Memorial the names of law enforcement officers who have died in the line of duty;

(3) for security of the Memorial site, to include the posting of National Park Service rangers and United States Park Police, as appropriate;

(4) at the discretion of the Secretary of the Interior and in consultation with the Secretary of the Treasury and the Attorney General of the United States, who shall establish an equitable procedure between the Fund and such other organizations as may be appropriate to provide educational scholarships to the immediate family members of law enforcement officers killed in the line of duty whose names appear on the Memorial, the total amount of such scholarships not to exceed 10 percent of the Fund's annual income;

(5) for the dissemination of information regarding the Memorial to the general public; and

(6) to administer the Fund, including contracting for necessary services, in an amount not to exceed the lesser of—

(A) 10 percent of the Fund's annual income; and

(B) $200,000 in any 1-year period.

(c) BUDGET AND AUDIT TREATMENT.—The Fund shall be subject to the budget and audit provisions of the Government Corporations Control Act.•

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By Mr. DOMENICI (for himself, Mr. DOLE, and Mr. MURKOWSKI):

S. 3001. A bill to amend the Food Stamp Act of 1977 to prevent a reduction in the adjusted cost of the thrifty food plan during fiscal year 1993, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

TEMPORARY PROHIBITION ON THE REDUCTION OF FOOD STAMP BENEFITS

Mr. DOMENICI. Mr. President, I am going to send a bill to the desk on behalf of myself, Mr. DOLE, and Mr. MURKOWSKI that has to do with food stamps. I call the bill, just to be very descriptive, a temporary prohibition on the reduction of food stamps benefits. Mr. President because we have had inflation go down, we are scheduled on October 1 to have a $4-reduction in the monthly basic food stamp allotment to the poor who are entitled to food stamps. I do not believe we should do that in a year that is as difficult as this.

All I have done with this measure is provide that the current measure for benefits not be reduced for 1 year. I will tell the Senate that the bill does not violate the Budget Act because the baseline that we have been calculating from obviously anticipated that the food stamp allotment would be the same or even higher. By virtue of deflation, it will likely come down. I think that we ought to quickly pass a measure like this so we dispel any idea that we are going to reduce maximum benefits to anyone in this country entitled to food stamps.

I send the bill to the desk.

Mr. President, this problem has come to my attention concerning the benefit levels of the Food Stamp Program, which fortunately, we can easily address.

Mr. President, the economy is growing, but as we all acknowledge, it is at a rate that is slow to impact some of the neediest in our country. There are currently 25.4 million Americans who are counting on food stamps to supplement their income.

This year, the Federal Government will spend an estimated $22.4 billion on the Food Stamp Program.

Current law requires an adjustment to the food stamp allotment level, based on a measurement called the thrifty food plan. The thrifty food plan is an estimate of the food needs for a family of four which serves as the benchmark for establishing benefit levels.

Currently the value of this thrifty food plan is $359 per month for a family of four. The maximum benefit allowable is $370 for a family of four; the actual food stamp benefit a family receives is calculated based on the family's income.

This year, reduced inflation will reduce the thrifty food plan allotment. This will decrease benefits just over $4 a month for a family of four.

Mr. President, I believe my colleagues will agree that it is not the time to reduce benefit levels for this program.

I have been assured that we can sustain the present level of food stamp benefits, as we do in this bill, without violating any Budget Act or pay-go provisions.

When formulating their baseline, the Congressional Budget Office assumed an increase in the thrifty food plan measurement and in the commensurate level of food stamp benefits, as did the administration.

I am introducing legislation today with Senators DOLE and MURKOWSKI which would have the effect of prohibiting any reduction in benefits for the coming year. This would impose a temporary prohibition on the reduction of food stamp benefit levels, for fiscal year 1993 only, after which benefit levels would resume as under current law.

I would urge my colleagues to expedite consideration of this bill in order to reassure millions of Americans that their benefits are secure.

Mr. DOLE. Mr. President, I rise today to join the distinguished ranking member of the Budget Committee in introducing legislation to hold fiscal year 1993 food stamp benefit levels harmless for the recent decrease in the cost of the thrifty food plan. Under current law, food stamp allotments are adjusted in October of each year based on 103 percent of the cost of the thrifty food plan in the previous June. The thrifty food plan is a market basket list of amounts and kinds of foods.

It is my understanding that without this fix, food stamp benefits for certain households would have to be cut at the beginning of fiscal year 1993 due to the drop in the cost of the thrifty food plan. It is also my understanding that those who would be adversely affected by this benefit adjustment are larger households, which typically are families with children, and households with zero income. In other words, the impact would be felt by those households which are least-equipped to absorb a reduction in their benefits.

Mr. President, this is the first time in the history of the Food Stamp Program that we have faced this situation. The legislation we are proposing would make a one-time fix to maintain the benefits of those low-income Americans who are most in need of such aid. The administration is supportive of our proposal, and I hope the rest of our colleagues will be as well.

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By Mr. ROCKEFELLER (for himself, Mr. DURENBERGER, Mr. CONRAD, Mr. MITCHELL, Mr. DANFORTH, Mr. BRADLEY, Mr. BINGAMAN, Mr. MOYNIHAN, Mr. INOUYE, Mr. KENNEDY, Mr. CHAFEE, and Mr. HATCH):

S. 3002. A bill to amend title XIX of the Social Security Act to provide for optional coverage under State Medicaid plans of case-management services for individuals who sustain traumatic brain injuries, and for other purposes; to the Committee on Finance.

BRAIN INJURY REHABILITATION QUALITY ACT

Mr. ROCKEFELLER. Mr. President, today, I am introducing the Brain Injury and Rehabilitation Quality Act of 1992 with my distinguished colleague from Minnesota, Senator DURENBERGER. This legislation can improve the care and delivery of health services for hundreds of thousands of brain-injured individuals, many of whom will become permanently disabled as a result of their injury. It will allow States to establish a central registry of traumatic brain injuries through the Centers for Disease Control; focus on preventive programs and research on the best treatments for recovery; and give States the authority to use a case management model to help assure the most appropriate, and so, most cost-effective care, is coordinated for these people. The use of case management systems will be constrained by the States' current expenditures on programs for the brain injured, but with the use of this approach, I believe that we will be able to provide better quality and increased services to these people by allowing States to tailor their care to individual needs.

Let me tell you who we seek to help by this legislation. The brain injured are unsuspecting and mostly young victims of head traumas. They can be children involved in diving accidents, young adults damaged in automobile crashes, the elderly that have fallen, or any one of us, who have the misfortune to—at any time and without warning—sustain a severe blow to the brain.

More often than not, these people will come to depend on Medicaid for their health care. The exorbitant cost of head injuries—from $100,000 to $300,000 per year—forces people into the Medicaid Program because few Americans are equipped to deal with those incredible costs. Even if they are covered by insurance, it is likely to run out before their need for care is exhausted. So, for tens of thousands of Americans who will need comprehensive, long-term rehabilitative care, an imperfect Medicaid system becomes the court of last resorts for the head injured and their families. That's why it's so important to make sure the system works.

Linda Petry, a West Virginia mother whose son, Chad, sustained a severe traumatic brain injury 4 years ago is a real life example of the systematic problems that people encounter as they

learn to cope with the financial, emotional, and physical burdens associated with caring for a brain-injured family member. Linda struggled to get Medicaid to provide Chad needed rehabilitative care. After months in a facility, she took him home "because he wasn't improving further" and "my conscience was bothering me—the State was spending a fortune—$500 a day—and Chad wasn't getting what he needed.

Linda and Chad's story tells us something about the tough choices that a lot of families face because of Medicaid's current inability—due in part to its institutional bias—to address some of the unique problems of special populations, like the brain injured. Stories like Linda's and Chad's demand that we reconsider how we can best restructure our care delivery system so that these families, who have already endured so much, will have a better chance of receiving the care they need.

Coordinated case management is a tool that can help. The Brain Injury Rehabilitation Quality Act of 1992 will allow States, on a case-by-case basis, to adopt a case management approach. It can keep the brain injured at home when appropriate, saving dollars and preserving families. There is little we can do to protect against the unforeseen and unavoidable personal tragedies that result from head injuries. But we can work to prevent injuries wherever possible, and insure that our health care system can respond to the needs of those citizens who ultimately must rely on its protection. My legislation will help do that as well.

Administrative case management is already working in a program for the brain injured in the State of Minnesota. Minnesota has saved almost $1.4 million in a year by avoiding residential placement and taking advantage of more appropriate community programs. My legislation builds on that success and allows other States to benefit from Minnesota's model program. Additionally, the act designates State coordinators for traumatic brain injury [TBI] programs, establishes a national TBI registry, and calls for studies of effectiveness of TBI interventions.

Each year in the United States there are at least 500,000 individuals hospitalized with TBI's. Even more staggering is the fact that 70,000 to 90,000 people a year who survive with a serious head injury are left with intellectual impairment of such a degree that they cannot return to a normal life and require long-term and high-cost care. And an estimated 1.5 million people suffer from traumatic brain injury at an overall cost to society of $48 billion. Since the vast majority of head injured are young, lifetime costs for a severely injured may approach $5 million per case.

Our current medical, rehabilitation, legal, and social systems are simply not capable of dealing with the immediate or long-term care needs of head injury victims. Pauline Hess of Martinsburg, WV, provides us with yet another graphic example of a system that cannot respond to the people it is designed to serve. Pauline tells us about her son, Bill, who spent 4 months in a nursing home for the elderly and 6 months in a mental institution because "there was nowhere else to put him," even though Bill is intellectually intact. Neither the Department of Health and Human Services [HHS] nor the Department of Education [DOE] has established standards for postacute care, and the emphasis has been on basic research and demonstration projects. Additionally, limited Federal funding through Medicaid supports medical or hospital-based services. Postacute care funding is not earmarked for the brain injured, and financial support for home and community-based treatment and services is meager.

Surveys of all States confirm what we already know—that current treatment of brain injured citizens is woefully inadequate. Some States don't even know how many patients are receiving public aid for head injury, how they are served, or how much money is expended. Other States refer severely brain injured citizens to costly out-of-State inpatient facilities, where quality of care has not been monitored and where there is compelling evidence of waste, fraud, and abuse by unethical providers of TBI care. A recent study concluded that long, expensive inpatient stays were often unwarranted, and recommended improving the effectiveness of less costly posthospital programs.

At the heart of my Brain Injury Rehabilitation Quality Act is the hope that we can help more individuals either return to productive lives in their communities, or at least be placed in supervisory care that maximizes their function and well-being. This bill is designed to identify the scope of the problem, coordinate care, and develop research programs that prevent or reduce TBI. Its key features are:

Optional Medicaid coverage of case-management services for individuals with TBI's as long as the total cost of the State program does not exceed current State expenditures. Administrative case managers assess, plan, and coordinate a broad range of services while making sure that the best value is achieved for every public dollar expended. Greater emphasis will be placed on home and community based settings, rather than more costly and sometimes inappropriate residential care;

A national registry of TBI's through the Center for Disease Control;

Designated State TBI coordinators to contract for Statewide services, develop a prevention program, establish a central registry and reporting system for TBI's, and develop standards for marketing TBI services;

A study of effectiveness of TBI interventions by the Agency for Health Care Policy and Research.

I hope you will carefully consider the magnitude of this problem and the positive, life-enhancing difference this legislation can make to those who suffer from the terrible burdens of these disorders. Several years ago, Congress recognized the Decade of the Brain by enacting a resolution to identify the tremendous needs and opportunities which exist in this area. With your help, we can carefully invest resources in needed brain-related research, health services, and education.

Mr. President, I ask unanimous consent that the full text of the bill, along with the bill summary, be printed in the RECORD.

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

S. 3002

*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 "Brain Injury Rehabilitation Quality Act of 1992".

**SEC. 2. MEDICAID COVERAGE OF CASE-MANAGEMENT SERVICES FOR INDIVIDUALS WITH TRAUMATIC BRAIN INJURIES.**

(a) IN GENERAL.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended—

(1) by striking "and" at the end of paragraph (21);

(2) by striking the comma at the end of paragraph (24) and inserting a semicolon;

(3) by redesignating paragraphs (22), (23), and (24) as paragraphs (25), (22), and (23), respectively, and by transferring and inserting paragraph (25) after paragraph (23), as so redesignated; and

(4) by inserting after paragraph (23) the following new paragraph:

"(24) case-management services for individuals who sustain traumatic brain injuries (in accordance with section 1931).".

(b) CASE-MANAGEMENT SERVICES DESCRIBED.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended by adding at the end the following new section:

"CASE-MANAGEMENT SERVICES FOR INDIVIDUALS WITH TRAUMATIC BRAIN INJURIES

"SEC. 1931. (a) IN GENERAL.—For purposes of section 1905(a)(24), case management services for individuals who sustain traumatic brain injuries are services provided through a State case management program that meets the requirements of subsection (b) to an eligible individual (as defined in subsection (e)).

"(b) REQUIREMENTS FOR STATE CASE MANAGEMENT PROGRAMS.—

"(1) IN GENERAL.—A State case management program meets the requirements of this section if the program provides or arranges for the provision of the following services for eligible individuals:

"(A) Initial assessment of the individual's need for case management services, and, if the individual is an appropriate candidate for receiving case management services, an initial assessment of the individual's need for other services, with an emphasis on identifying community-based services required

to prevent institutionalization or minimize the need for residential rehabilitation.

"(B) Reassessment of each individual at regular intervals of at least every 3 months to determine the extent of each individual's progress, to ascertain whether an individual is being kept too long in a given setting or provided services inappropriately, or would be better served by other services or in another setting.

"(C) Preparation of a treatment plan for each individual requiring case management services, as soon as possible after the individual suffers the injury, based on consultation with the individual (other than an individual who is comatose) and any person named by the individual, except that preparation of the plan may be delayed (by one or more periods of no more than 15 days each) based on a certification, including a brief explanation of the reason for the delay, by a physician attesting that such a delay is in the individual's best interests; presentation of a copy of the treatment plan and any modifications to the plan to the individual or the individual's legal representative; and in the case of an individual who, at the time the individual sustains the traumatic brain injury, is not an eligible individual, preparation of such a treatment plan within 60 days after such individual becomes an eligible individual.

"(D) Regular update of each individual's treatment plan (based on consultation with the care provider, the individual and any person named by the individual) with data and information about treatments and services provided, as well as specific outcome measures of the individual's current performance or activity relative to goals previously established.

"(E) Assistance to the individual in obtaining services necessary to allow the individual to remain in the community.

"(F) Coordination of home care services with other services.

"(G) As the individual's advocate, striving to obtain appropriate, accessible, and cost-effective services.

"(H) Recommendation of the approval or denial of the use of funds provided under the State plan for medical assistance under this title to pay for home care services when home care services exceed limitations established by the State coordinator (described in subsection (f)), in accordance with standards established by the State coordinator.

"(I) Assessment of the individual's need for and level of home care services at appropriate intervals during the course of the individual's treatment under the program.

"(J) Recommendation of the approval or denial of the use of funds provided under the State plan for medical assistance under this title for out-of-State placements for residential rehabilitation services, in accordance with standards established by the State coordinator.

"(K) Ensuring that any residential setting or facility which provides services to individuals under the program meets the requirements applicable to nursing facilities under section 1919, in accordance with standards established by the State coordinator.

"(L) A complaint procedure, overseen by the State coordinator, regarding any treatment or service provided to an individual which provides that—

"(i) the complaint may be oral or in writing from the individual or any person named by the individual;

"(ii) the response may be to the individual or any person named by the individual;

"(iii) the confidentiality of the complainant shall be maintained;

"(iv) the investigation shall be completed within—

"(I) 30 days for a routine complaint,

"(II) 7 days for a complaint of abuse or neglect, and

"(III) 24 hours if the individual's life or safety is immediately threatened; and

"(v) if the complaint is with respect to a publicly appointed case manager or case worker, substitution of such manager or worker is allowed.

"(2) COORDINATION AND ADMINISTRATION OF BENEFITS AND SERVICES.—In addition to carrying out the activities described in paragraph (1), a State case management program shall assist in ensuring that the eligible individual is referred and applies for other benefits (through cooperative agreements with agencies administering benefit programs) and services for which the individuals are eligible under other Federal, State, or local programs, including—

"(A) employment services, including vocational assessment, training, and placement, sheltered employment, and supported employment;

"(B) education benefits, including primary, secondary, and higher education programs;

"(C) services available under the Older Americans Act;

"(D) disability insurance under title II; and

"(E) comprehensive services for independent living under title VII of the Rehabilitation Act of 1973.

"(c) SCOPE OF SERVICES PROVIDED.—

"(1) IN GENERAL.—An individual may receive the following services for which the individual is eligible, but such services shall be coordinated through a State case management program:

"(A) Acute rehabilitation services, focusing on intensive physical and cognitive restorative services in the early months following injury.

"(B) Subacute rehabilitation in either inpatient or outpatient settings.

"(C) Transitional living services to train the individual for more independent living, with an emphasis on compensating for the loss of skills which may not be restored.

"(D) Lifelong living services for individuals discharged from rehabilitation who require ongoing lifetime support.

"(E) Home Care, including comprehensive training for family or other informal caregivers.

"(F) Day treatment and other outpatient programs in nonresidential settings.

"(G) Independent living services to allow the individual to live at home with optimal personal control over services.

"(H) Behavior disorder treatment services to address or resolve patterns of behavior which prevent or hinder participation in active rehabilitation.

"(I) Respite and recreation services to aid the individual and members of the individual's family in adapting psychologically and environmentally to residual deficits resulting from brain injury.

"(J) Treatment for conditions related to alcoholism and drug dependency.

"(2) WAIVER OF LIMITATIONS UNDER STATE PLAN REQUIREMENTS.—To the extent necessary to carry out a treatment plan for an individual, a State case management program may waive restrictions on the amount, duration, and scope of services otherwise applicable under the State plan for medical assistance under this title, in accordance with standards established by the State coordinator.

"(d) ELIGIBILITY OF PROVIDERS OF SERVICES.—No living services may be provided to or on behalf of any individual under this section unless there has been an agreement entered into between the State case management program with which the individual is enrolled and the entity providing such services that specifies the living services to be provided, the period of time over which such services will be provided, and the charges to the patient for providing such services.

"(e) ELIGIBILITY OF INDIVIDUALS TO RECEIVE SERVICES.—

"(1) IN GENERAL.—Subject to subsection (f), an individual is eligible to receive case-management services under this section if the individual is eligible to receive medical assistance under a State plan under this title, has suffered a traumatic brain injury, and is moderately or severely disabled.

"(2) TRAUMATIC BRAIN INJURY DEFINED.—In paragraph (1), the term 'traumatic brain injury' means a sudden insult or damage to the brain or its coverings caused by an external physical force which may produce a diminished or altered state of consciousness, and which results in a temporary or permanent impairment of cognitive or mental abilities or physical functioning or disturbance of behavioral or emotional functioning, but does not include any injuries of a degenerative or congenital nature.

"(3) DEFINITIONS RELATING TO MODERATELY OR SEVERELY DISABLED INDIVIDUALS.—

"(A) IN GENERAL.—In paragraph (1), the term 'moderately or severely disabled individual' means—

"(i) in the case of an individual 6 years of age or older, an individual who (without regard to income or employment status)—

"(I) needs substantial assistance or supervision from another individual with at least 2 activities of daily living (described in subparagraph (D));

"(II) needs substantial supervision due to cognitive or other mental impairment and needs substantial assistance or supervision from another individual with at least 1 activity of daily living or in complying with a daily drug regimen; or

"(III) needs substantial supervision from another individual due to behaviors that are dangerous (to the individual or others), disruptive, or difficult to manage; or

"(ii) in the case of an individual under 6 years of age, an individual who suffers from any medically determinable physical, cognitive, or other mental impairment of comparable severity to that which would make an individual 6 years of age or older meet the requirement of subclause (I), (II), or (III) of clause (i).

"(B) COMPARABLE SEVERITY DEFINED.—In subparagraph (A)(ii), the term 'comparable severity' means that a child's physical, cognitive, or other mental impairment or impairments so limit the child's ability to function independently, appropriately, and effectively, in an age-appropriate manner, that any impairments and limitations resulting from such mental impairment or impairments are comparable to those which would disable an adult.

"(C) DETERMINATIONS OF DISABILITY.—For purposes of this section, an individual is considered to be—

"(i) a moderately or severely disabled individual if there is an affirmative certification by the State case management program in effect for the individual;

"(ii) a moderately disabled individual if there is such an affirmative certification in effect and a determination by the State case management program that the individual has a moderate impairment; or

"(iii) a severely disabled individual if there is such an affirmative certification in effect

and a determination by the State case management program that the individual has a severe impairment.

"(D) ACTIVITY OF DAILY LIVING DEFINED.—Each of the following is an activity of daily living: bathing, dressing, transferring, toileting, and eating.

"(4) COVERAGE OF INDIVIDUALS UNDER DISABILITY PROTECTIONS.—Individuals receiving services through a State case management program under this section shall be considered to be individuals with disabilities for purposes of the Americans With Disabilities Act.

"(f) STATE COORDINATOR.—

"(1) IN GENERAL.—In order for an individual to receive services under this section, an individual must reside in a State that has designated a State coordinator for traumatic brain injuries to establish policies and standards for providing services under this section, make necessary reports to the Secretary, supervise and coordinate services for individuals with traumatic brain injuries, and perform the duties described in this subsection and in subsection (g).

"(2) CONTRACTING WITH OTHER ENTITIES TO PROVIDE SERVICES.—The State coordinator may contract with qualified agencies or employ staff to provide services under this section to eligible individuals.

"(3) PREVENTION OF TRAUMATIC BRAIN INJURY.—The State coordinator shall be responsible for a program of activities related to preventing and reducing the rate of traumatic brain injuries in the State.

"(4) TRAUMATIC BRAIN INJURY REGISTRY.—The State coordinator shall establish and maintain a central registry of individuals who sustain traumatic brain injury using standards established under section 2(c) of the Brain Injury Rehabilitation Quality Act of 1992 in order to—

"(A) collect information to facilitate the development of injury prevention, treatment, and rehabilitation programs; and

"(B) ensure the provision to individuals with traumatic brain injury of information regarding appropriate public or private agencies that provide rehabilitative services so that injured individuals may obtain needed service to alleviate injuries and avoid secondary problems, such as mental illness and chemical dependency.

"(5) NOTIFICATION OF INJURIES TO JOB TRAINING PROGRAMS.—Within a reasonable period of time after receiving a report that an individual has sustained a traumatic brain injury or spinal cord injury, the coordinator shall notify the State agency responsible for jobs and training and shall include the individual's name and other identifying information.

"(6) STANDARD FOR MARKETING OF BRAIN INJURY SERVICES.—The State coordinator, after consultation with the advisory committee established under paragraph (9), shall monitor standards established by the Secretary regarding the marketing of services (by hospitals and other providers) to any individual who has sustained traumatic brain injury or family members of such individual, and shall disseminate the standards to State case management programs, and shall furnish information on such standards to such individual and such family members at the earliest appropriate opportunity after such individual has sustained the injury. Such standards shall include (at a minimum) a rule prohibiting payments under a State case management program under this section for referring individuals to rehabilitation facilities.

"(7) STUDIES.—The State coordinator shall collect injury incidence information (including the prevalence, prevention, and treatment of traumatic brain injury), analyze the information, and conduct special studies regarding traumatic brain injury.

"(8) DISSEMINATION OF DATA.—The State coordinator shall provide summary registry data to public and private entities to conduct studies using data collected by the traumatic brain injury registry established under paragraph (4). The State coordinator may charge a fee for all expenses associated with the provision of data or data analysis.

"(9) ESTABLISHMENT OF ADVISORY COMMITTEE.—The State coordinator shall establish an advisory committee (consisting of representatives of professionals who provide community-based services under this section and individuals with traumatic brain injuries and family members of such individuals) to provide recommendations regarding the needs of individuals with traumatic brain injuries, provide advice on activities under paragraph (3), and assist in the establishment of marketing standards under paragraph (6).

"(10) PRIVACY.—Any data identifying specific individuals which is collected by or provided to the State coordinator may be used only for purposes of case management and rehabilitation and studies by the State coordinator, in accordance with rules adopted by the State coordinator.

"(11) RULES.—The State coordinator shall adopt such guidelines by the Centers for Disease Control as are necessary to carry out this subsection. The rules must at a minimum define, but are not limited to—

"(A) the specific ICD diagnostic codes included in the definitions of traumatic brain injury;

"(B) the type of data to be reported;

"(C) standards for reporting specific types of data;

"(D) the individuals and facilities required to report and the time period in which reports must be submitted; and

"(E) criteria relating to the use of registry data by public and private entities engaged in research.

"(g) ESTABLISHMENT OF REPORTING SYSTEM.—

"(1) IN GENERAL.—The State coordinator shall design and establish a reporting system which requires either the treating hospital, medical facility, or physician to report to the State coordinator within a reasonable period of time after the identification of any individual with ICD diagnostic codes (as defined under subsection (f)(11)(A)) treated for a traumatic brain injury in the State. The consent of the injured individual is not required.

"(2) REPORT.—A report under paragraph (1) shall include—

"(A) the name, age, and residence of the injured individual;

"(B) the date and cause of the injury;

"(C) the initial diagnosis; and

"(D) other information required by the State coordinator.

"(3) LIABILITY PROTECTION.—The furnishing of information pursuant to the system established under paragraph (1) shall not subject any individual or facility to any action for damages or other relief, provided that the individual or facility acted in good faith in furnishing the information.

"(h) BUDGET NEUTRALITY.—Any State which establishes a State case management program for case management services under this section and receives Federal payment with respect to such services may not increase the expenditure level for such services as of the date of the enactment of this section (other than the expenditure of amounts described in section 2(e) of the Brain Injury Rehabilitation Quality Act of 1992). The Health Care Financing Administration may audit such State's records to ensure compliance with this subsection.".

(c) STANDARDS FOR REPORTING DATA.—Not later than January 1, 1994, the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control, shall establish standards for the reporting of data on traumatic brain injuries and the operation of registries of traumatic brain injuries for the use of State coordinators of traumatic brain injury case management services under section 1931 of the Social Security Act (as added by subsection (b)).

(d) CONFORMING AMENDMENT.—Section 1915(g)(2) of Social Security Act (42 U.S.C. 1396n(g)(2)) is amended by striking the period at the end and inserting the following: ", but does not include any services provided under section 1931.".

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for each fiscal year beginning with fiscal year 1994 to carry out paragraphs (3) and (4) of section 1931(f) of the Social Security Act (as added by subsection (b)).

(f) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (d) shall apply to quarters beginning on or after January 1, 1994, regardless if regulations to carry out such amendments have been promulgated by such date.

**SEC. 3. STUDY OF EFFECTIVENESS OF TRAUMATIC BRAIN INJURY INTERVENTIONS.**

(a) STUDY.—The Administrator for Health Care Policy and Research shall conduct a study to identify common therapeutic interventions which are used for the rehabilitation of traumatic brain injury patients, and shall include in the study as analysis of—

(1) the effectiveness of each such intervention in improving the functioning of brain injury patients; and

(2) the comparative effectiveness of interventions employed in the course of rehabilitation of brain injury patients to achieve the same or similar clinical outcome.

(b) REPORT.—Not later than 3 years after the date of the enactment of this Act, the Administrator for Health Care Policy and Research shall submit a report on the study conducted under subsection (a) to the Congress.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,000,000 for each fiscal year beginning with fiscal year 1993 and ending with fiscal year 1996 to carry out this section.

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SUMMARY OF THE BRAIN INJURY REHABILITATION QUALITY ACT OF 1992

Allows optional Medicaid coverage of case-management services for individuals with traumatic brain injury [TBI] as long as the total cost of the new program does not exceed current state expenditures for the care of individuals with TBIs. Case managers would assess, plan, and coordinate a broad range of services while making sure that the best value and highest quality care is achieved for every public dollar spent. Greater emphasis would be placed on home and community based settings, rather than more costly and, sometimes inappropriate, residential care settings.

ELIGIBILITY

Individuals who sustain damage to the brain caused by an external physical force if they have:

A temporary or permanent physical impairment and need assistance with at least 2 activities of daily living; or

A temporary or permanent cognitive impairment and need assistance with at least 1 activity of daily living; or

Exhibit temporary or permanent behaviors which are dangerous, disruptive, or difficult to manage.

ADMINISTRATIVE CASE MANAGERS AND SCOPE OF SERVICES

Case managers are responsible for regular assessment and development of individual care plans; identifying and approving home care and residential rehabilitation services; and assisting individuals in obtaining services. Case managers may waive Medicaid requirements on the amount, duration, and scope of services on a case-by-case basis.

Scope of services include: acute and subacute care; transitional living; life-long home care; day treatment; independent living; behavior disorder treatment; respite and recreation services; and alcohol and drug abuse treatment.

STATE TBI COORDINATORS

Would establish policies and standards for providing services with the assistance of an Advisory committee that would include memberships of relevant professionals and individuals with TBI or their families.

Contract for state-wide services with qualified agencies and notifies job training programs of the need for certain services.

Develop prevention programs and research studies to reduce the incidence of TBI.

Establish a central registry and reporting system for TBIs, including disseminating information to the public on the extent of head injury in the state.

Disseminate standards developed by the Secretary of HHS for marketing TBI services.

Monitor complaints on any treatment or service provided to an individual with TBI.

NATIONAL TBI REGISTRY

Requires the Center for Disease Control to develop standards for the reporting of data on TBIs and the operation of state TBI registries.

EFFECTIVENESS STUDY

Requires the Agency for Health Care Policy and Research to conduct a study of the effectiveness of interventions in improving the functioning of brain injured patients.

Mr. DURENBERGER. Mr. President, I am pleased to join my colleague from West Virginia, JAY ROCKEFELLER, in sponsoring this bill to improve the care provided under Medicaid to people who have sustained a traumatic brain injury.

Perhaps our best-known brain-injured citizen is former White House Press Secretary Jim Brady, who almost died in the 1981 attempt on President Reagan's life. But every day thousands of Americans sustain such an injury. A car hits a telephone pole, a child falls down stairs, a woman is attacked—and someone's life changes instantly. Over 500,000 people a year are hospitalized with brain injuries; about 80,000 of them are permanently disabled. Many thousands more must undergo months of recovery.

People with brain injuries like to call themselves "survivors." It's an apt word. Often, the initial trauma results in physical and mental problems that persist for months, years or decades. Often, as Jim Brady has had to do, the survivor must undergo years of physical therapy to regain some control over his or her own body. Brain injuries also can cause changes in personality, in emotions and in one's ability to handle what had been the simplest intellectual tasks.

Since the injuries result in both physical and mental changes, care provided to survivors is complex and costly, averaging $100,000 to $350,000 a year for people with moderate to severe injuries. Many survivors are teenagers or young adults when injured; their bills will mount, year after year. People exhaust their insurance coverage—if they have it—and then are forced onto Medicaid.

Far too often, the health-care system doesn't really know how to treat the brain-injured. They have physical needs, but they also can have intellectual impairment and hard-to-manage behaviors. The result is that survivors often are inappropriately housed with the mentally ill in psychiatric wards, with senior citizens in nursing homes or with the developmentally disabled in State institutions. They can even end up in jail. Such institutionalization is not only poor treatment; it also is extremely costly.

Mr. President, this bill will improve the care our society provides to survivors in brain injuries in several ways:

First, it establishes a central registry of traumatic brain injuries, with the Centers for Disease Control setting national standards for reporting data. We must learn more about the causes, characteristics and prevalence of traumatic brain injury.

Second, it requires action to prevent traumatic brain injury and mandates research by the Federal Government into the most effective ways to help these people recover from their injuries.

Third and most important, it allows State Medicaid programs to set up case-management systems in which coordinators may authorize exceptions to Medicaid rules on a case-by-case basis so that the survivor may receive the most appropriate care.

Case managers will guide the patient through the maze of institutional arrangements, rehabilitation programs, transitional living programs, home care, adult day care and so forth. They also will help their clients use other government programs, such as job training and social services.

There is an important restriction, though: These State case management systems may not spend more money in total than is now being spent on these patients.

A pilot program in Minnesota has had no trouble achieving this goal; just reducing inappropriate institutionalization has generated net savings of about $1.4 million a year.

In a typical case in Minnesota, a brain-injured patient was in an acute-care psychiatric ward at a cost of $300 a day. The program arranged the patient's transfer to a skilled nursing facility, saving $23,700 over a 92-day stay and providing the patient with more appropriate care.

In another case, a patient was about to be placed in a skilled nursing facility at a cost of $1,540 a month. Instead, the program arranged for the patient to remain at home with visits from a personal care attendant and a psychologist, resulting in savings of $1,300 a month.

By paying attention to these individual cases, the Minnesota program also has reduced the numbers of patients placed in out-of-State institutions, a particularly troublesome problem in some States. These institutions can be very high cost, yet in many States the Medicaid Program does little more than pay the bill.

Mr. President, this bill would result in both wiser use of Medicaid dollars and in better care for the patient. It is one way, and an important way, in which we can improve the productivity of the health-care system by doing more without spending more.

Before I yield the floor, I would like to acknowledge the efforts of Senator ROCKEFELLER, Senator KENNEDY and Representative RON WYDEN and those of their staffs. Mr. WYDEN and the staff of his Subcommittee on Regulation, Business Opportunities and Energy in particular did very useful research on this topic.

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By Mr. KERRY:

S. 3003. A bill to amend the Marine Mammal Protection Act of 1972 to authorize the Secretary of the State to enter into international agreements to establish a global moratorium to prohibit harvesting of tuna through the use of purse seine nets deployed on or to encircle dolphins or other marine mammals, and for other purposes; to the Committee on Commerce, Science, and Transportation.

INTERNATIONAL DOLPHIN CONSERVATION ACT

Mr. KERRY. Mr. President, I am today introducing legislation calling for a global moratorium on fishing practices that cause the slaughter of dolphins in the course of commercial tuna fishing operations. In so doing, I seek to make good on the 20-year-old promise of the Marine Mammal Protection Act [MMPA] to reduce the mortality of marine mammals in the course of fishing operations to incidental levels, approaching zero.

For reasons that no one fully understands, schools of large yellowfin tuna associate with schools of dolphins in the eastern tropical Pacific Ocean [ETP] off the coasts of southern Califronia and Central and South America. Since the late 1950's fishermen have deployed large purse seine nets around the schools of dolphin in order to harvest the tuna swimming

beneath. Despite efforts by fishermen to release the encircled dolphins, some become trapped in the nets and drown. This phenomenon was one of the major problems the MMPA was enacted to address in 1972, but it has persisted—although reduced in scope—ever since.

The International Dolphin Conservation Act recognizes that domestic action alone is not sufficient to end the killing of dolphins. Throughout the past decade, the primary responsibility for dolphin mortality has rested with the foreign flag fishing fleets of Mexico, Venzuela, Vanuatu, and elsewhere. Accordingly, the new bill provides incentives for foreign nations to agree to a moratorium of at least 5 years on the commercial harvestof tuna using methods that endanger dolphins. Indeed, under the bill, any nation continuing to kill dolphins intentionally would be barred from importing many of its fish and fish products to the United States.

This action has been made necessary by the failure of the MMPA to achieve fully its goal of ending the needless destruction of marine mammals. Over the past 20 years, more than 1 million dolphins have been killed in fishing nets intentionally deployed to encicrle them. Throughout this period, serious and well-intentioned efforts have been made to reduce dolphin mortality through improved fishing methods and at-times heroic measures to rescue marine mammals entangled or trapped in the nets. The America tuna industry has led this effort. As a result, the number of dolphins killed by U.S. tuna fishermen in the ETP dropped from 360,000 in 1972 to an annual quota of less than 20,000 throughout the 1980's. Foreign fleets, however, killed more than 112,000 dolphins in 1986 alone.

In 1988, Congress acknowledged the international nature of the problem by requiring tough and enforceable trade sanctions against any nation that fails to adopt dolphin-protection procedures comparable to those used in the ETP by the U.S. fleet. These changes resulted in improved efforts by the foreign fleet to protect dolphins and reduced the number killed to an estimated 25,000 in 1991.

Despite the progress, however, it is clear that the promise of reducing dolphin mortality to incidental levels, approaching zero is not being achieved. The fact is that this goal can probably never be achieved as long as fishermen continue to deploy nets intentionally around large schools of dolphins.

The tuna industry, foreign and domestic, has expressed a continued commitment to reducing dolphin mortality further through more careful methods, better enforcement, incentives for skippers, and prohibitions on setting for tuna at sundown, when the greatest number of deaths occur. This has not proven sufficient, however, to ease public concern about the issue.

In April 1990, the three principal American tuna processing companies, Starkist, Van Camp—Chicken of the Sea—and Bumblebee announced that they would stop canning tuna caught in association with dolphin, and begin labeling their tuna products with dolphin-safe symbols. This voluntary action has limited the American market for canned tuna almost exclusively to that which is considered dolphin-safe. It has also virtually ended major American participation in the tuna fishery in the ETP. The small tuna fleets of Panama and Ecuador, moreover, are now committed to a dolphin-safe policy and pressure is building in Europe to limit the tuna market there to dolphin-safe products, as well.

The bill I am introducing today is similar to legislation introduced in the House of Representatives by my colleague from Massachusetts, Representative GERRY STUDDS, and approved earlier this month by the House Committee on Merchant Marine and Fisheries. The bill recognizes that the past strategy of trying to reduce dolphin mortality while continuing to fish for tuna in association with dolphin is no longer sufficient. It recognizes, as well, the American interest in bringing foreign fishing conservation practices up to a standard comparable to those which we require of our own fishing fleet. Finally, it recognizes that we have today the best opportunity we will ever have to obtain a strong and binding international agreement on this issue; an agreement that I hope and believe could end the avoidable killing of dolphins in commercial fishing operations promptly, permanently and globally.

The timing of the bill is important because current provisions of the MMPA have resulted in an embargo of tuna and tuna products from Mexico and Venezuela, two of the most prominent foreign fleets operating in the ETP. Mexico, in particular, is interested in improving its overall trade relationship with the United States and in demonstrating a positive approach to international environmental and conservation issues. As a result, the United States Department of State believes it is realistic to think that Mexico will agree to a moratorium on fishing for tuna in association with dolphin, in return for a lifting of the current embargo. Obtaining such an agreement is the only practical way to be sure that further progress toward reduced dolphin mortality will occur, and that the original objectives of the MMPA are achieved.

I want to stress the compromise nature of this legislation. It is not aimed simply at making a statement or sending a message. It is aimed at getting results. The bill reflects our best effort to synthesize the ideas and views of a variety of executive agencies, environmental organizations and tuna processors about how best to assure that positive results are indeed achieved.

Under the proposed bill, Mexico and other nations operating in the ETP would not be subject to trade sanctions as long as they continue to reduce dolphin mortality between now and March 1, 1994, and agree to suspend fishing on dolphin completely for a period of at least 5 years after that date. This arrangement allows time for negotiations and for fishermen in the region to adjust, while maintaining pressure for reductions in dolphin kill and requiring—in less than 2 years—a halt to the practice that has killed so many marine mammals over the past 30 to 35 years. Failure by a nation to live up to commitments made to the United States on this issue will result in sanctions that are stronger than those imposed by current law. These include a ban on the importation of all tuna products, a ban on at least 40 percent of all fish and fish products and potentially a total ban of fish products.

I am aware that the commercial west coast tuna fishing industry will oppose this bill, just as it has opposed efforts in the past to enact and strengthen the provisions of the MMPA. I understand this and cannot criticize the industry for seeking to protect its own interests. But the fact is that the major American tuna processors have already made it clear that business as usual in the ETP is no longer acceptable. As I have said, since April 1990, the three major processors for the American market have refused to purchase tuna for canning that is not dolphin-safe. European governments and processors seemed poised to follow their lead. These actions, not any dictate of Congress, has caused the reduction in the size of the U.S. fleet operating in the ETP and created serious problems for the foreign boats that still fish tuna in association with dolphins.

It is argued by some in the industry that fishing on dolphin is the only economic way to catch large yellowfin tuna, but the fact is that other methods have not seriously been tried—at least not recently. Past industry and government sponsored research efforts have focused primarily on refining current fishing methods, rather than developing new ones. Even a recent study by the National Academy of Sciences, which included some research into alternative fishing techniques, can only be considered a starting point. A moratorium on dolphin-unsafe methods, accompanied by intensive research into dolphin-safe practices should make it clear within a matter of years whether a viable, dolphin-safe fishery for large yellowfin in the ETP can be established. If that were to occur, Americans would have an opportunity to reenter the fishery in a major way, thereby creating hundreds or thousands of new jobs for American workers in fishing, ship repair, processing and marketing.

In the past, spokesmen for the tuna industry have also criticized the emotional nature of the concern expressed

by the public, and reflected in restrictions placed in the law, about the tuna-dolphin issue. These spokesmen have argued that the overall viability of dolphin populations are not endangered by the yellowfin tuna harvest and that precautions currently in place guarantee that this will continue to be the case. All that is probably true. The problem is that the killing of dolphins in the course of tuna fishing operations is different from the incidental taking of marine mammals in other fisheries. In other cases, the killing is accidental. In the case of tuna fishing in the ETP, it results from the intentional deployment of nets among large numbers of dolphins—that makes the killing inevitable.

Critics of the MMPA have long asked why, with all the other tragedies in the world, so much attention has been given to the killing of dolphins. Why, after all, do we care? Millions of animals are killed for food every day. Some marine mammals are killed accidentally in almost every kind of fishery. Why is this one different?

The answer, it seems to me, is that human beings have always felt a special sense of kinship and wonder toward the dolphin, because of its beauty, its grace and its proven intelligence. Plutarch, of all people, wrote more than 2000 years ago that:

> To the dolphin alone nature has given that which the best philosophers seek: friendship for no advantage. Though it has no need for help of any man, yet it is a genial friend to all, and has helped man.

Killing an animal for food or for clothing is not the same as killing a dolphin simply for being in the way. Injuring a marine mammal by accident is not the same as deploying nets that you know in advance will surround and likely kill dolphins. The premise of the legislation I am introducing today is that we may be able to find a way once again to harvest large yellowfin tuna in the ETP without knowingly slaughtering dolphins. If we can, that will be good for the dolphin; it will be good for American fishermen; it will benefit our economy; it will ease diplomatic tensions; and it will end a controversy that has been a source of conflict between the Pacific tuna industry and the environmental community for more than two decades.

Given the persistent mystery of the relationship that binds dolphins and large yellowfin tuna in the ETP, there is no way that we can guarantee in advance that this approach will succeed in achieving fully each of its intended goals. But we do know that the current approach is not working economically, diplomatically or ecologically. And we know that the approach put forward in this legislation reflects the broadest degree of consensus that has ever been achieved on this issue.

After two decades of accepting half measures, I believe that the time has come to restore meaning to the original objectives of the MMPA; to move forward aggressively both domestically and internationally; to get a real research program underway; and to end once and for all the stale debates and controversies that have divided and discouraged in the past.

I ask unanimous consent that the text of the bill be inserted in the RECORD.

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

S. 3003

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "International Dolphin Conservation Act of 1992".

**SEC. 2. GLOBAL MORATORIUM TO PROHIBIT CERTAIN TUNA HARVESTING PRACTICES.**

(a) IN GENERAL.—The Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) is amended by adding at the end the following new title:

"TITLE III—GLOBAL MORATORIUM TO PROHIBIT CERTAIN TUNA HARVESTING PRACTICES

**"SEC. 301. FINDINGS AND POLICY.**

"(a) FINDINGS.—The Congress finds the following:

"(1) The yellowfin tuna fishery of the eastern tropical Pacific Ocean has resulted in the deaths of millions of dolphins.

"(2) Significant awareness and increased concern for the health and safety of dolphin populations has encouraged a change in fishing methods worldwide.

"(3) United States tuna fishing vessels have led the world in the development of fishing methods to reduce dolphin mortalities in the eastern tropical Pacific Ocean and United States tuna processing companies have voluntarily promoted the marketing of tuna that is dolphin safe.

"(4) Nations harvesting yellowfin tuna in the eastern tropical Pacific Ocean have indicated their willingness to participate in appropriate multilateral agreements to reduce, and eventually eliminate, dolphin mortality in that fishery.

"(5) Nations harvesting tuna outside of the eastern tropical Pacific Ocean have indicated their willingness to participate in an observer program.

"(b) POLICY.—It is the policy of the United States to—

"(1) eliminate the marine mammal mortality resulting from the intentional encirclement of dolphins and other marine mammals in tuna purse seine fisheries;

"(2) secure appropriate multilateral agreements to reduce, and eventually eliminate, the mortality referred to in paragraph (1);

"(3) ensure that the market of the United States does not act as an incentive to the harvest of tuna caught in association with dolphin or with driftnets;

"(4) secure appropriate multilateral agreements to ensure that United States tuna fishing vessels shall have continued access to productive tuna fishing grounds in the South Pacific Ocean and elsewhere; and

"(5) encourage observer coverage on purse seine vessels fishing for tuna outside of the eastern tropical Pacific Ocean.

**"SEC. 302. INTERNATIONAL AGREEMENTS TO ESTABLISH GLOBAL MORATORIUM TO PROHIBIT CERTAIN TUNA HARVESTING PRACTICES.**

"(a) IN GENERAL.—The Secretary of State, in consultation with the Secretary, may enter into international agreements which establish, in accordance with this title, a global moratorium of at least 5 years' duration to prohibit harvesting tuna through the use of purse seine nets deployed or to encircle dolphins or other marine mammals.

"(b) TERMS OF AGREEMENT.—Any agreement entered into under this section shall—

"(1) establish a moratorium described in subsection (a) which takes effect on March 1, 1994;

"(2) include an international research program and, notwithstanding the moratorium, authorize harvesting of tuna under that program;

"(3) provide for reviews and reports in accordance with section 304 on results of research conducted under the research program;

"(4) require each nation that is a party to the agreement to take all the necessary and appropriate steps to ensure compliance with the moratorium; and

"(5) encourage each nation that is a party to the agreement to seek, through bilateral and mutilateral negotiations, to encourage other nations that participate in fisheries to which the agreement applies to become parties to the agreement.

"(c) COMPLIANCE BY UNITED STATES WITH MORATORIUM.—The moratorium authorization under subsection (a) may be terminated prior to December 31, 1999, with respect to the United States for the harvesting of tuna in the eastern tropical Pacific Ocean only if—

"(1) the Secretary submits to the Congress in accordance with section 304(b) a recommendation that the moratorium be terminated; and

"(2) the recommendation is approved by a joint resolution of either House of the Congress.

**SEC. 303. RESEARCH PROGRAMS.**

"(a) IN GENERAL.—Any agreements or undertakings pursuant to this title shall—

"(1) establish an international research program to develop methods of fishing for large yellowfin tuna—

"(A) without setting nets on dolphins or other marine mammals; or

"(B) by setting nets on dolphins or other marine mammals with zero set-caused mortality;

"(2) require that proposals for research under the program be reviewed and authorized by a competent regional organization; and

"(3) require that research under the program be conducted by dedicated vessels that—

"(A) are authorized to conduct that research by a competent regional organization; and

"(B) have on board an observer who is responsible to, and supervised by, a competent regional organization.

"(b) LIMITATIONS ON DOLPHIN MORTALITY.—For the eastern tropical Pacific Ocean, an agreement entered into under section 302 shall require that—

"(1) the total number of research sets on dolphins conducted pursuant to this section during the period beginning March 1, 1994, and ending December 31, 1999, shall not exceed 400 annually, and the total annual dolphin mortality shall not exceed 1,000;

"(2) the Inter-American Tropical Tuna Commission shall establish a panel to review

and report on the compliance of the international yellowfin tuna fishery fleet with the limits established in paragraph (1) and make recommendations as appropriate; and

"(3) the Inter-American Tropical Tuna Commission shall establish an Advisory Board of technical specialists from the international communities of scientists, governmental agencies, environmental groups, and the fishing industry, to assist that commission in efforts to coordinate, facilitate, and guide research.

"(c) FUNDING.—

"(1) IN GENERAL.—An agreement entered into under section 302 shall establish fair and equitable mechanisms for funding research conducted pursuant to this section.

"(2) PROCEEDS OF RESEARCH HARVESTS.—An agreement entered into under section 302 shall provide that the proceeds of any tuna harvested for the purpose of research conducted pursuant to this section should, to the extent possible, be used for funding research conducted pursuant to this section.

"(3) LIMITATION ON USE OF UNITED STATES FUNDING.—Funding provided by the United States for research shall be used only for the purpose of developing methods of fishing for large yellowfin tuna that do not involve intentionally encircling dolphins or other marine mammals.

"(d) REVIEW OF RESEARCH PROPOSALS.—The Marine Mammal Commission shall—

"(1) review all research proposals submitted to the Inter-American Tropical Tuna Commission; and

"(2) recommend an appropriate response to each of those proposals, to the United States Commissioners on the Inter-American Tropical Tuna Commission.

**SEC. 304. REVIEWS, REPORTS, AND RECOMMENDATIONS.**

"(a) REPORTS BY THE SECRETARY.—The Secretary shall include in the annual reports required under section 103(f)—

"(1) results of research conducted pursuant to section 303;

"(2) a description of the status of stocks of yellowfin tuna;

"(3) an assessment of the economic impacts on the United States tuna industry and consumers caused by agreements entered into under section 302;

"(4) an assessment of the effectiveness of the agreements in protecting dolphin populations in the eastern tropical Pacific Ocean;

"(5) results of reviews conducted under section 305(c);

"(6) copies of any international agreements or undertakings authorized by or related to this title;

"(7) an assessment of the impact of fishery resources, other than yellowfin tuna, of methods of fishing for large yellowfin tuna in the eastern tropical Pacific Ocean that do not involve the intentional encirclement of dolphins; and

"(8) any other relevant information.

"(b) RECOMMENDATIONS OF THE SECRETARY.—If a competent regional organization under the auspices of which research is conducted pursuant to section 303, or any nation which participates in such an organization, submits to the United States a recommendation that a moratorium established by an agreement under section 302 should be terminated prior to December 31, 1999, the Secretary shall—

"(1) review the information on which the recommendation is based;

"(2) consult with relevant Federal agencies, including the Marine Mammal Commission, and other interested persons; and

"(3) submit to the Congress a recommendation regarding the termination of the moratorium.

**"SEC. 305. INTERNATIONAL COMMITMENTS.**

"(a) LIMITATION ON APPLICATION OF BAN ON IMPORTS.—Except as provided in subsection (b), the Secretary of the Treasury shall not, under section 101(a)(2)(A) and (B), ban the importation of yellowfin or yellowfin tuna products from a nation that transmits to the Secretary of State a formal communication in which the nation commits to—

"(1) implement a moratorium of at least 5 years' duration beginning March 1, 1994, on the practice of harvesting tuna through the use of purse seine nets deployed on or to encircle dolphins or other marine mammals unless the moratorium is terminated with respect to the United States in accordance with section 302(c);

"(2) require an observer on each vessel of the nation larger than 400 short tons carrying capacity which engages in purse seine fishing for yellowfin tuna in the eastern tropical Pacific Ocean, and ensure that at least 50 percent of all such observers are responsible to, and supervised by, a competent regional organization;

"(3) reduce the dolphin mortality resulting from purse seine net operations conducted by vessels of the nation in 1992 to a level that is lower than such mortality in 1991 by a statistically significant margin; and

"(4) reduce the dolphin mortality resulting from purse seine net operations conducted by vessels of the nation in the period beginning January 1, 1993, and ending February 28, 1994, to a level that is lower than such mortality in 1992 by a statistically significant margin.

"(b) SUBSEQUENT BAN ON IMPORTS FOR FAILURE TO COMPLY WITH COMMITMENTS.—

"(1) TUNA AND TUNA PRODUCTS.—The Secretary, in consultation with the Secretary of State, shall periodically determine whether a nation which has transmitted a formal communication expressing the commitments described in subsection (a) is fully implementing those commitments. If the Secretary determines that such a nation is not implementing those commitments—

"(A) the Secretary shall notify the President and Congress of that determination; and

"(B) 15 days after such notification, the Secretary of the Treasury shall, under section 101(a)(2), ban the importation from that nation of all yellowfin tuna and yellowfin tuna products.

"(2) OTHER FISH AND FISH PRODUCTS.—The Secretary of the Treasury shall ban the importation from a nation of fish and fish products (other than yellowfin tuna and yellowfin tuna products) whose aggregate value is at least 40 percent of the aggregate value of all fish and fish products (other than yellowfin tuna and yellowfin tuna products) imported from that nation during the year prior to the year in which the ban is initiated, if—

"(A) the nation does not, within 60 days after the establishment with respect to the nation of a ban on importation pursuant to paragraph (1)(B), certify and provide reasonable proof to the Secretary that the nation has fully implemented the commitment described in subsection (a)(1) or has taken the necessary actions to remedy its failure to comply with the commitments described in subsections (a) (2), (3), and (4); and

"(B) the Secretary does not, before the end of that 60-day period, certify to the President that the nation has provided such certification and proof.

"(3) CERTIFICATION UNDER THE FISHERMEN'S PROTECTION ACT.—The failure of the Secretary to make the certification to the President under paragraph (2)(B) shall be deemed a certification under section 8(a) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1978(a)).

"(4) DURATION OF BAN.—A ban on importation established under paragraph (1) or (2) with respect to a nation shall continue in effect until the Secretary determines that the country is implementing the commitments described in subsection (a).

"(c) REVIEWS AND REPORTS.—The Secretary, in consultation with the Secretary of State, shall—

"(1) periodically review the activities of nations which have transmitted to the Secretary of State formal communications expressing the commitments described in subsection (a), to determine whether those nations are complying with those commitments; and

"(2) include the results of those reviews in annual reports submitted to the Congress pursuant to section 304(a).

**"SEC. 306. PERMITS FOR TAKING DOLPHINS.**

"(a) ADDITIONAL RESTRICTIONS UNDER GENERAL PERMIT.—Notwithstanding section 104(h), the general permit issued to the American Tunaboat Association on December 1, 1980, shall be subject to the following additional restrictions:

"(1) Total dolphin mortalities (including mortalities resulting from research) shall not exceed 1,000 during the period beginning January 1, 1992, and ending December 31, 1992, and 800 during the period beginning January 1, 1993, and ending March 1, 1994.

"(2) No pause seine net may be deployed on or used to encircle any school of dolphin in which eastern spinner dolphin (Stenella longirostris) or coastal spotted dolphin (Stenella attenuata) are observed prior to release of the net skiff.

"(3) The general permit shall expire March 1, 1994.

"(b) PERMITS REQUIRED FOR TAKING DOLPHINS FOR RESEARCH PURPOSES.—An international agreement under section 302 shall not supersede or be interpreted to supersede any provision of this Act under which a permit under this Act is required for activities conducted pursuant to this title.

**"SEC. 307. PROHIBITIONS.**

"(a) IN GENERAL.—It is unlawful—

"(1) for any person, after June 1, 1994, to sell, purchase, offer for sale, transport, or ship, in the United States, any tuna or tuna product that is not dolphin safe;

"(2) for any person or vessel that is subject to the jurisdiction of the United States, intentionally to set a purse seine net on or to encircle any marine mammal during any tuna fishing operation after February 28, 1994, except—

"(A) as necessary for scientific research approved by the Inter-American Tropical Tuna Commission; or

"(B) in accordance with a recommendation that is approved under section 302(c)(2);

"(3) for any person to violate any regulation promulgated under this title;

"(4) for any person to refuse to permit any duly authorized officer to board a vessel subject to that person's control for purposes of conducting any search or inspection in connection with the enforcement of this Act; and

"(5) for any person to assault, resist, oppose, impede, intimidate, or interfere with any such authorized officer in the conduct of any search or inspection described in paragraph (4).

"(b) PENALTY.—A person who knowingly and willfully violates subsection (a) shall be subject to the civil and criminal penalties described in section 105 (a) and (b), respectively.

"(c) CIVIL FORFEITURES.—Any vessel (including its fishing gear, appurtenances, stores, and cargo) used, and any fish (or its fair market value) taken or retained, in any manner, in connection with or as a result of the commission of any act prohibited by this section shall be subject to forfeiture to the United States in the manner provided in section 310 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1860).

"(d) DOLPHIN SAFE TUNA.—For purposes of this section, tuna or a tuna product is dolphin safe if—

"(1) it does not contain tuna that was harvested on the high seas by a vessel engaged in driftnet fishing, as that term is defined in section 4003 of the Driftnet Impact, Monitoring, Assessment, and Control Act of 1987 (16 U.S.C. 1822 note);

"(2) in the case of tuna or a tuna product that contains tuna harvested in the eastern tropical Pacific Ocean, it is dolphin safe under subsection (d)(2) of the Dolphin Protection Consumer Information Act (16 U.S.C. 1385(d)(2)); and

"(3) in the case of tuna or a tuna product that contains tuna harvested outside the eastern tropical Pacific Ocean by a purse seine vessel, it is accompanied by a written statement executed by the captain of the vessel and, in the case of tuna harvested with an observer present, by the observer, certifying that no purse seine net was intentionally deployed on or to encircle dolphins during the particular voyage on which the tuna was harvested.

**"SEC. 308. AUTHORIZATION OF APPROPRIATIONS.**

(a) "There are authorized to be appropriated to the National Marine Fisheries Service for carrying out section 303, $3,000,000 for each of the fiscal years 1993, 1994, 1995, 1996, 1997, and 1998.".

(b) CLERICAL AMENDMENT.—The table of contents at the end of the first section of the Marine Mammal Protection Act of 1972 is amended by adding at the end the following:

"TITLE III—GLOBAL MORATORIUM TO PROHIBIT CERTAIN TUNA HARVESTING PRACTICES

"Sec. 301. Findings and policy.
"Sec. 302. International agreement to establish global moratorium to prohibit certain tuna harvesting practices.
"Sec. 303. Research program.
"Sec. 304. Reviews, reports, and recommendations.
"Sec. 305. International commitments.
"Sec. 306. Permits for taking dolphins.
"Sec. 307. Prohibitions.
"Sec. 308. Authorization of appropriations.".

(c) DEFINITIONS.—Section 3 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1362) is amended by adding at the end the following new paragraph:

"(15) The term 'fishery' means—

"(A) one or more stocks of fish which can be treated as a unit for purposes of conservation and management and which are identified on the basis of geographical, scientific, technical, recreational, and economic characteristics; and

"(B) any fishing for such stocks.

"(16) The term 'competent regional organization' means—

"(A) an organization consisting of those nations participating in a tuna fishery, the purpose of which is the conservation and management of that fishery and the management of issues relating to that fishery; and

"(B) for the tuna fishery in the eastern tropical Pacific Ocean, means the Inter-American Tropical Tuna Commission.

"(17) The term 'intermediary nation' means a nation that exports yellowfin tuna or yellowfin tuna products to the United States and that imports yellowfin tuna or yellowfin tuna products that are subject to a direct ban on importation into the United States pursuant to section 101(a)(1)(2)(B). If such nation certifies and provides reasonable proof to the Secretary that it has not imported, within the preceding six months, any yellowfin tuna or yellowfin tuna products that are subject to such a direct ban on importation to the United States, the Secretary shall, as soon as practicable after receiving complete information regarding certification and proof, make an affirmative finding that such nation does not constitute an intermediary nation for purposes of this paragraph.".

**SEC. 3. AMENDMENTS TO TUNA CONVENTIONS ACT OF 1950 AND SOUTH PACIFIC TUNA ACT OF 1988**

(a) TUNA CONVENTIONS ACT OF 1950.—(1) Section 3 of the Tuna Conventions Act of 1950 (16 U.S.C. 952) is amended—

(1) by striking "and" at the end of subsection (b);

(2) by striking the period at the end of subsection (c) and inserting in lieu thereof "; and"; and

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

"(d) at least one shall be chosen from a nongovernmental conservation organization.".

(2) Section 4 of the Tuna Conventions Act of 1950 (16 U.S.C. 953) is amended by inserting "and from nongovernmental conservation organizations," immediately after "under the conventions,".

(b) SOUTH PACIFIC TUNA ACT OF 1988.—Section 20(a) of the South Pacific Tuna Act of 1988 (16 U.S.C. 973r(a)) is amended by striking "1988, 1989, 1990, 1991, and 1992" each place it appears and inserting in lieu thereof "1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, and 2002".

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By Mr. SANFORD:

S. 3004. A bill to provide for the liquidation or reliquidation of a certain entry of warp knitting machines as free of certain duties; to the Committee on Finance.

WARP KNITTING MACHINES IMPORTATION DUTIES

• Mr. SANFORD. Mr. President, I rise today to introduce legislation that would correct an error made against a small business in North Carolina.

This business imported four warp knitting textile machines made in Germany. The machines were properly classified under the Harmonized Tariff Schedule and admitted under the correct duty-free heading. The company then exported the machines through a third party in Miami to a Venezuelan company, with the understanding that the machines would be returned if the company could not operate them. This, in fact, is what occurred; however the machines were improperly classified upon re-entry causing the machines to carry a 4.4-percent duty. Not well versed in the bureaucratic procedures, the small company protested the assessment of the new duty, but did so, according to Customs, in an insufficient and untimely manner. Now, the company owes approximately $25,000 in duty with interest accruing daily, and will be placed on a sanctions list if it is not paid, effectively inhibiting its ability to do business. Litigating this matter would do more harm than good and the company cannot afford to absorb this loss.

Customs admits that when all of the facts were sorted out, that a duty should not have been imposed on the warp knitting machines. However, there is no appropriate relief other than this type of legislation.

As a matter of fairness and equity I urge my colleagues to support inclusion of this relief in any miscellaneous tariff legislation the Congress may adopt.•

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By Mr. SANFORD:

S. 3005. A bill to continue the reduction of duties under the Harmonized Tariff Schedule of the United States on gripping narrow fabrics of man-made fibers; to the Committee on Finance.

DUTY REDUCTION ON CERTAIN MAN-MADE FIBERS

• Mr. SANFORD. Mr. President, I rise today to introduce an extension of a duty reduction on gripping narrow fabrics of man-made fibers.

Aplix, Inc. is a small manufacturer employing approximately 150 production workers in North Carolina. This company specializes in the production of specialty fabric fasteners best know by the trade name of one of its competitors, Velcro.

Last Congress I introduced a bill that temporarily corrected an error in the conversions of the Tariff Schedules of the United States [TSUS] to the Harmonized Tariff Schedule of the United States [HTSUS]. This bill reduced the duty paid by Aplix under the HTSUS—9.5 percent ad valorem—on certain gripping narrow fabrics to the level which existed under the old TSUS—7 percent ad valorem.

This year, I ask for an extension in the duty reduction and urge my colleagues to support the inclusion of this duty reduction in any miscellaneous tariff legislation the Congress may adopt.•

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By Mr. DOMENICI:

S. 3009. A bill to amend title 10, United States Code, to provide for the payment of an annuity or indemnity compensation to the spouse or former spouse of a member of the Armed Forces whose eligibility for retired or retainer pay is terminated on the basis of misconduct involving abuse of a dependent; and for other purposes; to the Committee on Armed Services.

ABUSED MILITARY DEPENDENTS PROTECTION ACT

Mr. DOMENICI. Mr. President, I am pleased to introduce legislation that provides essential financial protection and assistance to the families of our Armed Forces. This bill targets military families who, through no fault of their own, suffer extraordinary hard-

ships because of the misconduct of the military member.

Specifically, this bill provides annuity or indemnity payments to spouses or former spouses of military personnel who have been discharged under other than honorable circumstances for abuse of the spouse, former spouse, or dependent children.

The issue of child or spouse abuse is discussed and examined more openly these days. As a result, awareness of the scope of the problem leads to more attention and counseling for both the offenders and family members. I have been pleased to learn that the Department of Defense's Family Advocacy Program is equally concerned about this problem, and has initiated special programs that address these issues.

Despite the concerted efforts of our military programs and personnel to address the causes of and impacts upon the victims of abusive behaviors, the fact remains that an abused spouse or dependent child stands to lose everything the family has worked for, and is otherwise entitled to, if the abuse is disclosed.

Under current law, if the military determines that a service member is guilty of spouse or child abuse, and is subsequently discharged for other than honorable conditions as a result of that abuse, the military member more often than not loses all of his retirement pay and benefits. This means that the spouse and children are also deprived of any means of support.

Let me provide an example. A spouse is married to a military member for 22 years of that member's 24 years of military service. During these many years, the spouse and any children of that marriage move from one military installation to another. The spouse either stays home with the children or finds her career interrupted while supporting that military member's career assignments.

During the 22d year of marriage, the spouse finds that the military member has been abusing one of their children. One assumes that the spouse will do everything feasible to seek help for this problem, including bringing it to the attention of the appropriate family advocacy personnel at the military installation where guidance and counseling is readily available.

Unfortunately, this often does not happen. Why? Because should the military authorities decide to take action against the military member and the charges are proved true, this can result in dismissal under other than honorable conditions. Moreover, retirement payments and benefits are often denied to that member as a result of these abusive actions. In my example case, therefore, 22 years of marriage later, the spouse finds there is nothing left for the abused family members, despite the years of joint effort with the service member.

This leaves the family without medical or dental benefits, and no source of financial support. Quite frankly, if the military member is incarcerated, which is often the case, it is doubtful that there will be any financial support for that family unless there is a substantial savings account or independent wealth.

This is not to suggest that these spouses expect to be taken care of. They do what all do when confronted with such personal and financial disaster: they seek employment and try to find programs that can ease them through the difficult weeks and months ahead.

However, the emotional and financial burdens on the family can be close to catastrophic. More important, we have created, unintentionally, a situation in which the spouse is reluctant to seek help because she knows full well that her disclosure will add an extremely harsh penalty for that courageous stand, particularly if that military member was the sole source of family support.

Particularly in the military service, where families are consistently uprooted from their homes, and the spouse has few career choices, the military spouse is often more disadvantaged than others in similar circumstances.

Despite our best efforts to have abusive behaviors disclosed, we are, in effect, telling a military spouse to think twice about securing assistance. The fact remains that the family may be left destitute, without essential health or dental benefits to which it would have otherwise been entitled, after 20 or more years of service affiliation with the Armed Forces.

This is certainly not fair or equitable treatment of a family experiencing such an intensely personal and traumatic situation.

Therefore, my bill will provide annuity payments to a spouse commensurate with the years of marriage to that otherwise retirement-eligible member. Medical and dental benefits, as well as commissary, exchange, and other privileges that would have been allowed had the military member been honorable discharged, will also be made available.

In the case where there is less than 20 years of creditable service by the military member, the spouse will be eligible to receive up to 3 years of indemnity compensation, dependent upon the rank of the member.

Spousal and child abuse, whether in the military or in civilian life, demands more attention, more understanding of its causes, and more family and professional support to stop this destructive behavior. One essential step toward resolving this issue, however, is disclosure of the problem.

Consequently, placing extraordinary, and often devastating, financial obstacles to disclosing these instances does nothing to identify or resolve the problem. Some might justifiably call it good common sense not to talk about the problem.

From discussions with family advocacy organizations, there is agreement that we try to do what we can to help those who take the courageous stand to disclose the abuse.

I am pleased that there is growing awareness of the traumatic effects of spouse and child abuse on the family and society as a whole. Each year we pay millions of dollars in crime prevention programs, and millions of dollars incarcerating or rehabilitating criminals. Victims, as well as the families of crime victims, spend years recovering from the senseless and debilitating effects of criminal behavior. And yet, we know that many of the perpetrators of these crimes are themselves the victims of abuse.

The vicious cycle of abuse must stop. We need to encourage the reporting of such crimes so we can begin appropriate actions to offer protection and assistance to the victims, as well as counseling to the offenders.

At the same time, we need to be aware that military spouses, who have very unique demands on their lifestyles, should not be punished for their honesty and courage. They need and deserve our special attention.

I believe this bill can go a long way in helping these spouses with minimal financial aid to keep their families together. In the long term, I think we will all benefit by this compassionate and equitable plan. I will continue to work with the Department of Defense on this issue, and I urge my colleagues to join me in cosponsoring the Abused Military Dependent Protection Act of 1992.

Mr. President, it has come to my attention, believe it or not, that in this day and age, under the military laws of the country that if a member of the military is dishonorably discharged for abusing his spouse or his children that more times than not, that abuse, if found and prosecuted, results in the spouse and children losing all benefits. That sounds impossible, but that happens to be the way it is.

So that means a wife, two children, 22 years in the military with her husband, she has the courage to report child abuse, the military finds the military man guilty, discharged, incarceration for 5 years, and the spouse and the children who are entitled to at least half the pension and health care and other types of benefits get zero. The finding principally is that all their rights are derivative and with the dishonorable discharge goes the rights.

It is obvious that this is not very well known or we would have changed it a long time ago. But it happens that the Senator from New Mexico found out about it from a constituent. It is true.

In her case, she had the courage to tell the military what was happening. They found her husband guilty. They discharged him and sent him off to prison. She lost everything.

She would have been entitled to substantial pension benefits and health benefits and this will reinstate not only hers, but it will make any such abuse cases no longer possible. Thus, it will encourage those who are abused, sexually or otherwise, to speak their piece to the authorities. What we have now is a kind of a silencing mechanism because if you tell anyone, and your spouse is convicted, you lose everything. So we are inviting nondisclosure for the sake of retaining benefits.

It is estimated that there are quite a few hundred such cases in this particular fiscal year. This bill would reinstate all of their benefits, the same as if they were entitled to them when the event occurred, the discharge occurred. It will also go back in history and pick up for a period of time those who are suffering because of this. And it ought to, in the future, correct the situation.

I do not believe it is going to encourage any abuse from the standpoint of spouses and/or children declaring that they have been abused when they have not been. We are going to have to rely upon facts and justice in that regard.

That is what the bill essentially does. I believe it will be adopted, but I thought I would get it on record so that when the armed services bill comes before the Senate we can attach it, and it is obvious to me Senators would certainly want to support this. It seems to me that we should have done this a long time ago.

I just happened to find out. It is an example of where you are asked to do something for a constituent, you find out sometimes that things are not going as you might expect. That is what happened here.

As a matter of fact, a good neighbor to the spouse who had been disenfranchised wrote a letter and asked if we might be able to help the neighbor who was in this condition, and when we found out it turns out that he was right and the military has done what the law says, but frankly we should have done it a long time ago.

The bill is rather lengthy because we try to pick up even those who did not have fully vested pension and provide something to them if they have been denied everything.

I ask unanimous consent that the text of my bill be printed in the RECORD.

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

S. 3009

*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 "Abused Military Dependents Protection Act of 1992".

**SEC. 2. ANNUITY PROTECTION FOR SPOUSES AND FORMER SPOUSES OF MEMBERS CONVICTED FOR ABUSE OF A DEPENDENT.**

(a) IN GENERAL.—(1) Part II of subtitle A of title 10, United States Code, is amended by inserting after chapter 71 the following new chapter:

**"CHAPTER 72—PROTECTIONS, RIGHTS, AND BENEFITS FOR DEPENDENTS**

"Sec.
"1421. Annuity protection for spouses and former spouses of members losing eligibility for retired pay as a result of abuse of a dependent.
"1422. Indemnity compensation for victims of dependent abuse.
"1423. Other benefits.

**"§ 1421. Annuity protection for spouses and former spouses of members losing eligibility for retired pay as a result of abuse of a dependent**

"(a) The Secretary of a military department shall, upon application, pay an annuity under this section to an eligible spouse or former spouse of a member (described in subsection (b)) of the armed force under the jurisdiction of that Secretary.

"(b) A spouse or former spouse of a member of the armed forces is eligible to receive an annuity under this section if—

"(1) after the member becomes eligible to be retired on the basis of years of service, the member's eligibility to receive retired pay or retainer pay is terminated as a result of misconduct of the member or former member involving abuse of a dependent; and

"(2) the spouse or former spouse—

"(A) was the victim of the abuse and was married to the member at the time of that abuse; or

"(B) is a natural or adopted parent of a dependent child of the member who was the victim of the abuse.

"(c) This section applies with respect to terminations of eligibility to receive retired pay or retainer pay as a result of a conviction by a court-martial or an administrative separation from the armed forces.

"(d)(1) The amount of the annuity payable under this section to a spouse or former spouse of a member referred to in subsection (b)(1) shall be equal to the lesser of—

"(A) the percentage determined under paragraph (2) of the amount of the retired pay or retainer pay which the member would have received on the date on which the spouse's or former spouse's entitlement to that annuity becomes effective if the member had been retired from the armed forces entitled to receive retired or retainer pay on that date; or

"(B) the amount that is equal to such portion of the member's retired or retainer pay as is provided for in an applicable court order (as defined in section 1408(a) of this title), if any.

"(2)(A) In the case of spouse or former spouse who has been married to the member for 20 or more years, at least 20 of which were during the period the member performed service creditable in determining the member's eligibility for retired or retainer pay, the percent applicable under paragraph (1)(A) is 50 percent.

"(B) In the case of a spouse or former spouse not described in subparagraph (A), the percent applicable under paragraph (1)(A) is the percent (rounded to the nearest one percent) that is determined by—

"(i) multiplying 50 percent times the number of years during the member's service creditable in determining the member's eligibility for retired or retainer pay that the spouse or former spouse has been married to the member; and

"(ii) dividing the product computed under clause (i) by 20.

"(3) Whenever retired pay is increased under section 1401a of this title (or any other provision of law), the annuity payable under this section to the spouse or former spouse of a member referred to in subsection (b)(1) shall be increased at the same time. The increase shall be by the same percent as the percent by which the retired pay or retainer pay of the member would have been increased if the member were receiving retired or retainer pay.

"(e)(1) The entitlement to the annuity shall become effective as of the first day of the month in which the action that terminates the eligibility for retired or retainer pay is taken, as determined under regulations prescribed by the Secretary of the military department concerned.

"(2) An entitlement to an annuity under this section with respect to a member referred to in subsection (b) shall terminate—

"(A) in the case of an annuitant who marries again after the effective date of the annuity before attaining 55 years of age, on the date of such marriage; and

"(B) in the case of an annuitant who resumes cohabitation with the member, on the date on which the cohabitation resumes.

"(3) A person's entitlement to an annuity under this section that is terminated under paragraph (2)(A) by reason of remarriage shall be resumed in the event of the termination of that marriage by the death of that person's spouse or by annulment or divorce. The resumption of payment of the annuity shall begin as of the first day of the month in which that marriage is so terminated. The monthly amount of the resumed annuity shall be the amount that would have been paid if the entitlement to the annuity had not been terminated.

"(f) Notwithstanding any other provision of law, a member of the armed forces referred to in subsection (b)(1) shall have no ownership interest in, or claim against, an annuity payable under this section to a spouse or former spouse of the member.

"(g)(1) An application for an annuity under this section shall be made in the form and manner prescribed by the Secretary of the military department concerned.

"(2) No annuity shall be paid under this section to a spouse or former spouse of a member of the armed forces referred to in subsection (b)(1) unless the spouse or former spouse applies for that annuity within one year after the date of the action referred to in subsection (e)(1).

"(h) Any amount payable by the United States during any month to a member of the armed forces who is incarcerated for any period during that month as a result of a conviction shall be reduced by the total amount of any payment made with respect to that member during that month under this section.

"(i) In this section:

"(1) The term 'dependent' means a spouse or dependent child.

"(2) The term 'dependent child', with respect to a member of the armed forces referred to in subsection (a), means an unmarried legitimate child, including an adopted child or a stepchild of the member, who—

"(A) is under 18 years of age;

"(B) is incapable of self-support because of a mental or physical incapacity that existed before becoming 18 years of age and is or, at the time of the action described in sub-

section (e)(1) with respect to that member, was dependent on the member for over one-half of the child's support; or

"(C) if enrolled in a full-time course of study in an institution of higher education recognized by the Secretary of Defense for the purposes of this clause, is under 23 years of age and is or, at the time of the action described in subsection (e)(1), was dependent on the member for over one-half of the child's support.

**"§ 1422. Indemnity compensation for victims of dependent abuse**

"(a) AUTHORITY TO PAY COMPENSATION.—(1) Under regulations prescribed by the Secretary of Defense, the Secretary of a military department concerned may pay indemnity compensation in accordance with this section to an eligible dependent of a member (described in paragraph (2)) of the armed force under the jurisdiction of that Secretary of a military department.

"(2) A member of the armed forces referred to in paragraph (1) is a member who, before becoming eligible to be retired from the armed forces on the basis of years of service—

"(A) is convicted by a court-martial for an offense involving abuse of a dependent if the court-martial convening authority or a higher competent authority approves a dishonorable discharge, bad-conduct discharge, or dismissal of the member as a result of that conviction; or

"(B) is separated from the armed forces under adverse conditions, as characterized under regulations prescribed by the Secretary concerned, as a result of misconduct of the member involving abuse of a dependent, as determined by the authority ordering the separation or, in the case of a resignation, the authority accepting the resignation.

"(b) ELIGIBLE DEPENDENT.—(1) Except as provided in paragraph (2), the dependents eligible to receive indemnity compensation under this section in the case of a member of the armed forces referred to in subsection (a) are as follows:

"(A) The member's spouse if the spouse was married to the member when the member engaged in the offense referred to in subparagraph (A) of subsection (a)(2) or the misconduct referred to in subparagraph (B) of that subsection.

"(B) A former spouse of the member if the former spouse was married to the member when the member engaged in such offense or misconduct.

"(C) If there is no spouse or former spouse eligible under subparagraph (A) or (B) to receive the indemnity compensation, the dependent children of the member.

"(2) A spouse, former spouse, or dependent child of a member of the armed forces referred to in subsection (a) is not eligible to receive indemnity compensation under this section on the basis of an offense or misconduct referred to in subsection (a)(2) if, under regulations prescribed by the Secretary of the military department concerned, the spouse, former spouse, or child (as the case may be) is determined—

"(A) to have been an active participant in the offense or misconduct; or

"(B) in the case of a dependent child, the child resides with a spouse or former spouse who was an active participant in the offense or misconduct.

"(c) AMOUNT OF COMPENSATION.—(1) The rate of indemnity compensation paid a dependent of a member of the armed forces referred to in subsection (a) shall be the rate specified in section 1311(a) of title 38 for the grade held by that member—

"(A) in the case of a member described in subsection (a)(2)(A), immediately before any reduction in grade resulting from a court-martial conviction of that member as described in that subsection; and

"(B) in the case of a member described in subsection (a)(2)(B), immediately before the separation from the armed forces.

"(2) In the case of indemnity compensation payable to the spouse or former spouse of the member, the rate paid under paragraph (1) shall be increased by the amount provided under section 1311(b) of title 38 if the spouse or former spouse, as the case may be, and that member have one or more unmarried children who are under 18 years of age.

"(3) Indemnity compensation payable to dependent children of a member of the armed forces referred to in subsection (a) shall be paid in equal shares to those children at the rates provided under section 1313(a) of title 38.

"(d) PERIOD OF PAYMENT.—(1) Indemnity compensation may be paid in the case of a member of the armed forces referred to in subsection (a) for the lesser of—

"(A) the period equal to the total number of months for which the member served on active duty; or

"(B) three years.

"(2) For purposes of paragraph (1)(A), any fraction of one month shall be rounded up to one month.

"(e) COMMENCEMENT OF PAYMENT.—Payment of indemnity compensation shall commence—

"(1) in the case of a court-martial described in subsection (a)(2), on the first day of the month following the month in which the sentence to a discharge or dismissal is approved by the court-martial convening authority; or

"(2) in the case of an administrative discharge from the armed forces, the date of the discharge.

"(f) TERMINATION OF PAYMENT.—Payment of indemnity compensation to a spouse, former spouse, or dependent child in the case of a member referred to in subsection (a) shall terminate upon—

"(1) the commencement of cohabitation by the spouse, former spouse, or dependent child, as the case may be, with the member in the same household; or

"(2) in the case of a former spouse, a remarriage of the former spouse.

"(g) REGULATIONS.—The Secretary of each military department shall prescribe regulations to carry out this section with respect to members of the armed force under the jurisdiction of that Secretary. The regulations prescribed by the Secretaries of the military departments shall be as uniform as practicable and shall be subject to the approval of the Secretary of Defense.

"(h) OFFSET OF PAYMENTS.—Any amount payable by the United States during any month to a member of the armed forces described in subsection (a)(2) who is incarcerated for any period during that month as a result of a conviction shall be reduced by the total amount of any payment made with respect to that member during that month under this section.

"(i) DEFINITIONS.—In this section, the term 'dependent child' has the meaning given that term in section 1421 of this title.

**"§ 1423. Other benefits**

"(a) ANNUITANTS UNDER SECTION 1421.—A spouse or former spouse of a member of the armed forces referred to in subsection (b)(1) of section 1421 of this title shall be entitled, while receiving an annuity under that section—

"(1) to receive medical and dental care under the provisions of chapter 55 of this title to the same extent as a dependent of a retired member of the armed forces;

"(2) to use the commissary and exchange stores on the same basis as a dependent of a retired member of the armed forces; and

"(3) to receive any other benefits that a dependent of a retired member is entitled to receive on the basis of being a dependent of a retired member.

"(b) PERSONS COMPENSABLE UNDER SECTION 1422.—A spouse, former spouse, or dependent child of a member of the armed forces referred to in subsection (a) of section 1422 of this title shall be entitled to the benefits referred to in subsection (a) while receiving indemnity compensation under that section.".

(2) The tables of chapters at the beginning of subtitle A of such title and part II of such subtitle are amended by inserting after the item relating to chapter 71 the following:

"72. Miscellaneous protections, rights, and benefits for dependents 1421".

(b) FUNDING FOR ANNUITIES.—Section 1463 of such title is amended—

(1) by striking out "and" at the end of paragraph (3);

(2) by striking out the period at the end of paragraph (4) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following:

"(5) annuities payable under section 1421 of this title.".

(c) APPLICABILITY.—(1)(A) Section 1421 of title 10, United States Code (as added by subsection (a)), shall apply with respect to terminations of eligibility to receive retired or retainer pay that take effect before, on, or after the date of the enactment of this Act.

(B) Notwithstanding subsection (g)(2) of such section 1421, in the case of a spouse or former spouse claiming eligibility to receive an annuity under that section on the basis of a termination of eligibility to receive retired or retainer pay that took effect before the date of the enactment of this Act, no annuity shall be paid that spouse or former spouse under such section unless the spouse or former spouse applies for that annuity within one year after that date.

(C) No annuity shall accrue under such section 1421 for periods before the date of the enactment of this Act.

(2) No indemnity compensation shall be payable under section 1422 of title 10, United States Code (as added by subsection (a)), with respect to discharges and dismissals from the Armed Forces before the date of the enactment of this Act.

(d) STUDY REQUIRED.—(1) The Secretary of Defense shall conduct a study in order to—

(A) determine the number of persons who became eligible to receive an annuity under section 1421 of title 10, United States Code (as added by subsection (a)), as of each of fiscal years 1980 through 1992;

(B) estimate the number of persons who will become eligible to receive an annuity under such section during each of fiscal years 1993 through 2000;

(C) determine, for each of fiscal years 1980 through 1992, the number of members of the Armed Forces who, after having completed at least one, and less than 20, years of service, were approved in that fiscal year for discharge or dismissal from the Armed Forces as a result of abuse of a spouse or dependent child; and

(D) estimate, for each of fiscal years 1993 through 2000, the number of members of the Armed Forces who, after having completed at least 14, and less than 20, years of service in that fiscal year, will be approved in that

fiscal year for discharge or dismissal from the Armed Forces as a result of abuse of a spouse or dependent child.

(2) The study shall include—

(A) a thorough analysis of the effects, if any, of appeals and requests for clemency in the case of courts-martial convictions on the entitlement to and the payment of annuities under section 1421 of title 10, United States Code (as added by subsection (a));

(B) a thorough analysis of the socio-economic effects on the dependents of members of the Armed Forces described in subsection (b) of that section that result from terminations of the eligibility of such members to receive retired or retainer pay; and

(C) a thorough analysis of the effects of separations of such members from the Armed Forces on the mission readiness of the units of assignment of such members when separated and on the Armed Forces in general.

(3) Not later than one year after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the results of the study.

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By Mr. DANFORTH (for himself, Mr. HATCH, Mr. KASTEN, Mr. BROWN, Mr. COCHRAN, Mr. THURMOND, Mr. D'AMATO, Mr. SMITH, and Mr. PACKWOOD):

S. 3010. A bill to encourage, assist, and evaluate educational choice programs, and for other purposes; to the Committee on Labor and Human Resources.

FEDERAL GRANTS FOR STATE AND LOCAL "GI BILLS" FOR CHILDREN ACT

Mr. DANFORTH. Mr. President, I rise today on behalf of myself, Senators HATCH, KASTEN, BROWN, COCHRAN, THURMOND, D'AMATO, SMITH, and PACKWOOD to introduce legislation, Federal grants for State and local GI bills for children, which would address a serious inequity in our country. While wealthy families have the option of moving to an area with quality public elementary and secondary schools or of sending their children to private schools, lower income families have no choice but to attend their neighborhood public school, regardless of its quality. As a matter of simple equity, lower income families should also have educational choices. A 1991 Gallup poll found that only 27 percent of inner-city residents gave high marks to local public schools, compared to 42 percent of the general public.

The legislation we introduce today provides $500 million of new Federal funds for use by eligible families at the public, private, or religious elementary or secondary school that they choose for their child. It creates a competitive 4-year grant program for which any State or locality may apply, to give each child of low- to moderate-income family $1,000 or more toward their child's elementary or secondary education. The grants would be awarded based on four criteria: First, the number and variety of choices made available to families of eligible children; second, the extent to which the applicant has provided educational choices to all children, including children who are not eligible for scholarships; third, the proportion of participating children who are from low-income families; and fourth, the additional local and private financial support for the project.

Families will be able to apply their scholarship money toward the public school of their choice, whether the neighborhood public school or another school, or toward tuition at a private or religious school. The family may use up to $500 for supplemental academic services such as summer school, tutoring, or after school or Saturday academic programs.

There are some who argue that the Federal financial assistance that this bill provides should not be used at private or religious schools. The funding, however, is directed toward families, rather than institutions—just as food stamps, Medicaid, and Pell grants are individual benefits—and therefore does not pose a constitutional question. Why should we prohibit families from using Federal scholarship money at private and religious schools when we have no such restrictions on what hospital Medicaid recipients attend, or at what store food stamp recipients shop for groceries, or what college or university Pell grant recipients choose, or in what type of housing, private or public, those with section 8 vouchers choose to make their home? It simply does not withstand serious scrutiny that educational scholarship money should be used only at public institutions. When Congress created the GI bill for world War II veterans, no restrictions were placed on the schools that beneficiaries could attend. Many GI bill recipients, however chose to attend public institutions. In fact, public school attendance has increased from less than 50 percent to 80 percent since Federal lands for college were introduced.

Because many families will choose public schools, this legislation will enrich the public school system. For each eligible child who chooses to remain in his or her assigned school, the public school could gain up to $1,000. It will also force the public schools to be competitive with private and religious schools, many of which are highly successful in educating their students. Of the 4,010 Catholic schools that are located in urban areas, 1,033 are located in the inner City. In St. Louis, 80 percent of inner-city Catholic school students are black, and 85 percent of those students are non-Catholics. These students are more likely to finish high school and to complete college than white students in public school. A study by Dr. Coleman of the University of Chicago found that the drop-out rate for grades 10 to 12 was 14.3 percent in public schools; 11.9 percent in private schools; and 3.4 percent for Catholic schools.

Mr. President, the riots in Los Angeles starkly illuminated the utter hopelessness and despair that plagues our inner cities. In the wake of those riots, there has emerged a consensus that something desperately needs to be done to help our young people. Scholars, reporters, educators, politicians, and parents have all commented on the critical need for parents to be involved in the lives of their children. I believe education holds the key to a better future for these children, and that parental involvement in that education greatly enhances a child's potential for success. Why, in America, should we settle for substandard schools for a segment of our population? Why, in America, should we allow children to be locked into poverty? How can we allow generation after generation of the most disadvantaged to live without any hope at all?

I believe we cannot, and we must not, settle for the status quo. For this reason, my colleagues and I are introducing this legislation today. I am committed to seeing that it garners widespread, and bipartisan, support. I am convinced that it will. Already many productive conversations have taken place with respect to this notion between supporters of this legislation and Democratic Members of the Senate. A companion bill which was introduced in the House of Representatives was introduced with bipartisan support.

I am pleased that this idea has entered the national debate. I am confident that it can become law. I am committed to working with my colleagues. And finally, Mr. President, if necessary, the groundwork will be laid now for its passage next Congress as part of the reauthorization of the Elementary and Secondary Education Act.

Mr. BROWN. Mr. President, I rise to express my support for the GI bill for children legislation being introduced today by Senator DANFORTH.

The GI bill for children would provide $1,000 scholarships for elementary and secondary education in public or private schools. The U.S. Department of Education would select on a competitive basis those school districts and areas that applied to have their students participate in the program. The Department of Education would select the eligible school districts and areas for the GI bill for children program based primarily on existing public and private school alternatives, and the proportion of low-income children. These criteria help focus the program on those students and parents with the greatest need.

This legislation makes sense. Public schools chosen for the program could use the additional funding to strengthen current programs or even to add new ones such as special math and science classes, or even a tutoring program. Students who could not otherwise afford private schools without the GI bill for children scholarship may now be able to attend a school that more closely meets their needs.

All parents want the best education for their children. Federal funding of elementary and secondary education is one of the few areas in our country where there is almost no choice. Parents aren't told at which stores to buy food or which hospitals to use. Many low-income parents, however, are told which schools their children must attend. The wealthy elite should not be the only ones who have choice.

We should experiment and investigate with new ideas in education. Hopefully, the GI bill for children will spur competition that will encourage excellence in both our schools and our students.

## ADDITIONAL COSPONSORS

S. 794

At the request of Mr. METZENBAUM, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 794, a bill to amend the Employee Retirement Income Security Act of 1974 to provide that such act does not preempt certain State laws.

S. 878

At the request of Mr. DODD, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 878, a bill to assist in implementing the plan of action adopted by the World Summit for Children, and for other purposes.

S. 918

At the request of Mr. PACKWOOD, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 918, a bill to amend the Internal Revenue Code of 1986 to exempt small manufacturers, producers, and importers from the firearms excise tax.

S. 1257

At the request of Mr. BOREN, the names of the Senator from Iowa [Mr. GRASSLEY], and the Senator from Montana [Mr. BURNS] were added as cosponsors of S. 1257, a bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain real estate activities under the limitations on losses from passive activities.

S. 1451

At the request of Mr. BIDEN, the names of the Senator from Ohio [Mr. METZENBAUM], and the Senator from Maine [Mr. MITCHELL] were added as cosponsors of S. 1451, a bill to provide for the minting of coins in commemoration of Benjamin Franklin and to enact a fire service bill of rights.

S. 2028

At the request of Mr. SPECTER, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 2028, a bill to amend title 38, United States Code, to improve and expand health care and health-care related services furnished to women veterans by the Department of Veterans Affairs.

S. 2064

At the request of Mr. HATFIELD, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 2064, a bill to impose a 1-year moratorium on the performance of nuclear weapons tests by the United States unless the Soviet Union conducts a nuclear weapons test during that period.

S. 2083

At the request of Mr. CRAIG, the names of the Senator from Minnesota [Mr. DURENBERGER], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of S. 2083, a bill to provide for an extension of regional referral center classifications, and for other purposes.

S. 2362

At the request of Mr. MCCAIN, the names of the Senator from Virginia [Mr. WARNER], and the Senator from Montana [Mr. BURNS] were added as cosponsors of S. 2362, a bill to amend title XVIII of the Social Security Act to repeal the reduced medicare payment provision for new physicians.

S. 2385

At the request of Mr. RIEGLE, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 2385, a bill to amend the Immigration and Nationality Act to permit the admission to the United States of nonimmigrant students and visitors who are the spouses and children of United States permanent resident aliens, and for other purposes.

S. 2387

At the request of Mr. DURENBERGER, his name was added as a cosponsor of S. 2387, a bill to make appropriations to begin a phase-in toward full funding of the special supplemental food program for women, infants, and children [WIC] and of Head Start programs, to expand the Job Corps Program, and for other purposes.

S. 2484

At the request of Mr. KASTEN, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 2484, a bill to establish research, development, and dissemination programs to assist State and local agencies in preventing crime against the elderly, and for other purposes.

S. 2514

At the request of Mr. BUMPERS, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 2514, a bill to amend the Internal Revenue Code of 1986 to allow taxpayers a bad debt deduction for certain partially unpaid child support payments and to require the inclusion in income of child support payments which a taxpayer does not pay, and for other purposes.

S. 2553

At the request of Mr. INOUYE, the name of the Senator from Oregon [Mr. PACKWOOD] was added as a cosponsor of S. 2553, a bill to amend the Civil Liberties Act of 1988 to increase the authorization for the trust fund under the act, and for other purposes.

S. 2608

At the request of Mr. GRASSLEY, his name was added as a cosponsor of S. 2608, a bill to authorize appropriations for the National Railroad Passenger Corporation, and for other purposes.

S. 2612

At the request of Mr. DOMENICI, the names of the Senator from New Hampshire [Mr. RUDMAN], the Senator from New Hampshire [Mr. SMITH], the Senator from Wyoming [Mr. SIMPSON], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Montana [Mr. BURNS], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of S. 2612, a bill to amend the Internal Revenue Code of 1986 to provide short-term economic growth incentives which would create a million new jobs in 1992 and for no other purpose.

S. 2657

At the request of Mr. REID, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 2657, a bill to require reauthorizations of budget authority for Government programs at least every 10 years, to provide for review of Government programs at least every 10 years, and for other purposes.

S. 2667

At the request of Mr. HEFLIN, the names of the Senator from Florida [Mr. GRAHAM], and the Senator from Florida [Mr. MACK] were added as cosponsors of S. 2667, a bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the application of the Act with respect to alternate uses of new animal drugs and new drugs intended for human use.

S. 2680

At the request of Mr. PRYOR, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 2680, a bill to amend title XVIII of the Social Security Act to require the Secretary of Health and Human Services to consult with State medical societies in revising the geographic adjustment factors used to determine the amount of payment for physicians' services under part B of the Medicare Program, to require the Secretary to base geographic-cost-of-practice indices under the program upon the most recent available data, and for other purposes.

S. 2682

At the request of Mr. BUMPERS, the names of the Senator from Maryland [Ms. MIKULSKI], the Senator from Louisiana [Mr. JOHNSTON], and the Senator from Utah [Mr. GARN] were added as cosponsors of S. 2682, a bill to direct the Secretary of the Treasury to mint coins in commemoration of the 100th anniversary of the beginning of the protection of Civil War battlefields, and for other purposes.

S. 2748

At the request of Mr. PELL, the names of the Senator from New York [Mr. MOYNIHAN], and the Senator from Washington [Mr. ADAMS] were added as cosponsors of S. 2748, a bill to authorize the Library of Congress to provide certain information products and services, and for other purposes.

S. 2774

At the request of Mr. HOLLINGS, the names of the Senator from Arkansas [Mr. PRYOR], and the Senator from Idaho [Mr. CRAIG] were added as cosponsors of S. 2774, a bill to authorize appropriations to the National Aeronautics and Space Administration for an Experimental Program to Stimulate Competitive Research on Space and Aeronautics.

S. 2813

At the request of Mr. GORE, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 2813, a bill to establish in the Government Printing Office an electronic gateway to provide public access to a wide range of Federal databases containing public information stored electronically.

S. 2887

At the request of Mr. MCCONNELL, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 2887, a bill to amend title IV of the Social Security Act to provide that the Secretary of Health and Human Services shall enter into an agreement with the Attorney General of the United States to assist in the location of missing children.

S. 2889

At the request of Mr. BOREN, the names of the Senator from Minnesota [Mr. DURENBERGER] and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 2889, a bill to repeal section 5505 of title 38, United States Code.

S. 2921

At the request of Mr. FOWLER, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 2921, a bill to reform the administrative decisionmaking and appeals processes of the Forest Service, and for other purposes.

S. 2967

At the request of Mr. GARN, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 2967, a bill to increase the amount of credit available to fuel local, regional and national economic growth by reducing the regulatory burden imposed upon depository institutions, and for other purposes.

S. 2969

At the request of Mr. KENNEDY, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 2969, a bill to protect the free exercise of religion.

S. 2970

At the request of Mr. SASSER, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 2970, a bill to amend the Cash Management Improvement Act of 1990, and for other purposes.

SENATE JOINT RESOLUTION 274

At the request of Mr. DODD, the names of the Senator from Indiana [Mr. COATS] and the Senator from Ohio [Mr. METZENBAUM] were added as cosponsors of Senate Joint Resolution 274, a joint resolution to designate April 9, 1992, as "Child Care Worthy Wage Day".

SENATE JOINT RESOLUTION 321

At the request of Mr. KOHL, the names of the Senator from New Jersey [Mr. BRADLEY] and the Senator from Ohio [Mr. GLENN] were added as cosponsors of Senate Joint Resolution 321, a joint resolution designating the week beginning March 21, 1993, as "National Endometriosis Awareness Week."

SENATE CONCURRENT RESOLUTION 94

At the request of Mr. DODD, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of Senate Concurrent Resolution 94, a concurrent resolution urging the Government of the United Kingdom to address continuing human rights violations in Northern Ireland and to seek the initiation of talks among the parties to the conflict in Northern Ireland.

SENATE CONCURRENT RESOLUTION 127

At the request of Mr. DECONCINI, the names of the Senator from Indiana [Mr. COATS], the Senator from Missouri [Mr. DANFORTH], the Senator from Maine [Mr. COHEN] and the Senator from Colorado [Mr. BROWN] were added as cosponsors of Senate Concurrent Resolution 127, a concurrent resolution to express the sense of the Congress that women's soccer should be a medal sport at the 1996 centennial Olympic games in Atlanta, GA.

SENATE RESOLUTION 123

At the request of Mr. KASTEN, the names of the Senator from New York [Mr. D'AMATO] and the Senator from Idaho [Mr. SYMMS] were added as cosponsors of Senate Resolution 123, a resolution relating to State taxes for mail-order companies mailing across State borders.

## AMENDMENTS SUBMITTED

### INTERNATIONAL TRANSPORTATION OF MUNICIPAL WASTE ACT

#### BAUCUS (AND OTHERS) AMENDMENT NO. 2736

Mr. BAUCUS (for himself Mr. COATS, Mr. SPECTER, Mr. CHAFEE, Mr. METZENBAUM, Mr. GLENN, and Mr. WOFFORD) proposed an amendment to the bill (S. 2877) entitled the "International Transportation of Municipal Waste Act of 1992," as follows:

On page 4 line 2 before the semi colon, add the following: "except to the extent that the actual amounts of municipal waste generated outside the jurisdiction of the affected local government received for disposal at the landfill or incinerator under such contracts exceed the amount imported under such contracts in 1991 or twice the volume of the first six months of 1992, whichever is less (this clause shall not apply after June 18, 1998, to the extent that such contract prevents a Governor from exercising the authority granted by paragraphs (2)(A)(ii) and (3))".

On page 6, between lines 11 and 12, insert the following new paragraph:

"(3) Except as provided in paragraph (1)(C) and in addition to the authorities provided in paragraph (1)(A) beginning with calendar year 1998, a Governor of any State which receives more than 1 million tons of out-of-State municipal waste, if requested in writing by the affected local government and the affected local solid waste planning unit, if any, may further limit the disposal of out-of-State municipal waste as provided in paragraph (2)(A)(ii) by reducing the 30-percentum annual volume limitation to 20 percentum in each of calendar years 1998 and 1999, and to 10 percentum in each succeeding calendar year.".

On page 6, line 12, strike "(3)(A)" and insert "(4)(A)".

On page 7, line 3, strike "(4)(A)" and insert "(5)(A)".

#### D'AMATO AMENDMENT NO. 2737, AS MODIFIED

Mr. D'AMATO proposed the following amendment to the bill S. 2877, supra, as follows:

On page 11, strike lines 3 and 4 and insert the following new paragraph:

"(3) With respect to a State, the term 'out-of-State municipal waste' means municipal waste generated outside of the State. The term shall include municipal waste generated outside of the United States to the extent that it is consistent with the United States-Canada Free-Trade Agreement and the General Agreement on Tariffs and Trade.".

#### D'AMATO (AND MOYNIHAN) AMENDMENT NO. 2738

Mr. D'AMATO (for himself and Mr. MOYNIHAN) proposed an amendment to the bill S. 2877, supra, as follows:

On page 11, strike lines 3 and 4 and insert the following new paragraph:

"(3) With respect to a State, the term 'out-of-State municipal waste' means municipal waste generated outside of the State. The term shall include municipal waste generated outside of the United States to the extent state it is consistent will the United States-Canada Free-Trade Agreement and the General Agreement on Tariffs and Trade.".

#### REID (AND OTHERS) AMENDMENT NO. 2739

Mr. REID (for himself, Mr. LEVIN, and Mr. RIEGLE) proposed an amendment to the bill S. 2877, supra, as follows:

Beginning on page 2, strike line 1 and all that follows through page 13, line 7, and insert the following new section:

**SEC. 2. INTERSTATE TRANSPORTATION OF MUNICIPAL SOLID WASTE.**

(a) IN GENERAL.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) is amended by adding at the end the following new section:

**"SEC. 4011. INTERSTATE TRANSPORTATION OF MUNICIPAL SOLID WASTE.**

"(a) OUT-OF-STATE MUNICIPAL WASTE DEFINED.—For the purposes of this section, with respect to a State, the term 'out-of-State municipal waste' means municipal waste generated in another State.

"(b) AUTHORITY OF GOVERNOR.—

"(1) IN GENERAL.—Subject to the conditions of paragraph (2), the Governor of a State may prohibit, limit, or impose a differential fee on, the disposal of out-of-State municipal waste in any landfill or incinerator that is subject to the jurisdiction of the Governor.

"(2) CONDITIONS.—In carrying out an action under paragraph (1), the Governor shall—

"(A) carry out the action in accordance with guidelines that the Governor, in consultation with local governments of the State, shall establish to ensure that the authority under paragraph (1) is exercised in a manner that does not discriminate against any particular geographic area of the State; and

"(B) ensure that the action is not taken in a manner that discriminates against the disposal of out-of-State municipal waste on the basis of State of origin.

"(3) APPLICABILITY.—This subsection shall apply with respect to the disposal of out-of-State municipal waste on or after January 1, 1995.

"(c) EXEMPTION.—Nothing in this section shall be construed so as to prohibit a State that had in effect a State plan on May 31, 1992, that was approved by the Administrator not later than June 1, 1982, from carrying out the requirements of the State plan that relates to the disposal of out-of-State municipal waste. Notwithstanding any other provision of this section, the Governor of each State described in the preceding sentence may restrict the disposal of out-of-State municipal waste in any landfill or incinerator subject to the requirements of the State plan in the manner prescribed in the State plan.".

(b) TECHNICAL AMENDMENT.—The table of contents of the Solid Waste Disposal Act is amended by adding after the item relating to section 4010 the following new item:

"Sec. 4011. Interstate transportation of municipal solid waste.".

## NOTICE OF HEARINGS

### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BUMPERS. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, August 6, 1992, beginning at 2 p.m., in room SD-366 of the Dirksen Senate Office Building, in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills currently pending before the subcommittee:

S. 2890, to provide for the establishment of the Civil Rights in Education: Brown v. Board of Education National Historic Site in the State of Kansas, and for other purposes;

H.R. 2109, to direct the Secretary of the Interior to conduct a study of the feasibility of including Revere Beach, located in the city of Revere, Massachusetts, in the National Park System;

S. 2244, to require the construction of a memorial on Federal land in the District of Columbia or its environs to honor members of the Armed Forces who served in World War II and to commemorate United States participation in that conflict;

H.R. 3665, to establish the Little River Canyon National Preserve in the State of Alabama;

S.J. Res. 161, to authorize the Go For Broke National Veterans Association to establish a memorial to Japanese-American War Veterans in the District of Columbia or its environs, and for other purposes; and

S. 2549, to establish the Hudson River Artists National Historical Park in the State of New York, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit written testimony to be included in the hearing record is welcome to do so. Those wishing to submit written testimony should send two copies to the Subcommittee on Public Lands, National Parks and Forests, Committee on Energy and Natural Resources, 304 Dirksen Senate Office Building, Washington, DC 20510.

For further information regarding the hearing, please contact David Brooks of the subcommittee staff at (202) 224-9863.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON FINANCE

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on July 22, 1992, at 10 a.m., to hold a hearing on the state of U.S. trade policy and the merits of pending trade legislation.

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

### SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be authorized to meet on July 22, 1992, beginning at 2:30 p.m., in 485 Russell Senate Office Building, on S. 2975, the Yavapai-Prescott Indian Tribe Water Rights Settlement Act of 1992.

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

### COMMITTEE ON VETERANS' AFFAIRS

Mr. FORD. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a hearing on the Court of Veterans Appeals, Adjudication, and Housing legislation and oversight on Wednesday, July 22, 1992, at 10 a.m., in room 418 of the Russell Senate Office Building.

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

### SUBCOMMITTEE ON GOVERNMENT INFORMATION AND REGULATION

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Government Information and Regulation be authorized to meet on Wednesday, July 22, 1992, at 9:30 a.m., on the subject: bureaucratic nightmare: buying a home.

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

### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate, Wednesday, July 22, 1992, at 10 a.m., to conduct a hearing on the state of the U.S. economy and America's global competitive position.

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

### SELECT COMMITTEE ON INTELLIGENCE

Mr. FORD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, July 22, 1992, at 2 p.m., to hold a closed hearing on intelligence matters.

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

### SUBCOMMITTEE ON PROJECTION FORCES AND REGIONAL DEFENSE

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Projection Forces and Regional Defense of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, July 22, 1992, at 9 a.m., in executive session, to markup projection forces and regional defense programs on a Department of Defense Authorization Act for fiscal year 1993.

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

### SUBCOMMITTEE ON STRATEGIC FORCES AND NUCLEAR DETERRENCE

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces and Nuclear Deterrence of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, July 22, 1992, at 10:30 a.m., in executive session, to markup strategic forces and nuclear deterrence programs on a Department of Defense Authorization Act for fiscal year 1993.

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

### COMMITTEE ON ARMED SERVICES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, July 22, 1992, at 2 p.m., in executive session, to markup a National Defense Authorization Act for fiscal year 1993, and other pending legislation referred to the Committee on Armed Services.

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

SUBCOMMITTEE ON NUCLEAR REGULATION

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Nuclear Regulation, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Wednesday, July 22, beginning at 9:30 a.m., to conduct a hearing on the effects of the Chernobyl nuclear accident.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 22, at 3 p.m. to hold Ambassadorial nominations hearing.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 22, at 10 a.m. to hold a hearing on Overseas Private Investment Corporation Reauthorization.

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

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2:30 p.m., July 22, 1992, to receive testimony on the report and recommendations to the Director of the National Park Service from the steering committee of the 75th anniversary symposium, and on the status of the transition of the Presidio to the National Park Service.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, July 22, 1992, at 9:30 a.m., to hold a hearing. The committee will receive testimony on S. 2748, to authorize the Library of Congress to provide certain information products and services, and for other purposes.

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

COMMITTEE ON THE JUDICIARY

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, July 22, 1992, at 10:30 a.m. to hold a hearing on the nomination of Francis A. Keating II, to be U.S. circuit judge for the 10th Circuit, Timothy E. Flanigan, to be an Assistant Attorney General, and Henry Edward Hudson, to be Director of the U.S. Marshals Service.

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

SUBCOMMITTEE ON CONSTITUTION

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on the Constitution of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Wednesday, July 22, 1992 at 9:30 a.m., to hold a hearing on Senate Joint Resolution 297, Senate Joint Resolution 302, and Senate Joint Resolution 312, proposing amendments to the Constitution relating to the election of the President and Vice President of the United States.

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

## ADDITIONAL STATEMENTS

### TIME TO RIGHT A LONGSTANDING WRONG

• Mr. DECONCINI. Mr. President, once again the time is fast approaching for us to review arguably the greatest foreign policy tragedy of George Bush's Presidency. I am speaking of the issue of China's most-favored-nation [MFN] status. As we approach what is sure to be a highly controversial issue, I would like to remind the Congress, and President Bush himself, of what his preferential trade status to China has done.

When originally proposed by President Bush, our "constructive engagement" with China was designed to convince the Chinese Government to end its policy of gross violations of human rights. Three years have now passed since those bloody days in Tiananmen Square, and whatever additional pressure President Bush has applied seems to have had little if any effect. A recent article, which I ask be printed in the RECORD at the conclusion of my statement, details what I believe to be strong reasons for suspending business as usual with the leadership in Beijing and supporting the reasoned legislation offered by the majority leader and others—including this Senator—to place conditions on any extension of MFN with the People's Republic of China next year.

In his editorial, Mr. A.M. Rosenthal of the New York Times compares the current repressions of the Chinese Government to the Gestapo tactics of Nazi Germany. After reading the article, how can President Bush blithely extend MFN trade preference for yet another year? How, also, can Congress still refuse to muster the political will and moral courage to override another one of the President's blind vetoes? It is clear to this Senator that we must bring an end to this policy simply because it condones China's brutal behavior toward its citizenry.

In conclusion, if the United States is to be the world leader which it comes to human rights, we must start by letting the Chinese Government know, in no uncertain terms, that we will refuse to turn a blind eye to its unconscionable terrible tactics. We must do this, if not for our own sake, then for the sake of the people of China who are yearning for democratic reforms.

The article follows:

CHINA'S BLACK BOOK

(By A.M. Rosenthal)

Long before the extermination camps, the world knew that Hitler's basic instruments of power were torture and murder.

Only shortly after the Germans elevated him to office, "black books" were published in the West—detailed reports of the floggings, genital tortures, deaths by suffocation carried out routinely in Gestapo prisons.

From then on, the nations knew their ambassadors were accredited to a regime from hell and their businessmen were buying its products.

Most people did little or nothing until the war. But some did. They too acknowledged the truth and fought it—with their voices, however lonely, with whatever economic and political strength they had, however small.

After World War II the underground writings of the Soviet freedom fighters told the world about the Soviet gulag. Most people did little or nothing. But some did. They acknowledged the truth and fought with whatever energy and power they had.

Now, black books are published again. They are about another national system of torture and murder—the Chinese Communist gulag, where every day of every year 16 to 20 million men and women labor and suffer in slavery.

They live—they exist—in a world of torture, starvation and humiliation meticulously planned to create greater profit through greater production for the Communist Government. We are the customers.

Recently I wrote about a report on China's slave laborers—"Laogai: The Chinese Gulag," by Hongda Harry Wu. He spent 19 years in the slave camps. I could not escape that book and cannot escape another on my table. It is about the hundreds of prisons in the huge province of Hunan. "Anthems of Defeat" is reported with documentation, statistical tables, notes and names by Tang Bogiao, a Chinese dissident.

Mr. Tang was moved from prison to prison and has compiled this annotated encyclopedia of evil. It is published by Asia Watch (212-972-8400).

All prisoners received trials without confrontation of witnesses or pleas of innocence permitted.

Prof. Peng Yuzhang, in his 70's, was sent to Changsa No. 1 jail for backing student sit-ins. He was placed on the "shackle board," a door-sized plank with shackles for hands and feet and a hole for defecation. Chained to the board, he would sing encouragement to student prisoners he could not see. Sometimes he would cry out, "I need a bath."

Professor Peng remained on the board for three months. Then he was sent to a psychiatric asylum. Is he alive?

The shackle board was just one form of punishment. Other common-places:

Torture with electric prods. Public whippings to the blood. Forced boot-licking.

Chaining, face on cell floor, arms around toilet buckets in use through the night by other prisoners.

A dozen kinds of hand and ankle cuffs, sometimes with iron rods between them to make movement almost impossible. Multiple fetters to shackle prisoners tightly together. "Martial arts"—guards kicking prisoners into unconsciousness.

Solitary confinement in metal boxes so small prisoners can neither lie down properly nor stand up straight. "Electric shackle treatment"—shock applied through hand and ankle cuffs, often while the victim is chained to the shackle board.

Prisoners who do not fill work quotas are punished by all these tortures, by starvation diets, and by extended sentences. By official Communist policy their work is considered an essential part of Chinese export.

So we know—no escape. What can we do? American laws against forced-labor imports are sieves. But stockholders can raise the issue at company meetings. Are we selling slave labor goods, or using our pension funds, to help the torturers? Please investigate and report back fully.

Before we buy, we can ask shopkeepers to find out from their vendors what "made in China" means—made where, by whom?

President Bush has vetoed every Congressional attempt to apply mild economic sanctions to the Chinese Communists. This battle will not end, whoever is elected President.

Meantime will all the delegates at the Republican and Democratic Conventions remain mute about slavery and torture in China? Will Ross Perot? Or will they cleanse themselves of silence—at least some of them?•

## TRIBUTE TO MARION

• Mr. McCONNELL. Mr. President, I rise today to recognize the town of Marion in Crittenden County.

Located in the rolling wooded hills of western Kentucky, Marion is bounded by the Ohio River to the north and the Tradewater River to the northeast. The town of Marion, developed in a region rich in fluorspar, once claimed the title, "the fluorspar capital of the world."

Marion would like to retain this piece of its history by creating a museum to house a mineral collection that has been touted as one of the finest in the United States. There are also hopes of installing antique lights and a bandstand to enhance the small-town charm of Marion.

Marion is also home to a thriving Amish community which has grown from a settlement of 10 families in 1977 to more than 50 in 1992.

Crittenden County is not only home to diverse lifestyles, but to varied political beliefs as well. The county once was home to two U.S. Senators; Republican William Joseph Deboe, 1897–1903, and Democrat Ollie M. James, 1913–1918. For a time they lived across the street from each other.

I salute Marion. It is a town full of hardworking people filled with traditional values. It is this proud spirit which ensures a bright future for Marion and its citizens.

Mr. President, I would like the following article from the Louisville Courier-Journal to be submitted into the CONGRESSIONAL RECORD.

The article follows:

MARION

(By Mark Schaver)

On the first trip around the town square, it's hard to see what's so special about Marion.

The Crittenden County Courthouse, built in the 1960s, has an anonymous, institutional look about it. There's an American flag flapping in the breeze, a monument to veterans of past wars and old men lounging on a bench at the corner. Across the street there's a dark space where the City Drugstore once thrived.

At first glance, it looks like dozens of other small Kentucky towns. If you poke a bit longer, however, you'll find a town that, in its own quiet way, has its share of unusual qualities.

Take the county jail, for example. In the eyes of a representative sample of the nation's jail clientele, the Crittenden County jail is the eighth best in the United States, according to Playboy magazine. That's the same jail the state says is inadequate and wants shut down, much to the irritation of the county magistrates.

Down the road is an Amish community that seems to have grown every year since it was founded 15 years ago. And nearby, crossing the Ohio River, is a car ferry that is one of the last of its kind.

Marion is one of the few places in heavily Democratic Western Kentucky where they don't look at you funny if you declare yourself a Republican. It's also the town, local residents remind you, that was once "the fluorspar capital of the world."

And it's one of the few towns that still has a drive-in movie theater.

It's a town that many love and a few want to leave. But it's mostly the young who are leaving.

"There's nothing to do here," said 24-year-old Jerry Pruitt, who was sitting in front of the courthouse with a friend late one afternoon. "You got one arcade, and most of the time it ain't even open. It's more or less an old people's place."

Pruitt talks of moving north to Michigan to find work, joining an exodus that is nothing new. Many who left after World War II to work in the factories of Detroit, Chicago and Gary, Ind., are just now returning to retire.

Many were driven out by the collapse of the fluorspar industry, which at one time seemed to employ just about everyone in the country. Those jobs petered out in the 1970s, a victim of competition from the cheap labor found in places like Mexico and South Africa.

Some think that's just as well. The underground mines first opened in the early 1800s, and for most of their history they were unregulated and death was common. Even today many old men in the county are crippled by psylicosis caused by breathing the dust stirred up while digging for the crystal. They call their disease "white lung," the mirror image of the "black lung" suffered by coal miners.

Crittenden County was claimed to be the world's largest producer of fluorspar, which locals call "spar." It is used to make steel, ceramics, glass and enamel. The county now wants to capitalize on its legacy by creating a museum to house a mineral collection gathered by the late Ben E. Clement, a Crittenden County geologist. Geologists say it is one of the finest collections of its kind in the United States.

The county has received a grant from the state to help develop the museum. It will be housed next door to Fohs Hall, a majestic building that also owes its existence to the mining industry. It was built in the 1920s by Julius Fohs, a mining engineer from Crittenden County who made a fortune in the oil industry after moving on to Oklahoma and Texas. Fohs gave the building to Marion as a community center, although the town could not afford to keep it up. For most of its life it was used as a school. Now restored, it houses the Chamber of Commerce.

The mineral museum would complement the Ben Wheeler Museum, which is named after its late founder, an insurance agent who had a passion for history and was responsible for many of the roadside markers found in Western Kentucky.

The building is stuffed with "old things," in the words of curator Evelyn Stalion. She said she finds it impossible to turn down anyone who offers something for display. Thus, you can find everything from an antique French fry cutter to Japanese sandals to a "cow hair ball" the size of a softball. There's also an 1894 edition of The Crittenden Press that shows the effusive style of town boosters has changed only slightly in almost 100 years:

"The beauty of her location, the abiding faith of her people, the sterling qualities of her businessmen, the substantial character of her business and public buildings, the beauty of her homes, the purity of her churches, the admirable quality of her schools and civic societies, the healthfulness of the surroundings, the hospitality and generosity of her people, all unite in making Marion one of the most substantial towns in Southern Kentucky."

Not that Marion is without the problems that plague everywhere else. It suffers from crime. Paul Mick, the publisher of The Crittenden Press, for example, was stabbed to death in his house two years ago by a burglar. The burglar later pleaded guilty to the killing and is in prison.

The museum itself has been broken into three times, with thieves taking off with everything from an expensive doll collection to a display of arrowheads donated by a local man who had found them along the Ohio River. "I don't reckon you're safe anywhere anymore," Stallon said. "Do you reckon you are?"

Marion is isolated. The only roads leading to it have only two lanes and are curving and sometimes dangerous. Improving them has long been a goal of civic leaders, who say it would make it easier to draw new industry. Another goal is giving people who travel through town on their way to the Land Between the Lakes more reasons to stop. There's talk of installing antique lights and a bandstand to enhance its old-fashioned aura.

The Amish already add to that image. They moved to the county in 1977 from Delaware, attracted by the availability of 2,000 acres in an isolated area. The original 10 families have grown to more than 50, concentrated in the countryside around the crossroads of Mattoon, where an Amish couple operate a country store.

The men wear straw hats, the women white bonnets and old-fashioned dresses. Hand-lettered black and white signs outside their farmhouses offer produce, eggs, furniture and crafts for sale. They ride to town in their distinctive horsedrawn buggies or hitch rides with passing motorists.

The Amish have become a tourist attraction, and each year during the annual American Quilters Society's show in Paducah, the Crittenden County Chamber of Commerce organizes tours to bring busloads of people to see them.

One stop that has never been on that tour is the jail, even though Playboy's poll of convicts put it on their top 10 list. Prisoners praised it because it offers satellite TV, "superb" food and the freedom to order out for pizza. The state, however, says it does not meet regulations and earlier this year ordered that it function as a 96-hour holding facility.

County magistrates took exception to that and have defied the state, arguing that it is too expensive for them to build a new one or shuffle inmates back and forth to another jail.

That same independent spirit may account for the county's tradition of Republicanism. No one seems to be able to offer a definitive explanation for why Crittenden County was dominated by the GOP until recent years, when it has began to lean more Democratic in local elections.

County Judge Executive John May cites the legend that it dates to the Civil War when a troop of Union soldiers who has grown weary of fighting moved to the area because of hilly terrain offered a good place to hide.

County historian Thomas Tucker's theory is that the rich men from the north who owned the fluorspar mines were all Republicans, so miners registered that way to be sure they would be able to get work.

Not only were there the usual political divisions in Marion, but there are also undercurrents of other divisions, social and financial. Charles Ball, a 65-year-old retired coal miner, sees not-so-subtle class distinctions in something as simple as where people prefer to sip coffee. He said bankers, lawyers and other "big shots" prefer The Coffee Shop across the street from the courthouse. Working men, he said, go to Y'alls convenience store or the Druthers fast-food restaurant.

The Industrial Foundation brags about the factory that uses robots to help make electrical switches and the new company that makes high-tech ceramics, but Ball said there are few good jobs available, forcing most people to commute to other counties to find work.

"The people who are in control of this county don't want anything to come in here," Ball said. "If I didn't own a home here, I'd leave, but you can't sell a home unless you give it away."

Population (1990): Marion, 3,320; Crittenden County, 9,196.

Per capita income (1990): $11,157, or $3,835 below the state average.

Jobs (1990): Manufacturing 566; services, 409; wholesale/retail, 406; state/local government, 340; contract construction, 59; finance/insurance/real estate, 63; transportation/communication utilities, 31.

Big employers: Potter and Brumfield, electrical switches, 400; Crittenden County Hospital, 300. Crittenden County Schools, 185.

Media: Newspaper—The Crittenden Press (weekly); radio—WMUL-AM (country); television—cable available.

Transportation: Air—Sturgis Airport, 19 miles; nearest commercial service, Barkley Regional Airport, Paducah, 50 miles, Highways—U.S. 80 and 641, as well as Ky. 91 and 120 serve Marion. Rail: P & L Inc. under contract with Tradewater Railway Co.; Truck 12 truck lines serve Marion.

Education: Crittenden County Schools, 1,518 students. Night classes are offered by Madisonville Community College.

Topography: Rolling, wooded hills. Marion sits on a plateau that has the highest elevation in the county. It is bound by the Ohio River to the north and the Tradewater River to the northeast.

FAMOUS FACTS AND FIGURES

Crittenden County was home to two U.S. Senators: Republican William Joseph Deboe, 1897–1903, and Democrat Ollie M. James, 1913–1918. For a time they lived across the street from one another in Marion.

Marion has a small, dwindling black population. Here is how a historian of Crittenden County tells their story: "A large number of free black people were citizens of Marion. This was largely due to the fact that most of the county's early landowners did not condone slavery as it was practiced in the deep South, but as sort of an indentured service apprenticeship. After the death of their personal masters, many of the former slaves were freed by provisions of their wills, as is witnessed by the fact that many of the local black people have the same family names as many of the early Crittenden County settlers."

About 11 miles from Marion is one of the last car ferries along the Ohio River. It crosses the river at the end of Ky. 91 to Cave in Rock, Ill.

The Ben Wheeler Museum has on display the stuffed carcass of what is said to be the "only wolf known to have resided in Crittenden County, Kentucky, in recent times." It was shot and killed in 1970 by Gleaford Easley and is said to be a red wolf. The U.S. Department of Fish and Wildlife is now trying to breed two red wolves—among the last of about 130 believed to be left in the world—at the nearby Land Between the Lakes.

A 1905 fire destroyed much of downtown Marion.●

## THE BUSH EDUCATION RECORD

● Mr. KERREY. Mr. President, in a recent interview with the New York Times, Mr. Bush spoke to his views on education. There seem to be two basic points that characterize the President's views on education:

First, he holds that the answer to American educational woes lies not with Federal programs, but with local initiative. He typically will, like all politicians, take credit for something that would have occurred without his prodding, by claiming that his administration has been responsible for the burgeoning education reform movement in our Nation's communities.

Frankly, I agree with the President that the critical moment of educational reform comes at the local level: It is when people at the local level demand change, when parents become involved, when teachers challenge the governance of schools and school districts. I have proposed legislation, the Education Capital Fund, S. 2258, to get money directly to local educators, community leaders, and parents who are committed to long-term systemic reform of their schools. For politicians in Washington to take credit for a locally generated reform movement misconstrues the nature of change at the local level. It is also arrogant. We run the risk of being run over by the reform movement because of our inability to provide real assistance.

The second point that comes across in the President's view of education is that not more money, but vouchers and choice or national tests and curriculum standards will make a difference. He has given us ideology and walked away from important Federal obligations to our Nation's families and children. His administration's unbending approach to education reform legislation has prevented this Congress from passing important legislation, S. 2, aimed at assisting the thousands of local educational experiments that are occurring across our country.

Aside from inflexibility, his administration's views in this area have been characterized by a narrowness of vision. Education is more than what goes on in our schools. Today, when we talk about education we cannot do so without mentioning health care, law enforcement, housing, economic opportunity, educational achievement of parents, community facilities such as libraries and art galleries, environmental issues such as lead standards, telecommunications, and others. In falling back on lofty goals such as vouchers and choice, the President has failed to provide a broad agenda for helping address the real range of problems that our Nation's youth face. The obstacles faced by our youth differ substantially from those that I or my parents faced. We need to look outside of our suburban neighborhoods and realize that thousands of American children are facing a crisis that will not be solved by vouchers or greater choice. It is time that we speak to the problems of the day.

I ask that the New York Times article be included in the RECORD.

The article follows:

LONG FIGHT FOR LOCAL SUPPORT HAMPERS BUSH ON EDUCATION

(By Susan Chira)

MEMPHIS.—Four years after George Bush took office proclaiming himself to be the "education President," he can point to few tangible accomplishments that have improved the nation's schools.

But President Bush and his aides do claim credit for starting a movement called America 2000 that they say will force fundamental changes in American education. It has spawned local education reform drives like one here in Memphis and in more than 1,000 other communities across the country.

Memphis is a laboratory for Mr. Bush's contention that the answer to American educational ills lies not with Federal Government programs but with local initiative.

Asked in a recent interview to name his most significant domestic initiatives, the response was: "I think clearly the education initiative," and he pointed specifically to the "many America 2000 communities" across the country.

THE BEDROCK ASSUMPTIONS

His strategy assumes that American schools will be transformed, not with more

money but through vouchers that allow parents to use public funds to pay private school tuitions, through local community efforts like Memphis's, and through the use of innovative new schools as well as national tests and curriculum standards.

Yet from educators and others on the right and the left come the same complaints that dog Mr. Bush in many other areas of domestic policy as well—that he has articulated lofty conservative principles but has failed to rally the nation behind them or to follow through so his plans are actually put into action.

"The President has talked a good game," said Elsie Lewis Bailey, principal of Booker T. Washington High School in Memphis and a leading member of the drive to improve the city's schools. "But I can't applaud anything at this point that he has done to make a difference."

Mrs. Bailey's school stands amid housing projects where students fight daily battles with drugs and death. Washington High is a stark illustration of the policy rift between Mr. Bush and his critics. The President assumes that education problems are best solved through a process like the one under way here, in which parents and communities take the responsibility to encourage academic achievement and counter social breakdown.

But many educators believe the ills of American schools require a larger Federal plan, a detailed urban agenda and a great deal more money than Mr. Bush shows any sign of wanting to spend.

These educators say there is little hope that Washington High's students can conquer the poverty and despair that are the blight of so many inner-city lives until the Government also offers broader initiatives to counter the urban ills that so often lead to school failure. Chief among them are drugs, street violence, inadequate health care, glaring inequities between rich and poor school districts and broken families.

At Washington High, Fredderick Dupree, Sharon Page and Kalinda Garner had little trouble listing what their school does not have: a chemistry or biology laboratory, enough athletic equipment, up-to-date textbooks.

"We have a lot of honor students here, and they do want to be somebody," said Fredderick, who hopes for a career in math, science or medicine. "When you don't have the equipment, it just saddens you."

Even though all three students are excelling in school, in many ways they are exceptions. They watch as their neighbors and classmates struggle and, in some cases, succumb to poverty, teen-age pregnancy, parental neglect and violence.

"From what we see, people are dying every day," Fredderick said. "You don't know when you might go."

VISION: A "SUMMIT" YIELDS NATIONAL GOALS

President Bush gets praise from educators for the first concrete action he took as education President: an "education summit" in Charlottesville, Va., in 1989 at which he and the nation's governors agreed on six broad, national goals. These include making sure all children are healthy and intellectually stimulated enough to start school; catapulting American students from near the bottom among industrialized nations to the top in world math and science achievement; raising the high school graduation rate from about 75 percent to 90 percent; erasing illiteracy and making schools safe and drug-free.

But educators waited nearly two years for clues about how President Bush thought Americans could achieve these goals. Then, in March 1991, Mr. Bush appointed Lamar Alexander as Secretary of Education. While Governor of Tennessee, he won praise for trying to improve Tennessee's schools. In Washington, Mr. Alexander quickly drew up the new education strategy.

The Federal Government has never spent much money on education—it now pays only 6 percent of all public education costs, from kindergarten through high school, a drop of almost 40 percent from the level before President Ronald Reagan took office. But even without a White House pledge of major new spending, most educators welcomed Mr. Bush's emphasis on parental responsibility, local community action and curriculum standards.

At the same time, though, critics have attacked Mr. Bush's plan, saying it depends too heavily on model schools while neglecting inner-city issues. In fact, even his advisers concede that Mr. Bush's overall approach to education works best for his core Republican constituency—white, middle-class, suburban families.

"Crisis one is middle-class kids who aren't learning much," said Chester E. Finn Jr., a key architect and still a backer of the Bush policy who is now helping to design a national network of private, for-profit schools organized by Christopher Whittle. "Crisis two is underclass kids for whom not learning much is just one of their problems. The same solutions don't apply to both. It may be that America 2000 over all is better tailored to crisis one, but that's probably two-thirds of American kids."

BEHIND THE VOUCHER PLAN

Still, President Bush and his aides claim to be champions of the poor as well, asserting that their voucher proposal serves that end. Vouchers—allowing parents to take their children out of public schools and use the money that would have been spent on them there to pay private school tuition—is an idea dear to the Republican right wing.

In his current budget proposal, President Bush is asking for $500 million for vouchers of $1,000 that families with low or middle incomes could spend each year on public, private or parochial schools. The idea, Mr. Alexander says, is to give poor and middle-class families the same choices in schools that the well-off already have.

But Mr. Bush's endorsement of vouchers has also drawn vehement and well-organized opposition from those who believe it is nothing less than an attack on the very idea of public schooling. Critics believe it would skim off the best students with the savviest parents for private schools, leaving public schools to teach only the students who are handicapped, disruptive or neglected.

"This is a fundamental mistake, driven by ideological concerns," said Gov. Roy Romer of Colorado, a Democrat who has led the governors' efforts on education improvement and who has worked closely with the White House on education policy. "It's like saying we're going to shock you into change by taking your best students and resources out of here."

REALITY—NEEDED: CASH AND CONSENSUS

While President Bush and his aides say his greatest legacy will be the long-range education plan, they also point to some increases in spending. The Education Department's budget has increased by 22 percent after inflation during his term, and Federal spending has risen for college tuition grants as well as for math and science programs.

The biggest increases have gone to the Head Start preschool program. During his first campaign, President Bush pledged to finance Head Start so all eligible 4-year-olds could take part. He has asked for and got the largest increases in Head Start spending since the program was founded in 1965—the budget has risen by 78 percent since he took office—and he is requesting another 27 percent increase for next year. By the Administration's estimate, this will create enough slots to serve all eligible children for one year, instead of the 60 percent the Administration says it now serves.

But critics say the program has always been designed to serve 3-year-olds as well as 4-year-olds. And so, they add, the program now serves only 28 percent of those eligible.

Mr. Bush's supporters also say the Government has made progress in some other areas of the President's overall education plan. Education specialists in and out of government, using $5 million in Government money, are drawing up broad standards in several subjects that will lay down what students should know by certain points in their academic careers.

But many of Mr. Bush's key proposals have died in Congress. Democratic majorities have refused to approve vouchers, and there seems to be little chance they will do so soon. Congress has turned down a request for $500 million to begin operating 535 new showcase schools because Democrats believe that creating such schools will not improve the 110,000 existing public schools.

Even conservative organizations, though they praise the President's ideas, say Mr. Bush has failed to do what leaders must: drum up enough support for his proposals.

"The stuff on paper is great," said Stuart M. Butler, director of domestic policy studies for the Heritage Foundation. "But there is absolutely no follow-through politically with any of these items. It's a deficiency of the White House in general in the domestic area."

Democratic aides on Capitol Hill who negotiated with the Administration on the President's education proposals say officials essentially gave up on Congress when they realized they would have to compromise. "I think they wanted 100 percent, and when they couldn't get 100 percent, they just sort of walked away from it," said one Democratic Senate aide.

Mr. Alexander, who is normally quite genial, stiffens when he hears such talk. He tells of deals that fell through when Democratic legislators got pressure from teacher's union leaders and other educators.

"By instinct, I'm a big coalition builder," he said. "Right now, with the current composition and leadership of Congress, it's almost a waste of my time."

Mr. Butler says the President should have joined the battle himself.

"There's a very stark alternative—Lyndon Johnson," Mr. Butler said. "He put the political finger on people and said, 'These people are holding up a solution to these problems.'"

COMMITMENT IN MEMPHIS

Mr. Bush's defenders say the view from Washington is skewed, because the real results of his policies can be seen in places like Memphis.

As for the Bush plan, Mr. Finn said, "It seems to me in a year's time to have done much of what it was intended to do. It's had a consciousness-raising effect, a catalytic effect on a lot of states and communities to at least take the pledge."

At the same time, he added, "I don't know how much of an effect it's had so far on real practice."

By the Education Department's count, 44 states and 1,200 communities have agreed to draw up plans to improve their schools. Mr. Alexander says this is the vanguard of a "populist crusade" that will transform public education.

Others are more skeptical. Albert Shanker, president of the American Federation of Teachers, dismisses all of it as a "dog and pony show," a series of pep rallies that cost nothing but make people feel as if they are doing something.

Memphis shows both the possibilities and the limits of this approach. A bipartisan, multiracial coalition of 850 local leaders and citizens is analyzing what ails the city's schools and how to change them. Many, like Mrs. Bailey, refused to join unless the effort specifically repudiated the Bush voucher plan. They got that assurance and hope to have a final plan this fall.

Everyone who has worked on "Memphis 2000" praises it as serious and broadbased. The question is whether the well-meaning effort will actually improve the schools.

Mayor Willie Herenton, who served as Memphis's superintendent of schools for 12 years and was an early skeptic, said his test will be whether this coalition calls for higher taxes for education. Memphis spends $3,568 per pupil, well below the national average of $5,237. And leaders of the Memphis drive say they now have a powerful new coalition that would campaign for more money if the schools adopt the changes they want.

In Washington, Mr. Alexander has made no estimates or promises, other than to say that more money might come from the Federal Government if the America 2000 communities can present a good case.

PROSPECTS: WHAT INVESTMENT BEYOND MONEY?

In the end, the judgment on Mr. Bush's education record will rest on how to define what an education President should do.

Many educators believe part of the answer is more money. But President Bush has consistently denounced spending more on a system he sees as flawed.

"Putting money first—we did all that in the 1980's, and it didn't work," Mr. Alexander said.

Overall spending on education at all levels of government has actually risen 33 percent in inflation-adjusted terms over the last decade, without dramatic improvements in American schools. But as the Federal share of that spending has shrunk, other cuts in Federal aid to cities and states for social programs have also left them less able to pay for education.

Mr. Bush claims that a President should provide leadership, not money. He does win wide praise for trying to shake Americans from their complacency, issuing a long-overdue call to parents and local communities to take their share of responsibility.

But others say vigorous leadership in education demands much more than President Bush has given. An education President, they say, should urge voters to approve local bond issues or new taxes if schools present a convincing reform plan. And they add that the crisis in American education demands a bolder, more ambitious Federal plan.

"I believe so much in the need to go to grass-roots America," said Governor Romer. "But it doesn't do anything for people to go out and get them all ginned up and then give them no design to proceed. There's not enough substance to it. You need to have a President out talking not about those generalities, but who's going to pay for what and who's going to do each piece of it, what's our time line and our priority, and I want to put that above a Sea Wolf and a bomber."

Critics as far apart politically as Governor Romer and Mr. Butler of the Heritage Foundation say that President Bush comes up short partly because he seems unable to galvanize the electorate the way Ronald Reagan did.

But his defenders say Mr. Bush just isn't being heard.

"If anyone will listen to President Bush on education," Mr. Alexander said, "he has a wonderful vision."•

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## ANNOUNCING COSPONSORSHIP OF S. 2387 THE EVERY FIFTH CHILD ACT

• Mr. DURENBERGER. Mr. President, I rise today to announce my cosponsorship of S. 2387, the Every Fifth Child Act.

S. 2387 was introduced by my distinguished colleague from Vermont, Senator LEAHY, on March 24, 1992. A number of our colleagues—including our distinguished minority leader, Senator DOLE, have also signed on as cosponsors.

This measure would fully fund the Special Supplemental Food Program [WIC], the Head Start Program, and the Job Corps Program to authorized levels by transferring funds from areas of the budget.

As this bill's title implies, approximately every fifth child in the United States lives in poverty. Children, who also account for 15 percent of all homeless Americans, are the fastest growing segment of this population. In Minnesota, the poverty rate for children between ages 5 and 17, while lower than the national average, has climbed to 18 percent.

Mr. President, the programs targeted for increases by this bill have proven to be successful and worthwhile investments of public funds in dealing with child poverty, nutrition, and joblessness. That's why in my nearly 14 years as a Senator, I have consistently supported both programmatic improvements and increased funding levels for all three of these programs.

Since its inception in 1965, Head Start has served over 12 million low-income preschoolers and their families. Not only does this extremely effective program prepare young children for school by teaching them a variety of necessary learning skills, but it provides medical and social services for children and teaches proper nutrition to entire families. Researchers estimate that for every dollar spent on Head Start, the Federal Government saves $4 in future benefits.

Head Start has continued to see significant increases in its funding levels over the last couple of years. For the coming year, the Bush administration has requested $2.8 billion for Head Start, an increase of $600 million over fiscal year 1992. This represents the largest 1-year increase in the program's history. In fact, since 1989, the Federal commitment to Head Start has more than doubled—increasing by nearly $1.6 billion, and allowing for 779,000 children to be served next year.

The WIC Program provides nutritious supplemental foods to low-income pregnant, postpartum, and breastfeeding women and to children up to age 5 who are determined to be at nutritional risk. Recipients also receive nutrition education, advice and assistance on the importance of breastfeeding, and referrals to the health care system. A Department of Agriculture study found that for every dollar invested in WIC, up to $4 is saved by the Federal Government.

WIC, too, has seen consistent increases in its funding levels in recent years. For the coming year, the President's budget requests $2.84 billion, an increase of $237 million over last year. This request will support increased average monthly participation totaling 5.4 million families. In addition, I recently cosponsored an amendment to the fiscal year 1993 budget resolution which recommended funding levels that would allow Congress to remain on a 5-year path to reach full funding by fiscal year 1996.

The Job Corps is a major training and unemployment program designed to alleviate the severe unemployment problems faced by disadvantaged youth throughout the United States. The services provided include basic education, vocational skills training, work experience, counseling, health care and related support services. For the coming year, the President's budget requests $909.5 million.

Mr. President, I realize that the Job Corps is one of many current and proposed programs that have workplace readiness as their goal. It's been a good program in the past and it deserves our present and future support. I am especially pleased that one of the Nation's best Job Corps centers—named after the late Senator Hubert H. Humphrey—is located in my State.

But, I would also hope, Mr. President, that as we expand funding for Job Corps we carefully consider how to best coordinate and integrate a number of other current and proposed efforts to improve job skills.

There is growing interest, for example, Mr. President, in the role of apprenticeships, of service corps and other forms of national service, of changes and improvements in the Job Training and Partnership Act, in continuing the efforts we have made to use welfare programs to increase economic independence, and in placing more emphasis on outcomes in higher education—including better monitoring of job placement and retention for graduates of public and private trade schools, colleges, and universities.

All of these efforts need to be done in concert, Mr. President. As a member of the Senate Labor and Human Resources Committee, I look forward to

working with my colleagues to make sure that important goal is realized.

While I fully and wholeheartedly support these programs, Mr. President, I must also say I have severe concerns and reservations about this bill's funding expectations, especially its efforts to tear down the firewalls established in the 1991 deficit reduction agreement.

Under this agreement, which covers the budget process from 1991 to 1996, Congress agreed to significantly reduce the defense budget and dedicate the savings to reducing the deficit. The agreement establishes three distinct budget categories of defense, foreign operations, and nondefense discretionary, which ensure that no moneys will be transferred between any of these accounts. It was my firm belief then, and it remains my belief today, that this minimal fiscal discipline is absolutely essential to our future economic security.

It is important to note that the United States will spend 10 times as much on interest on the national debt this year as it will in all of the educational accounts of the Federal level. Even if we were to eliminate all defense spending next fiscal year—every soldier, sailor, marine, airman, ship, plane, tank, missile, rifle, and bullet—we would still need to borrow $63 billion to cover the deficit.

That money, Mr. President, will come from our children and grandchildren. We cannot continue to borrow from the future to pay for our current consumption. At our present rate of increasing deficits, there will shortly come a time when as little as 5 percent of the budget will be available for discretionary spending—including such important programs as WIC, Head Start, education, and numerous other investments in this country's future.

In this respect, deficit reduction is just as vital an investment in our children's future as direct program expenditures. I believe the notion of national security and public service involves preserving our posterity—and I intend to see that the needs of future generations are met by deficit reduction.

So, while I have cosponsored this legislation, I cannot emphasize enough the need to address our growing national debt, as well as the funding expectations of this bill.

At the same time, I believe, that this legislation establishes the right priorities. And, I look forward to working with my colleagues on both sides of the aisle and to create an environment in which we can work together on these and other pressing human needs in a fiscally responsible manner.•

## NATIONAL YOUTH SPORTS PROGRAM AT NORTHERN ARIZONA UNIVERSITY

• Mr. DECONCINI. Mr. President, this summer, for the first time ever, Northern Arizona University [NAU] offered the National Youth Sports Program [NYSP] to 250 at-risk youngsters in the Flagstaff, AZ, area. From June 8 through July 10, these young people participated in a variety of sports, including swimming, volleyball, softball, soccer, basketball, and tennis. For 5 weeks they received career counseling, health and nutrition information, and intense instruction in drug and alcohol abuse prevention.

They received free meals, courtesy of the U.S. Department of Agriculture, and free medical exams from local physicians and nurses who generously donated their time. Dr. Julie Padgett, NYSP program director at NAU, and Dr. Eugene Hughes, president of the university, put in long hours of outstanding work to offer a first-rate program in building self-esteem and offering hope.

The National Youth Sports Program was created 24 years ago as a response to the Los Angeles riots of the 1960's. The program targets disadvantaged boys and girls, ages 10–16, and brings them to college campuses across the country. Last year the NYSP reached 65,000 youngsters on 139 college campuses in 122 U.S. cities. This year, 25 new institutions, including NAU, will bring the program to over 6,200 additional kids. For many of these young people, the NYSP offers "The Right Start" and the motivation to continue with their education.

Mr. President, day after day, we hear that America is not doing enough for its children. Every day 4,000 kids drop out of school. Every year 1 million teenage girls in this country become pregnant. Half of all our students try illicit drugs before they graduate from high school. And now the FBI has issued a report which finds that young people under the age of 18 accounted for more than one-tenth of all arrests for murder and manslaughter in 1989. They accounted for more than one-fifth of all arrests for robbery and almost one-third of all burglary arrests.

Two years ago there was a survey conducted in my home State of Arizona, which found that over 5,000 gang members had been identified by Arizona law enforcement agencies. Even more disturbing is the fact that according to that survey, 11,000 Arizona high school students expressed an interest in joining a gang. This means that there are 11,000 potential gang members in Arizona high schools alone. That figure becomes more alarming when you consider that the survey does not account for high-risk youth who have already dropped out of school.

As a nation, we can continue to talk about the problem, or we can move toward a solution. And one of the things we can do is to try to reach those 11,000 children who have not yet crossed the line. The National Youth Sports Program reaches out to those kids at risk—and it is a program that works. Just ask the 250 enthusiastic youngsters who spent 5 weeks of their summer at NAU. Recently, I had the opportunity to speak to several of those boys and girls, and I got the distinct impression that for many this had been the experience of their young lives, an experience that many intend to repeat next summer.•

## TRIBUTE TO STANHOPE BAYNE-JONES

• Mr. JOHNSTON. Mr. President, war and healing is the life story of Louisiana-born Stanhope Bayne-Jones—one of the pivotal figures in modern American medicine. The grandson of the famed Confederate surgeon, Joseph Jones, Bayne-Jones knew from childhood that, for him, medicine would be the inevitable calling. He had the brains, initiative, and luck to begin his career at the very top, by graduating first in his class at Johns Hopkins Medical School. And he went on to become the dean of Yale's Medical School and head of one of this Nation's premier cancer-fighting foundations, in a time when Fortune magazine called that disease the Great Darkness because so little was known of it, and so few researchers were yet involved in unravelling its mysteries.

But Bayne-Jones was also a patriot, who contributed immeasurably to this Nation by taking his medical skills to war. In World War I he served in frontline hospitals, first in the British and then in the American Army. Declaring that his aim was to "serve the men where they needed him most," he refused transfers to safe rear area hospitals in order to stay in the frontlines. Paul de Kruif called him a strange opposite of a slacker, who took a doughboy's chances. Yet the medals he won from three allied nations—the United States, England, and France—proved to be only a foundation for his contributions in World War II. He had gained experience in war, secured the respect of military men, and gained rank that he preserved during the years of his civilian career through his membership in the Army Medical Corps Reserve.

In World War II, Bayne-Jones was able to act on a worldwide field. He became the Army's contact with the vast civilian medical research establishment. He personally directed a worldwide fight against typhus fever, then a dread disease of wartime that had killed at least 3 million people in Europe after World War I. He embodied the medical ideal of saving human life without respect to which side a person may be on, for his Typhus Commission did some of its best work among Italian, German, and Japanese people after the Axis surrender made the American Government responsible for their well-being. It was this service that cause a high official of the Surgeon General's

Office to declare that Bayne-Jones "saved more lives than any doctor I ever knew or heard of."

The return of peace quickly led Bayne-Jones into policymaking positions in American medicine. He headed the New York Hospital-Cornell Medical Center in New York. He directed medical research and development for the Surgeon General of the Army. He continued his long fight against cancer through the Surgeon General's Commission on Smoking and Health. At the same time, he never lost contact with his roots in Louisiana, turning in endless unpaid service to Tulane University, with which his family has been identified since the days of Joseph Jones. It is only fitting that the hospital at Fort Polk, LA, is named for him, and that a professorship at Johns Hopkins bears his name. I can only hope that this fine new biography will make Stanhope Bayne-Jones more familiar to the general public, for he was a true benefactor of humanity.•

## COMMEMORATION OF A MUSICAL MASTER

• Mr. D'AMATO. Mr. President I rise today to commemorate an American music legend, Francis "Frank" Johnson on the 200th anniversary of his birth in Philadelphia. The long-overdue and much deserved recognition for his talent and contributions to America's musical life is finally coming to pass this year due to the efforts of the members of Parallelodrome. Their efforts have focused greater public awareness on the life-work of America's first native-born master of music (1792–1844). It is my hope that Frank Johnson, the man and his music, live on in all of our hearts and minds and souls for all ages.

Born in 1792 in Philadelphia, Frank Johnson, a renowned trumpeter, composer, and band leader, became one of the most celebrated personages of our Nation during the first half of the 19th century. He was highly sought after for his talents as a musician and his Cotillion Band played at fashionable parties and dances until they were formally engaged to play the Congress Hall Hotel in Saratoga Springs, NY in 1821. From 1821 to 1843, Johnson's Cotillion Band played at both Congress Hall and the United States Hotel in upstate New York.

Having knowledge and skills acquired by his own exertions, without formal instruction, Francis Johnson became an incomparable virtuoso violinist, flutist, hornist, natural and keyed (Kent) bugler. He became a master composer, arranger, and orchestrator of music; a music educator and a publisher of music; an accomplished equestrian, impresario, gourmet cook, and an astute businessman.

Francis Johnson eked out an illustrious career in music by assuming many musical roles including: coffeehouse performer, cavalry trumpeter, circus bandmaster, featured performer at balls and hops, bandmaster for early volunteer firefighters, bandmaster for the 128th Regiment, and more. In 1837 Francis Johnson took the first band of American musicians, the American Minstrels, to Europe where he met up with Johann Strauss and Philippe Musart. When Johnson returned to the States, he introduced America to the music of these two legends. Leaving a record of accomplishment and attainment that stands unmatched, Francis Johnson died suddenly of a heart attack on April 6, 1844.

Frank Johnson is best remembered as progenitor of the Nation's music of martial ardor, inventor of cotillions, a pioneer, and one of the earliest protagonists of American musical purism. He was a quintessential American musical phenomenon. I ask my colleagues to join me in remembering Francis "Frank" Johnson on the anniversary of his birth and always.•

## VETERANS GOLDEN AGE GAMES

• Mr. RIEGLE. Mr. President, I rise today in recognition of the 1992 National Veterans Golden Age Games to be held in Ann Arbor and Ypsilanti, MI, from August 10–14, 1992.

The State of Michigan is proud to once again be the host of the national games. This year's theme, "A Celebration of a Lifetime," provides an opportunity for individuals who have distinguished themselves in military service to our country to demonstrate their athletic ability.

Hundreds of veterans, aged 55 and above, from across the country will meet in Michigan to compete in athletic games. Swimming, bicycling, trap and skeet shooting, bowling, frisbee, and billiards are just some of the events awaiting those chosen to compete. In addition to participating in these games, the veterans will also attend workshops and enjoy the fellowship of their comrades. This friendly competition motivates veterans to stay active, healthy, and fit into their senior years.

On behalf of the citizens of the State of Michigan, I welcome this year's athletes. The opportunity to share in the excitement and sportsmanship of this competition will provide a week of cherished memories.

Mr. President, in this year of the Olympics, it is fitting that the veterans who have served the United States so well also have an opportunity to come together through sports to enjoy the companionship of their fellow veterans. All of those who are responsible for making the Sixth Annual National Veterans Golden Age Games a reality—the coaches, volunteers, corporate sponsors, and the many VA employees—deserve our applause and support.•

## THE WALLOP-BREAUX FUND OR THE AQUATIC RESOURCES TRUST FUND

• Mr. BREAUX. Mr. President, summer is the time most Americans' thoughts turn to the outdoors, and many families will plan vacations around outdoor recreational activities—camping trips in our national parks and national forests; tours of the countryside in a motorhome, on a bike, or with a backpack; weekends spent boating, fishing and swimming at nearby rivers, lakes, and beaches.

Many Americans don't know that a good number of the boating and fishing areas that they will visit this summer have been newly created and improved with their own money. In Louisiana and across the country, money collected from user fees on boating and fishing equipment and services is reeinvested for people to continue to enjoy aquatic sports.

I am proud to say that legislation authored by me and Senator MALCOLM WALLOP of Wyoming is the avenue by which boaters and anglers support their sporting activities by paying into the system. Our legislation created the aquatic resources trust fund which is fully funded by user fees paid on sport fishing and boating equipment and services. According to OMB predictions, this fund will have spent roughly $300 million across the Nation on projects by the end of fiscal year 1992.

In the past 2 years, more than $3.74 million has been allocated under the Wallop-Breaux program to build, renovate, and maintain boating access facilities and improve access to public waters in Louisiana alone. Every angler understands the importance of conservation and replenishing fish stocks to the continuation of sport fishing without endangering the species. Money paid by Louisiana boaters and sport fishers has been reinvested in producing sport fish for programs to stock public waters in my great State. In addition, a $222,000 project improving the quality of water and habitat for fishing in the New Orleans City Park lakes was completed last year.

These projects are a small sample of the benefits of the Wallop-Breaux program since its creation in 1984. Anglers and boaters, and all Americans for that matter, need to know that the aquatic resources trust fund is one Federal program that truly works well. Unlike many Federal trust funds that have been running deficits since the 1970's, the aquatic resources trust is fully funded by user fees, and it is used solely for environmental and recreational enhancement across the country.

So far, this user-supported fund has created 1,200 new fishing and boating sites. Thanks to Wallop-Breaux dollars, 39 States now have aquatic resources education programs, where urban kids are learning about the great outdoors.

Since the program began, the States have provided advice to over 21,000 private landowners on how to enhance sport-fish habitats and tripled their annual stocking of sport fish to over 250 million. Wallop-Breaux also has created lakes, restored streams and wetlands, and improved fish habitats across the country.

The aquatic resources trust fund demonstrates what the Federal Government, State governments, the private sector and outdoor-loving Americans can accomplish as a team: real honest-to-goodness progress. It's an example we need to keep in mind as we look for ways to reenergize this great Nation.●

## STATE AND LOCAL GI BILLS FOR CHILDREN

● Mr. D'AMATO. Mr. President, I am pleased to be an original cosponsor of the Federal Grants for State and Local GI Bills for Children Act. This act will provide $500 million in new Federal dollars to help States and communities give each child of a middle- and low-income family a $1,000 annual scholarship that families may spend at any school of their choice.

The education of our Nation's children is a vital national priority. Not only do our chidren deserve the very best education we can provide them; our Nation also depends on a world-class educational system if it is to remain competitive in an ever more technologically complex world. This bill will serve as a necessary catalyst for improvement and change in our Nation's lagging educational system. What is more important about this bill is that it provides real educational choice to families that previously lacked the means to enjoy such choice. This is an empowerment program that deserves a chance to work.

This act promises to do for elementary and secondary education what its namesake, the post-World War II GI bill, did for higher education in the United States. Not only will it improve the choices available to families in educating their children, but by introducing competition among schools for students it will stimulate an improvement in the quality of education being provided. This act will give middle- and low-income families consumer power—that is, real dollars—to spend at any school where they choose to send their kids. It will thereby give them a measure of control over their children's future that has previously been denied to them because they did not have the money to pay for it.

This program will allow parents to decide which is the best school for their children, instead of the only school. Schools that do not meet the quality competition for parent's scholarship dollars will have to improve to meet the competitive challenge. It is no accident that the higher education system in the United States is the best in the world, and that is due in no small part to the healthy competition that was stimulated among colleges and universities as they fought for the GI bill dollars available. Competition is good for business, it is good for institutions of higher education, and it will certainly be good for our elementary and secondary schools. At the college level we have Pell grants, guaranteed student loans, and other forms of Federal and State assistance to promote greater individual choice. Isn't it time to give all chidren—and especially those who are at the most critical stage of their educational careers—a chance to attend the school that best suits their individual needs?

The program proposed by this bill would be a competitive 4-year grant program. Any State or locality would be able to apply for Federal funds to give each child of a middle- or low-income family a $1,000 annual scholarship. The governmental unit would have to, first, take significant steps to provide a choice of schools to families with schoolchildren in the area; second, permit families to spend the scholarships at a wide variety of public and private schools; and third, allow all lawfully operating schools in the area—public, private, and religious—to participate if they choose. In addition, up to $500 of the scholarships would be able to be used for other academic programs before and after school, on weekends, and during summer vacations. This added flexibility will allow families to make the best use of the Federal scholarships based on the unique educational requirements of their children.

Mr. President, this bill is important because it gives parents—not governmental bureaucrats—decision making power when it comes to their children's education. The money authorized under this bill will be spent on education, not administration.

Mr. President, I urge my colleagues to support this bill, and I ask for its swift passage. Let's get this bill to the President, who already supports it. Let's not miss this opportunity to make a real difference in the educational futures of all of our Nation's children.●

## ORDERS FOR TOMORROW

Mr. FORD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:20 a.m., Thursday, July 23; that when the Senate reconvenes on Thursday, July 23, the Journal of proceedings be deemed to have been approved to date, the call of the calendar be waived, and no motions or resolutions come over under the rule; that the morning hour be deemed to have expired following the second reading of the bills.

I further ask unanimous consent that following time for the two leaders, there then be a period for morning business not to extend beyond 11 a.m., with Senators permitted to speak therein for up to 5 minutes each, with the first 30 minutes of morning business under the control of the majority leader or his designee, with Senators PRYOR, DURENBERGER, GORTON, and SIMPSON recognized for up to 10 minutes each; that at 11 a.m. the Senate resume consideration of S. 2877, the interstate transportation of municipal waste bill.

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

## ADJOURNMENT UNTIL 9:20 A.M. TOMORROW

Mr. FORD. Mr. President, if there is no further business to come before the Senate today, I now move that the Senate stand adjourned until 9:20 a.m., Thursday, July 23.

The motion was agreed to, and the Senate, at 9:02 p.m. adjourned until Thursday, July 23, 1992, at 9:20 a.m.

## NOMINATIONS

Executive nominations received by the Senate July 22, 1992:

### DISTRICT COURT OF GUAM

JOHN S. UNPINGCO, OF GUAM, TO BE JUDGE FOR THE DISTRICT COURT OF GUAM FOR THE TERM OF 10 YEARS VICE CHRISTOBAL C. DUENAS, RESIGNED.

### DEPARTMENT OF STATE

GENTA HAWKINS HOLMES, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE DIRECTOR GENERAL OF THE FOREIGN SERVICE, VICE EDWARD JOSEPH PERKINS.

### INTERNATIONAL MONETARY FUND

ALAN GREENSPAN, OF NEW YORK, TO BE U.S. ALTERNATE GOVERNOR OF THE INTERNATIONAL MONETARY FUND FOR A TERM OF 5 YEARS. (REAPPOINTMENT)

### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF BRIGADIER GENERAL IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, UNITED STATES CODE, SECTIONS 593, 8218, 8373, AND 8374:

COL. DOUGLAS M. PADGETT, xxx-xx-xx... AIR NATIONAL GUARD OF THE UNITED STATES.

## WITHDRAWAL

Executive message transmitted by the President to the Senate on July 22, 1992, withdrawing from further Senate consideration the following nomination:

### DEPARTMENT OF STATE

DONALD HERMAN ALEXANDER, OF MISSOURI, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF THE NETHERLANDS, WHICH WAS SENT TO THE SENATE ON MAY 14, 1992.

# EXTENSIONS OF REMARKS

## A BREATH OF FRESH AIR AT THE U.S. POSTAL SERVICE

### HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 22, 1992*

Mr. BROOMFIELD. Mr. Speaker, a breath of fresh air may be blowing through the U.S. Postal Service.

I was recently paid a visit by the new Postmaster General, Marvin Runyon, a man who appears to be dedicated to reforming this vast, inefficient, bureaucratic institution.

A year ago, I introduced a resolution that would create a bipartisan, blue-ribbon commission to study the Postal Service. Frankly, the resolution did not get a sufficient number of cosponsors to bring it up for a vote on the floor. The Postal Unions used their considerable financial and political clout to kill it.

I still believe we need a Presidential commission, but Mr. Runyon made an offer in that meeting that deserves consideration.

"I'd like an opportunity to be your commission," he said. He pledged to spend the next 60 days examining the Postal Service from top to bottom and taking corrective action.

The more we talked, the more I realized that Mr. Runyon's basic thinking was in line with my own on the major changes needed to get the Postal Service back on track.

It's clear that he is not wedded to doing things the old way. He appears to be a real businessman, not a business-as-usual man, and I am willing to take a chance that his experience in business is just what we need to make the Postal Service more responsive to those it is supposed to serve.

I was particularly pleased to learn that he planned to take a hard look at labor-management relations. The tragic shootings at the Royal Oak postal facility and elsewhere in the Nation were just one symptom of the bad blood between managers and employees at America's most deeply troubled institution.

He told me about his first days at the Tennessee Valley Authority, when he was forced to reduce the number of employees there. He said he not only accomplished the cutbacks with the least possible pain and dislocation for the TVA employees involved, but he did it with the cooperation of the labor unions.

As everyone in this House knows, the Postal Unions have some of the toughest, best-connected, but most hide-bound officials in America. Mr. Runyon will need all of his considerable negotiating skills to achieve some resolution of the difficult problems that divide postal managers from their employees.

I was also pleased to learn that he planned to withdraw the Postal Service from future sponsorship of the Olympic Games. The whole idea of top postal officials raising bubbly champagne glasses on the terraces of palatial hotel suites during lulls at the Barcelona games must have galled millions of Americans who continue to endure poor postal service at unreasonably high prices.

Americans deserve better service, and I am reasonably confident that Postmaster General Runyon will work hard to give them the postal system that they deserve.

But if he should fail to follow through on his promises after a reasonable length of time it is my intention to call the situation to the attention of President Bush and urge him to appoint a commission.

I still hear from people who are fed up with the Postal Service. They have had it up to here with declining postal service and rising postal costs.

It has been 20 years since the old post office was reestablished as a quasi-independent agency. It's time to take a fresh and impartial look at the system and see whether the American people are getting their money's worth.

I am willing to give the new Postmaster General some time to prove that he is the one with the experience and drive to turn this system around. If not, we've got to show the American people that the Congress and President are not running away from these serious problems and that we've got the guts to do something about them.

## REMARKS OF BRIG. GEN. H.G. WALLS, JR.

### HON. H. MARTIN LANCASTER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 22, 1992*

Mr. LANCASTER. Mr. Speaker, on July 8, 1992, I recognized the 50th anniversary of the Montfort Point Association in my remarks for the RECORD. On that occasion, I indicated that Brig. Gen. G.H. Walls, Jr., had spoken on that occasion. It gives me great pleasure at this time to submit for the RECORD his address made on that occasion and ask that it be included in the RECORD:

ADDRESS OF BRIG. GEN. H.G. WALLS, JR.

Thank you for the introduction. Assistant Secretary Cooper, Lt. Gen. Petersen, distinguished guests, ladies and gentlemen. I am indeed honored that you have invited me to be with you this evening. Back in the days of the great Greek and Roman philosophers, teachers and mentors, aspiring students spent many years at the knee of their masters listening and learning. When the great man thought his student was prepared he called upon the student to demonstrate his prowess through a deed—writing or recitation. As I look at the head table and throughout this group, I see many of my mentors and teachers. And now I know how those students must have felt. That feeling was reinforced when the Commandant told me earlier this week that I'd better get this right tonight. He went on to say that if I blew it or you weren't satisfied, I'd have to come to San Diego next month and try harder at the National Convention. So, my challenge has been placed before me! I already know, three things. First, the longer I speak, the less you will remember. Second, the longer I speak the better the chance is that I will display my ignorance; and finally, the longer I speak the greater the chance that I will talk myself into trouble. So, with those three things in mind, I'll make my remarks pointed and mercifully brief.

As everyone in this hall knows, the Montford Point Marine Association has always been at the forefront of change in the Marine Corps. I like to refer to the original group (and now the ladies) as the "point men." The point man is the one the commander sends out to blaze the trail and report anything of danger to the vanguard. Fifty years ago many of you started walking point and you have never stopped. Challenges abounded and you met and overcame them all.

In the 1940's the challenge was to open the door and prove to the world that black men could train, serve and fight as U.S. Marines. The records of achievement in training at Montford Point and of the units that fought their way across the Pacific are indelibly etched in the pages of Marine Corps history. The names of those early black Marines are legendary: Hashmark Johnson, Edgar Huff, Alvin "Tony" Ghazlo, Ernest "Judo" Jones and the thousands of recruits who would make their way from across the Nation to Jacksonville and down that mile of pine tree-lined road to Montford Point. These were the "chosen few." The first decade also saw the first black Marine officers commissioned. Frederick C. Branch pinned on his butter bars on 10 November 1945. He was followed in 1946 by Charles C. Johnson, Judd B. Davis and Herbert L. Brewer. On 26 July 1948 then President Harry Truman promulgated Executive Order 9981 which banned color bias in the armed services. At least legally, the doors were wide open now. In 1949 the first black woman, Marine Annie E. Graham, was enlisted. On 9 September 1949, Headquarters Company, Montford Point camp was deactivated, marking the end of an era for black Marines.

The 1950's have been called the decade of integration. It also opened with the outbreak of the Korean war. For the first time, black Marines would enter combat in integrated units. Lieutenant William K. Jenkins became the first black officer to lead Marines in combat. On 1 October 1952, the first black Marine aviator was commissioned. Frank E. Peterson also went on to be the first black general officer and attained the rank of lieutenant general before his retirement. Ken Berthoud and Hurdle Maxwell, along with General Petersen, were regular officers and completed their careers as colonel and lieutenant colonel, respectively. On the enlisted side, Sergeant Major Huff's string of impressive achievements continued to grow while Technical Sergeants James E. Johnson and Leo McDowell led the way in improving the soon-to-disappear Steward's branch.

The Marine Corps in the decade of the 1960's and through the Vietnam war years was to be troubled deeply by racial incidents,

some violent, as it sought ways to promote understanding between all Marines. In 1965 I entered the Marine Corps and in 1967 found myself assigned as the "negro officer selection officer," 4th Marine Corps District in Philadelphia. This is also the time I first became involved with the MPMA. Early in this assignment, I was introduced to Master Gunnery Sergeant Brooks Gray who had recruiting experience and literally took a young captain under his wing and taught him the ropes. Montford Pointers Sterling Gilliam, Zeke Clouser, Holsey Gillis in Philadelphia; Dick Dalton in Cincinnati; Joe Carpenter in Washington, and many more became my points of contact in the district. My counterparts at other districts were aided immensely in the quest for black officer candidates by local Montford Pointers. These were difficult years in our society and the turmoil inevitably spilled into the Marine Corps. Anti-establishment and Anti-authority confrontations became commonplace. The veteran Marines of the '40's and '50's were in the mainstream of Marine Corps life, the young turks appeared to stand apart from it; neither group truly appreciated the other's backgrouund and attitudes and yet they had a common cause, a need for full equality.

And then there was the war. As in WW II and Korea, the Montford Point veterans and the "new breed" of Marine distinguished themselves in every action fought. Five black Marines were awarded the Medal of Honor for heroism in combat; then Lieutenant Colonel Petersen became the first black to command a tactical aviation squadron in the Navy or Marine Corps. It was in 1966 that I met then Captain Gary Cooper, co M/3/9, in the jungle South of Danang.

In the '70's the Marine Corps purged itself of malcontents and bad actors of all colors, returning to the smaller size and many of the original Montford Point marine's careers came to a close. Sergeant Major Huff and MGySgt Brooks Gray retired. The grand old man and elder statesman of Montford Point, Sergeant Major Johnson answered his last roll call. James E. Johnson became an assistant Secretary of the Navy and the Marine Corps promoted its first black officer to the rank of bigadier general. Camp Gilbert H. Johnson was activited at Montford Point. In the '80's, the numbers of black marine officers, staff noncommissioned officers and Marines grew steadily. The Marine Corps commitment to equal opportunity and affirmative action kept pace with the other services. Quality of recruits in the all-volunteer force was unparalleled in the history of the military in this country.

What do the '90's hold for us? By fiscal year 1997 the Marine Corps will have been reduced by 18 percent if the current downsizing plan holds. That means that about 5,800 marines a year will be cut from the force through expiration of active service, retirement and lowered recruiting quotas. Many of these young men and women are among the best and brightest our country has. Many would have been allowed to reenlist in years past. Many will leave with skills that can be applied to the civilian workforce. I see an opportunity here for the MPMA to again walk point. I encourage—no, I challenge you to establish a program at the National Association level to be implemented by each chapter that will not only welcome these men and women back into the civilian community but harness the considerable talent, resources and networking capability in MPMA to assist them in job searches, college admissions, and becoming productive mainstream participants in society.

Well, I think that I may be about to violate all three of the things I said I learned when I stood up to speak. So I will close by saying, thanks to each of you for walking point and in great measure being responsible for me being able to wear this rank and represent you. Happy 50th anniversary and God bless you all.

## CRS STUDY ON ARMS TRANSFERS TO THE THIRD WORLD

### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 22, 1992*

Mr. HAMILTON. Mr. Speaker, on July 20, the Congressional Research Service published a report on Conventional Arms Transfers to the Third World, 1984–1991, written by Mr. Richard F. Grimmett of the Foreign Affairs and National Defense Division. Mr. Grimmett finds that the total value of U.S. arms transfer agreements to the Third World declined in 1991, from $19.1 to $14.2 billion. But he finds that the U.S. share of the overall market rose from 44.3 percent to 57.4 percent. In 1991, as in 1990, the United States ranked first by a substantial margin in arms transfer agreement with the Third World.

I commend the report to my colleagues, and the text of report's summary follows:

CONVENTIONAL ARMS TRANSFERS TO THE THIRD WORLD, 1984–1991

SUMMARY

The major political transitions wrought by the end of the Cold War continued in 1991, resulting in a significant impact on the Third World arms marketplace. The disintegration of the Soviet Union contributed to a sharp fall in Soviet arms agreements, while the United States remained the leader in arms sales to the Third World. The U.N. embargo against Iraq dropped Baghdad from being one of the largest Third World arms purchasers, leading to intense competition among former suppliers for new arms deals elsewhere. Reductions in domestic defense spending in many nations became a matter of acute concern to their weapons exporting industries. Further, in the aftermath of the Persian Gulf war, a number of initiatives were launched to control destabilizing conventional arms transfers, especially to the Near East region.

The value of all arms transfer agreements with the Third World on 1991 was $24.7 billion. This was by far the lowest yearly total, calculated in either nominal or real terms, for any of the years during the 1984–1991 period. The general decline in the value of new arms transfer agreements with the Third World seen in recent years was dramatically reversed in 1990 as the result of major new arms agreements related to the Gulf War. However, in 1991, the pattern of overall decline in the value of arms transfer agreements with the Third World resumed in an equally dramatic fashion. At the same time, in 1991 the value of all arms deliveries to the Third World ($18.4 billion) was the lowest total, in nominal and real terms, by a substantial margin for any year during the 1984–1991 period. This is the fourth consecutive year since 1987 that the value of all arms deliveries to the Third World dropped significantly.

The Soviet Union and the United States have dominated the Third World arms market as the top two suppliers from 1984–1991. Collectively, the two superpowers accounted for 63% of all arms transfer agreements with and 59% of all arms deliveries to the Third World during these years.

In 1991, the total value, in real terms, of U.S. arms transfer agreements with the Third World fell from $19.1 billion in 1990 to $14.2 billion. For the second year in a row, however, the United States ranked first by a substantial margin in arms transfer agreements with the Third World. The U.S. share of the value of all such agreements was 57.4% in 1991, up from 44.3% in 1990. Nearly 76% of the 1991 U.S. sales agreements came as a result of costly new orders from Saudi Arabia, South Korea and Egypt ($5.6 billion, $2.9 billion, and $2.3 billion, respectively). The value of the Saudi agreements with the United States alone exceeded the total value ($5 billion) of all arms transfer agreements made by the Soviet Union with the entire Third World in the same year.

The total value of the Soviet Union's agreements with the Third World fell dramatically from $11.8 billion in 1990 to $5 billion in 1991, ranking it second among all suppliers. The Soviet Union's share of all Third World arms transfer agreements declined as well, falling from 27.2% in 1990 to 20.3% in 1991 (in constant 1991 dollars).

## COMMENDING THE COMMUNITY RESOURCE CENTER OF SULLIVAN COUNTY ON THEIR THIRD ANNUAL COMMUNITY RECOGNITION DINNER

### HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 22, 1992*

Mr. GILMAN. Mr. Speaker, I rise today in recognition of a foundation dedicated to the promotion of equal opportunity and the advancement of hope. The Community Resource Center [CRC] of Sullivan County is an agency dedicated to helping those persons who have developmental disabilities. This center has accomplished a great deal in its quest of attaining a better life for the disabled of the Sullivan County region of New York by seeking to help its patients achieve a life of independence. Through its various programs such as clinics, community residences, day treatment, and senior citizens services, this agency has provided valuable services for a segment of our population that too often is ignored.

I am pleased to inform my colleagues that the center is celebrating the contributions of a number of outstanding citizens and companies at their third annual community recognition dinner which will be held at the Villa Roma Country Club in Callicoon, NY, on August 2, 1992. At this dinner the center will commend the following people and companies: Elizabeth Berman, Marc Brandt, Gladys Sherman, Norstar Bank, the Sullivan County Correctional Facility Annex-Community Service Program, Budoff Outdoor Furniture Manufacturers, the Villa Roma Country Club, and the people of Sullivan County.

With the recent passage by Congress of the Americans With Disabilities Act [ADA], new avenues of opportunity have been opened for individuals with disabilities. The ADA has been described as the most comprehensive non-

discrimination legislation passed by this body since the Civil Rights Act of 1964. Through the implementation of the ADA, persons with disabilities will find improved access to employment opportunities, transportation, and public services.

While much has been done to advance the position of the disabled in our Nation, we must continue to recognize and attempt to constructively address the issues that are critical for developmental disabilities policy. These include community, family, and personal assistance supports, educational accessibility, health care, civil rights, and employment. We must also continue to encourage programs which support individuals in natural homes and communities and allow families to choose various methods of care. In the educational forum, the integration of children with disabilities into mainstream schools, programs, and classes is a significant objective. In the context of the current health care debate it must be noted that people with disabilities face discrimination, high costs, inadequate services and limitations which affect their ability to realize the highest possible health and functioning.

Mr. Speaker, in conclusion, I want to commend the efforts of Doris Sheeley, the president of the CRC and David Reiley, the executive director, as well as the rest of the board and officers for their tireless work in the promotion and operation of such a fine organization. With their support the center will surely continue to achieve great results as it carries out the noteworthy mandate set down by Congress in the ADA.

## TRIBUTE TO THE URSULINE SISTERS OF OHIO

### HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 22, 1992*

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to the Ursuline Sisters of Ohio, especially those in my 17th Congressional District. Many of the Ursuline Sisters have just returned from Cincinnati where they attended the first North American Ursuline Convocation. At this convocation, participants were energized, encouraged, and challenged by each other to explore an understanding of what it means to live with Ste. Angela's spirit within the world and the Church.

Mr. Speaker, the Ursuline Sisters have been educating children and young adults in the Youngstown Diocese for many years now. Currently, the Ursuline Sisters are responsible for everything from child care to secondary and college education to adult religious education. A new building to house the education center will make their job easier and more rewarding. The new center will serve as an appropriate space for adults to continue their own development and learn skills that will benefit the greater Youngstown area.

Mr. Speaker, it gives me great pleasure to commend these fine citizens in the community. It's not everyday I can stand up here to do this, but the Ursuline Sisters deserve this merit. I also want to especially congratulate Sister Regina Rogers and Sister Therese Ann Rich, both of whom are celebrating 25 years with the Ursuline order.

Mr. Speaker, I wish the Ursuline Sisters the best of luck in constructing their new adult education center. May God bless them in all of their endeavors.

## TRIBUTE TO MARGARET MOUL AND THE MARGARET E. MOUL HOME FOR THE PHYSICALLY DISABLED

### HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 22, 1992*

Mr. GOODLING. Mr. Speaker, recently I had the pleasure of attending the 10th anniversary dinner and dance tribute to Margaret E. Moul and the Margaret E. Moul Home for the Physically Disabled in York, PA. Of all the invitations I have received and events I have attended, this was truly one of the most rewarding and uplifting. The activities highlighted the truly remarkable accomplishments of Margaret Moul and the work she has done in establishing the Margaret E. Moul Home and the important work which has been ongoing for the past 10 years.

The establishment of the Margaret E. Moul Home for the Physically Disabled is a testament to the power and determination of one individual and fills a crucial need in our community. Peg Moul began her work with physically handicapped children in the 1950's and soon thereafter helped establish revolutionary programs in the York city schools. She became executive director of the Easter Seals Center of York, a position which she held for 25 years. However, by the time her special education students reached adulthood, she observed that many of their families were unable to continue to provide the care they once offered. Also, many convalescent homes and other facilities were not adequately equipped to accommodate a growing number of physically handicapped individuals needing intermediate care. After diligent research, Mrs. Moul organized a steering committee and embarked on a project aimed at providing a homelike atmosphere for these individuals. She headed a movement of parents, teachers, and other community members raising much of the needed funds. She would constantly call me and I would then call Pennsylvania secretary of Health, Dr. Muller, until finally Peg was permitted to proceed. After years of campaigning with Federal, State, and local officials, Margaret E. Moul presided over home dedication day ceremonies.

A number of distinguished community leaders paid tribute to Mrs. Moul on the evening of June 20, 1992. The Honorable George Trout, York County commissioner, expressed his gratitude for being invited to be a part of the evening and he also expressed love and admiration he and his wife have for Margaret Moul. James Brady, former White House Press Secretary, said, "The work that is done at the Margaret Moul Home also helps people lead more productive and full lives. Tonight I want to give a big thumbs up to the Margaret Moul Home and to Margaret Moul." Evelyn Long, chairman of the board of the Margaret Moul Home expressed and appreciation of the board saying, "The board, residents, and friends of the Margaret E. Moul Home would like to thank you, Margaret Moul, for taking the time to make a difference in our lives." Marlin Barley, a friend of Margaret Moul, complimented her drive and determination saying:

> The trials and tribulations to build and organize this home were unbelievable, many of us would have given up but Peg Moul never gave up. * * * In all these years she never received any personal gain out of her work, she has only given of herself and expected nothing in return.

Dr. Howard MacDougall, board member and parent of a resident, also expressed his thanks saying:

> We have as a result of Mrs. Moul and her perseverance, a home where people can receive loving care and this community is very fortunate for this. * * * Peg Moul in her dance with fate, she has attained the exhilarating heights of beneficent charity and creativity in the demonstration of her soul.

These words of praise and tribute are not unworthy or undeserved, but in fact may be understated.

Margaret E. Moul Home is a licensed intermediate care, rehabilitation, and nursing facility which opened in 1982 for individuals aged 18 to 65 with diagnoses or disorders ranging from cerebral palsy, spina bifida, and multiple sclerosis to head trauma and others. At its opening it was described as a "loving addition to Pennsylvania's treasure of caring facilities" and perhaps the only facility of its kind in the State and possibly the Nation. For 10 years now the Margaret Moul Home has been providing needed service to many special individuals in a caring and loving manner. The Margaret E. Moul Home for the Physically Disabled has been appropriately described as a miraculous oasis of caring in a busy and cluttered world. Mr. Speaker, I appreciate the opportunity to allow our colleagues to share in this tribute to Margaret E. Moul and her outstanding accomplishments.

## REVIVING THE AMERICAN DREAM

### HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 22, 1992*

Mr. BROWN. Mr. Speaker, as we move to reinvigorate our Nation's economy, it is important that we fully tap the sources of vitality upon which our Nation has grown. Our prosperity has been built on the strengths of diverse individuals and institutions in diverse localities across the Nation. Therefore reaching out to aid our economy requires policies that can be tailored to a variety of local conditions and needs.

This point was well made in a recent commentary by Alice Rivlin, "Reviving the American Dream," published in the Brookings Review, summer 1992. In this commentary she argues that an effective national productivity agenda would be one in which the needed programs in economic development, infrastructure, and education were devolved to the

localities best suited to manage them. Effectiveness in these programs, she argues, requires adaptation to local conditions, accountability of on-the-scene officials, and community participation and support.

This is the very philosophy that underlies two bills that have been introduced in the Committee on Science, Space and Technology. The American Technology Competitiveness Act of 1992 (H.R. 5230) which I introduced, and the National Competitiveness Act of 1992 (H.R. 5231) introduced by Mr. VALENTINE and recently reported out of the committee, are pieces of legislation that are intended to help reinvigorate our manufacturing industries by developing a healthier technological infrastucture. Programs in this legislation that would more effectively support our Nation's enterprises include locally-based manufacturing outreach centers, manufacturing technology centers, an electronic information network that would provide access to state-of-the-art skills and information to our Nation's firms, work force retraining consortia, and youth technical apprenticeships. Each of these measures would support economic growth through decentralized decisions tailored to the diverse needs of our industries, drawing on expertise already in place in various State and locally-based institutions throughout the country.

I would like to submit a copy of the commentary by Alice Rivlin for the RECORD.

REVIVING THE AMERICAN DREAM

(By Alice M. Rivlin)

Americans, long noted for their "can-do" spirit, for self-assurance often bordering on cockiness, have become mired in pessimism. It has become fashionable to predict decline in America's economic strength and stagnation in its standard of living. Foreboding about the economy has fed popular anger at the political system, especially at the federal level.

To visitors from less favored parts of the world, this defeatism must seem mystifying. There are no objective reasons for discouragement about America's economic future, unless the low expectations themselves become self-fulfilling. The United States has enormous natural and human resources. Americans still have the world's highest productivity and standard of living. The challenges facing the American economic system today are not especially daunting compared with challenges that it has met in the past or that face many other economies today.

Even as the American dream has faltered, a consensus has grown up, among liberals and conservatives alike, on how to revive that dream. We must ensure sustainable and widely shared increases in the standard of living. Private investment, embodying new technologies and processes, must increase. Domestic saving must be stepped up to finance this investment. To generate greater saving, the federal budget should move from deficit to surplus. But it will also be necessary to increase public investment to improve education and work skills, modernize infrastructure, and keep the country on the frontiers of science and technological change.

The federal government cannot simultaneously make large new public investments and eliminate the deficit without a huge tax increase. And the public will not support such an increase given its current attitude toward Washington. Moreover, the federal government is not well suited to take responsibility for improving education, training, and infrastructure or fostering economic development. These are functions of government that require experimentation, adaptation to local conditions, accountability of on-the-scene officials, and community participation and support.

What is needed is a new division of the domestic responsibilities of government. The federal government should continue to do what it has proved it can do well: strengthen the nation's social insurance system. It should take on the task of controlling the growth of health costs and ensuring that everyone has health insurance. It should devolve its programs in education, infrastructure, and economic development—what I call the "productivity agenda"—to the states, who are better suited to manage them.

Devolutions will help move the federal budget toward surplus. Some federal tax increases will be needed, earmarked for the new health insurance plan so that taxpayers know what they are paying for. To support the productivity agenda, states should strengthen their revenue systems by sharing the proceeds of one or more common taxes, as is done, for example, in Germany.

The restructuring that is needed in government is akin to that now in progress in American business management. Frightened by gloomy forecasts and spurred by foreign competitiveness, many American companies are rebuilding themselves from the bottom up. They are improving the quality of products and services, increasing responsiveness to customers and clients, and empowering workers to contribute to company success. They are refining their missions, developing their expertise in a set of closely related lines of business. The goal is to do what they do well and resist excursions into unrelated business where they do not have proven competence.

The business revolution is spilling over into government. Many of the themes are the same: the entrepreneurial spirit, responsiveness to the public, decentralization, empowerment of front-line workers. Reformers in government also emphasize the need to clarify missions and make sure everyone knows who is responsible for what. Sorting out the functions of government—both between the federal government and the states and within the states—would help move government further in that direction. It would also help restore people's confidence that they can actually affect what happens in government. America's federal form of government makes such far-reaching changes more than just a dream. For 200 years our government has been evolving in accord with changing perceptions of the needs of the country. From the 1930s to the 1980s, power and responsibility flowed from the states to Washington—for good reasons and with many good results. Now there are good reasons to begin rechanneling that power and redividing that responsibility.

## 1992 RECIPIENTS OF THE ROBERT C. BYRD HONORS SCHOLARSHIP

### HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 22, 1992*

Mr. HOCHBRUECKNER. Mr. Speaker, I rise today to congratulate 12 outstanding scholars in the First Congressional District of New York. These students are all recipients of the distinguished Robert C. Byrd Honors Scholarship, a tribute to their hard work and academic achievements throughout their high school careers.

The goal of the Robert C. Byrd Honors Scholarship is to promote student excellence and achievement, and to recognize exceptionally gifted students who show promise of continued success. The recipients of this year's awards, Tara H. Ardensmith, Michael H. Jo, Jason M. Kim, Matthew A. Mausner, Tessa C. Warren, Virginia Y. Youngblood (all from Ward Melville Senior High School), and Christine E. Field, Stephen M. Markacs (of Sachem High School North), and Lauren C. Marasia, Peter G. Thies (of Smithtown High School East), and Craig Barrack of Newfield High School, and David Yang of Smithtown High School West, are all well-deserving of this distinction. As a result of their academic success, the Byrd scholarships will award each student with $1,500 for the first year of study, which may be used in any approved institution of higher education. The scholarship recipients were the candidates who earned the highest ranking in each congressional district. Each student's ranking was determined by combining their grade point average and highest score on either the American College Testing Program [ACT] Assessment, or the College Board's Scholastic Aptitude Test [SAT].

I am pleased to have such a scholarly group of young men and women in my congressional district. I ask my colleagues to join me in congratulating these individuals on their fine achievement and for continued success in the future.

## THE SUPREME COURT

### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 22, 1992*

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, July 15, 1992 into the CONGRESSIONAL RECORD:

THE SUPREME COURT

Only rarely does the Supreme Court come up in my conversations with Hoosiers. When it does, its decisions can arouse passions, reminding me of how powerful and pervasive the decisions of the Court are in American society. This year the Supreme Court handed down its lowest number of decisions in 20 years (108). The term began with controversy over the confirmation of Justice Clarence Thomas by a vote of 52 to 48—one of the closest confirmation votes in history—and ended with decisions on some of the most sensitive social policy issues in America, from abortion to school prayer to race and segregation.

One year ago most observers agreed that the conservative majority had asserted its control of the Court, and would only be strengthened by the appointment of Justice Thomas. Their view was that the Court was activist, more willing to overturn precedent, and prepared to say that a whole generation of Court decisions had been fundamentally wrong. The majority seemed to be seeking out cases to overturn.

But the Supreme Court, always fascinating, can sometimes be surprising. This term

the surprise was the emergence of a centrist coalition, which was responsible for a more moderate approach by the Court on several highly visible issues—school prayer, property rights, free speech, criminal appeals, and federalism.

The Center: Effective control of the Court was passed to a group of moderately conservative Justices. Justices O'Connor, Kennedy, and Souter were not on the losing side in any of the 71% of cases on which they voted together. They cast the deciding votes in several close decisions. For example, they joined together to declare that prayers at public school graduation ceremonies are unconstitutional, reaffirming previous precedents on the separation of church and state. The Court subsequently indicated that no new rulings on this subject are expected soon. In addition, the three Justices also voted to allow religious sects to hand out literature at airports and to prohibit communities from charging fees for permission to hold public demonstrations.

But the case which most vividly highlighted the importance of the O'Connor-Kennedy-Souter coalition was the 5–4 decision to uphold most of Pennsylvania's restrictions on abortion. While the three Justices voted to uphold these restrictions, they also explicitly stated their view that the Court's 1973 decision in *Roe* v. *Wade* guaranteeing the right to an abortion should not be overturned. They stated that while they might not have voted for the 1973 decision had they been on the Court then, they felt that opponents of that decision had given inadequate justification for overturning precedent.

The trademarks of the new center of the Court are a cautious approach to deciding cases, a reluctance to overturn precedents, and a distaste for aggressive arguments presented to the Court. The three Justices' opinions are often marked by concern for the legitimacy of the Court, which is fragile in a democracy. Supreme Court Justices, who have lifetime tenure, have extraordinary power under our system to thwart the will of the majority. The Court is the least democratic element of our government, designed to give the government a sense of constancy and to protect the Constitution from the transgressions of the more political branches of government. The three Justices see the Court's legitimacy as stemming to a great extent from its insulation from politics, and they have a deep concern that the public's faith in the Court will erode if Americans come to see the Court as no different from politics and judges as no different from politicians.

Thus, while Justices O'Connor, Kennedy, and Souter do not agree with every prior decision of the Supreme Court, they do agree that decisions, once made, should not be overturned lightly. It is this heavy emphasis on precedent that binds the moderate center of the Court and has been the most striking feature of this Supreme Court term.

Major decisions: The Court's conservatives sometimes prevailed this term, most noticeably on criminal law cases, in which the Court continued the trend of raising further obstacles in the path of state prison inmates seeking federal court review of their convictions or sentences. In a case stirring loud objections from foreign countries, the Court ruled that the United States can kidnap a criminal suspect from a foreign country despite that country's protests and the procedures agreed upon in extradition treaties with the U.S.

But on several other issues, the Court's decisions moved to the center. For example, the Court's interpretation of the free speech guarantee of the First Amendment was generally expansive. All nine Justices agreed that a Minnesota law barring hate crimes, such as cross burning, infringed on the Constitution's guarantee of free speech, casting doubt on other hate crime laws and college speech codes. The Court also struck down a law which prohibited criminals from earning money from books or movies about their crimes.

On civil rights the Court handed down an important ruling, holding that individuals cannot be eliminated from a jury based on their race. The Court also required formerly segregated public universities to take more active steps to integrate their campuses, but allowed school districts under desegregation orders to gradually win release from federal court supervision.

Analysis: The Court has not reversed course; a number of its decisions continue to be conservative. A more moderate Court does not mean a more unified one; the Justices often disagreed with one another sharply. But the momentum towards increasingly conservative decisions seemed to slow unexpectedly this term. One effect of the centrist coalition was to somewhat neutralize the effect of Justice Thomas's arrival on the bench. Despite his consistent agreement with the most conservative members of the Court, Justice Scalia and Chief Justice Rehnquist, his vote was frequently not enough for the conservatives to prevail.

The Court was reluctant to hand down sweeping, conservative decisions this term, but only time and more decisions will tell whether the centrist coalition will continue. The Court's two oldest members are also its two most consistent liberals, and the appointment of another conservative Justice could provide the vote needed to restore momentum to the conservatives.

## TRIBUTE TO THE OHIO UTILITIES PROTECTION SERVICE

### HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 22, 1992*

Mr. TRAFICANT. Mr. Speaker, I rise here today to pay tribute to the Ohio Utilities Protection Service as they celebrate their 20th anniversary with the grand opening of a new State-wide center this upcoming August.

The OUPS consists of some 700 companies around the State that own or use underground utilities—including utilities, municipalities, and other public and private companies. Carelessness and haste on the part of excavators and contractors as they attempt to keep pace with the Commonwealth's development can occasionally damage underground utility lines. This damage, however, can be prevented by telephoning a utility service information clearing center before digging begins. For 20 years, the OUPS has promoted public safety, reduced underground utility damages, minimized utility service interruptions, and protected the environment.

Mr. Speaker, I ask my colleagues to join me in recognizing the Ohio Utilities Protection Service's two-decade milestone of improving the safety of construction in my 17th District of Ohio.

## REMOVING AN UNDUE BURDEN ON OUR NATION'S STUDENTS

### HON. THOMAS J. RIDGE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 22, 1992*

Mr. RIDGE. Mr. Speaker, I rise today to express my concern over sections 481(b) and 481(d) of the higher education amendments. Included in the conference report are provisions detrimental to the educational pursuits of economically disadvantaged, as well as motivated, students. For the most part, I support the higher education amendments. However, I am particularly troubled by two provisions; namely, the 85/15 percent rule and the minimum 30 weeks course duration. Both of these measures are devised in such a manner that they will hamper the educational pursuits of economically disadvantaged, as well as hard-working and motivated, students.

The 85/15 percent rule asserts that an institution is ineligible for Federal funding if more than 85 percent of its revenue is derived from financial aid. This translates into a situation in which a school would have to deny admission to a student who needs the training most. If, for instance, a student is in need and eligible for financial aid and his or her enrollment would cause there to be more than 85 percent of the institution's revenue or students receiving aid, he or she would make the institution ineligible, and would thus be denied admission. I want to stress that I acknowledge and agree with the philosophy of cutting down on the abuse of Federal funds by institutions which underlies the 85/15 percent rule, however, I strongly hold that this provision misses the mark in targeting economically disadvantaged students, those students who need assistance the most.

Although I am pleased that the 600 clock-hour programs were adequately discussed, I feel that 900 clock-hour programs should be granted similar consideration. One academic year is composed of 900 clock hours. However, section 481(d) of the conference report states, "the term 'academic year' shall require a minimum of 30 weeks of instructional time." A full-time student going to school 40 hours per week could complete the academic year in 22½ weeks. The 30 week minimum timeframe requiring an extra 7½ weeks will simply serve to hamper hard-working and motivated students, and will, in effect, penalize students for attending school on a full-time basis. In addition, the 30 week minimum course duration provision will add cost for students for transportation and housing, while preventing the student from entering the work force and stimulating the economy for an additional 7½ weeks.

Once again, Mr. Speaker, I support the higher education amendments as they address one of the most important issues of our society and time, the education of our youth. Yet, I strongly oppose the aforementioned provisions of sections 481(b) and 481(d) as they place an undue burden on our Nation's young adults seeking to better themselves. These provisions directly hamper our economically disadvantaged, as well as motivated, students, those students for whom we should do our best to cultivate as opposed to stifle.

## THE 33D ANNIVERSARY OF CAPTIVE NATIONS WEEK

### HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 22, 1992*

Mr. NOWAK. Mr. Speaker, 33 years ago, the third week in July was designated Captive Nations Week by President Eisenhower during a period characterized by the cold war frustrations, McCarthyism, and genuine fear of an international Communist conspiracy. Each year since 1959, the United States by observance of Captive Nations Week has sought to express support for and offer hope to the citizens of those Communist countries then seeking to regain self-determination.

Time's path has made great turns since this resolution became law in 1959. The cold war abruptly has come to an end. Nuclear weapons that had been poised at each other have finally been lowered in the name of unity. Recently Boris Yeltsin, the President of the Russian Federation, addressed a joint session of Congress, using the word "We," not to describe the old Soviet Union nor to refer to the new Russian Federation, but in reference to a new world order including all groups of people as one, all inhabitants of the Earth.

Despite these great strides, the nations of the world have made there still remain captive nations under oppressive rule: North Korea, China, Cuba, Tibet, Idel-Ural, to name a few. In our zeal over the recent changes in the Russian Federation we must not forget that others need our attention and aid.

With justice and freedom as our sword, and equality and happiness as our shield, perhaps one day Captive Nations Week will be a time when the people of the world only will remember the past, when some nations were not free.

## TRIBUTE TO CAPTIVE NATIONS WEEK

### HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 22, 1992*

Mr. LEVIN of Michigan. Mr. Speaker, I rise today to pay special tribute to Captive Nations Week. Since 1959, we have set aside the third week in July to commemorate the struggle of suppressed nationalities in their heroic fight to gain freedom from Soviet subjugation. Their vision of liberty never dulled, despite decades of oppression under a rigid Communist doctrine.

The United States hailed their democratic aspirations. As a beacon of freedom for all peoples, we encouraged the peaceful revolutions that swept through Eastern Europe and we led the world in celebrating the momentous collapse of the Soviet Union almost 1 year ago.

I was fortunate to experience that jubilation firsthand. I was in Lithuania as the Soviet Government officially recognized her independence. We toasted newfound freedom and talked of plans for establishing relationships with the West. Now, almost a year later, talk must turn into reality. We must continue our commitment to those who dedicated themselves to democratic principles and the preservation of their cultures.

Mr. Speaker, I wish to stress the importance of this year's Captive Nations Week. During this week the United States must reconfirm its role in fostering peace and stability in the former Soviet republics. We must assist the fledgling democracies in the painful process of establishing market economies and stable political environments in which the rights of all ethnic minorities are respected.

The United States cannot abandon the struggle that we so championed. We must pledge our support in the form of humanitarian and technological assistance and exchange to encourage critical development. To promote trade relations between our countries, I have introduced legislation to establish commercial export centers in the Baltics and the former Soviet republics. The centers will help bring American technical know-how and free-market skills to the host countries at a time when they are desperately needed. In addition to helping our own businesses establish a foothold in these markets, the bill also establishes an exchange program so citizens of countries with little free-market experience can learn capitalism while working at American businesses.

Finally, the Bush administration cannot ignore the ethnic tensions unleashed after years of subordination. The 1.5 million Russian troops that still remain in the newly independent non-Russian states pose a real threat to peace. The United States must press for a timetable for the prompt withdrawal of the Russian military and for absolute adherence to all international agreements on human and civil rights.

Mr. Speaker, I praise the captive nations for attaining freedom. As each nation experiences the freedom of opportunity and possibility, I hope the United States will lend support and guidance to help the republics integrate into the global community of democratic nations.

## REINVENTING GOVERNMENT

### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 22, 1992*

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, July 22, 1992, into the CONGRESSIONAL RECORD:

REINVENTING GOVERNMENT

During the 1980s, many U.S. corporations restructured their operations in order to becoming more competitive—streamlining and decentralizing; emphasizing excellence flexibility, and innovation. In recent years, a similar restructuring of the government bureaucracy has been taking place on the state and local level, as officials have overhauled the way governments do business in order to provide their services more efficiently and at lower cost. Labelled "reinventing government", the movement has been driven to a large extent by sizeable projected deficits, balanced budget requirements, and the clear message from voters that taxes should not be raised or popular services cut. Forced to innovate, states and localities have frequently produced impressive results, as documented in a recent book, "Reinventing Government" by David Osborne and Ted Gaebler. The reform effort has implications for how the federal government should do business too.

OVERVIEW

Several themes are found in the reform efforts. First, government should still be active in providing the services citizens want, but rely less on public bureaucracies and more on nonprofits, community groups, and the private sector. Second, competition should be injected into the system. For example, when Phoenix allowed private firms to bid against city garbage collectors, the resulting competition cut costs in half and led to such innovation by the city collectors that they are now the lowest bidder. Third, greater emphasis should be placed on results—output rather than input. Governments have typically been much better at measuring inputs—such as how much each teacher or desk costs—rather, than outputs—such as how well children are doing in school. Fourth, managers should be rewarded for efficiencies and program savings, rather than penalized by having their budgets cut in subsequent years. Indiana encourages managers to find ways to cut program costs by allowing them to use half of the savings for other purposes. Fifth, greater emphasis should be placed on using incentives so people want to do something (such as not littering), rather than on setting up rigid rules or requirements. Sixth, governments should be more responsive to the needs of the customer—the citizens receiving the government services. And they should have more freedom to choose among possible providers. Seventh, government should be enterprising, which means earning money as well as spending it. Last year for example, Orlando, Florida, collected $100 million in taxes but also earned $130 million in nontax revenues such as profits from various business ventures. It constructed its new city hall without a penny of general revenues, by letting developers build two office towers, next door and collecting rents from the towers. Finally, government should think more long-term. Many states have shifted to multiyear budgets, so that, for example, it is clear that cutting spending for road maintenance one year does not "save" money when it means more expensive future repairs.

PROBLEMS

While such efforts have often resulted in better services for less money and have helped lessen public cynicism about the government bureaucracy, not everything has gone smoothly. Measuring the effectiveness of many public services is often difficult. For example, what makes a successful elementary school, and should a teacher get as much credit for saving a poor student as for nurturing an outstanding one? And some states may have gone too far in trying to privatize functions that are more appropriately handled by government. Efforts to reform government have also bumped up against public employee unions that oppose layoffs, constituents accustomed to receiving services in a certain way, and managers that resist giving their subordinates increased discretion.

FEDERAL GOVERNMENT

The federal government has been less aggressive in trying to "reinvent" itself. In my view, a fundamental rethinking of the way the federal government does business is long overdue. Yet applying these important les-

sons and concepts to the various departments in the executive branch may not be easy. Some services provided by the federal government, such as defense and energy security, are inherently more difficult to evaluate than those provided by state and local government. Congress will also resist giving the executive branch more discretion and flexibility in some cases because of genuine disagreements over the program goals. In addition, the federal government does not have the pressure from a balanced budget requirement that basically forced change on the state level. To bring about the kind of reform that is needed, it would take a President and a Congress deeply committed to a major overhaul of the way government operates.

CONGRESS

Reinventing government applies mainly to the executive branch and how it delivers its services. But there may also be some lessons for Congress, as it currently considers how to reform the way it operates. Certainly we should lengthen our planning horizon and look at multi-year budgets, and consider whether the congressional leadership has sufficient management flexibility. We should emphasize incentives, not just rules—for example, incentives for Members to find additional committee budget or staff cuts by allowing them to retain some of the savings for whatever they want to improve office operations, such as giving bonuses to the best employees or buying new computer equipment. A more radical application would be to introduce greater flexibility and competition into the congressional committee system—making jurisdictional boundaries less rigid and letting different committees or different ad hoc configurations compete for handling a particular issue.

In its broader policy deliberations, Congress should look for less bureaucratic ways to bring about desired policy ends, and could require a more systematic reporting of whether programs are actually producing the desired results—focusing as much on outputs as inputs. And it should give greater attention to decentralizing—trying to sort out which responsibilities are best handled by the federal government and which are best handled by state and local governments.

CONCLUSION

Certainly not all the lessons from the state and local reforms would apply to the operations of the federal government or Congress, but their often impressive efforts are worth a careful look. The broad themes—that government should be more creative and open to innovation, be more responsive to the needs of its citizen-customers, think longer-term, and give more attention to the results and effectiveness of the various programs—are right on target. The basic goal of the reinventing government effort—not necessarily more government or less government, but better government—is certainly worthy.

## SUPPORT FOR THE HEAD START IMPROVEMENT ACT OF 1992

### HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 22, 1992*

Mr. GOODLING. Mr. Speaker, I rise today in support of the Head Start Improvement Act of 1992. I am glad to be an original cosponsor of this bipartisan bill that was introduced yesterday.

This important bill includes a provision of mine that will strengthen the parental education activities of Head Start agencies. I believe that one of the most important qualities of the Head Start Program is that it focuses on both the children and their parents. My provisions would ensure that Head Start parents are provided with child development and literacy skills training. This training is vital because it will allow these parents to help themselves and to continue to help their children, even after the children have graduated from the Head Start Program.

The bill also contains several programmatic changes that the Head Start community has told us are needed in order to make the Head Start Program better and more efficient. In such a partisan year, I am encouraged to see that we could come together and reach agreement on these provisions that will help the families participating in Head Start.

## TRIBUTE TO HERBERT C. EVANS

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 22, 1992*

Mr. TOWNS. Mr. Speaker, today I rise to pay special tribute to a distinguished man, Mr. Herbert C. Evans. I would also like to congratulate Mr. Evans on his recent election as chairman of the board of directors of the Columbia Hospital for Women Foundation.

Presently, Mr. Evans is President of Eastern Ridge Enterprises in Washington DC, where he provides small businesses and non-profit organizations with financial management technical services. He has been responsible for the development of a number of businesses.

Mr. Evans has a long standing history of success and leadership thus serving a total of 15 years experience in financial management services. From 1983 to 1985 he served as president of Herbert Evans Associates. Previous to this position, he served as vice president and controller/treasurer at the Urban Institute where he managed administration of contracts and grants. Later he became financial manager at Federal City College.

In 1953 Evans received a B.S. in chemistry from the Hampton Institute. Soon after, he entered into the military service where he devoted 23 years of service in various offices of the army such as a Budget Analyst, where he contributed to the development of the Department of the Army budget and management of the use of operations and maintenance budget of near $7 billion; Assistant Secretary of the General Staff, Office of Chief of staff of the Army; Comptroller, U.S. Army Japan where he established program and budget requirements on a Comptroller/Accounting team of over 200.

It brings me great pleasure to call attention to the achievements of a devoted and diligent man who is a role model and inspiration for many today.

## IN REMEMBRANCE OF HAROLD KENDLER

### HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 22, 1992*

Mr. MACHTLEY. Mr. Speaker, I rise today to pay my respects to the late Harold Kendler, legislative director of the Social Security notch advocacy group End Notch Discrimination [END]. Mr. Kendler passed away on Tuesday due to a heart attack.

It is, indeed, significant that Mr. Kendler passed away just two days before the scheduled hearing on the Social Security notch by the Committee on Ways and Means. Mr. Kendler, a notch victim himself, became legislative director of END 4 years ago and has been a leader in the crusade to fight for notch justice. Just last June, I spoke with Mr. Kendler, at END's yearly notch convention, about our shared goal of seeing notch legislation voted on in the House during the 102nd. Congress. Many of my colleagues and I have worked tirelessly in the last month to make a vote on H.R. 917 a reality. The hearing to be held on Thursday brings us one step closer to this reality.

H.R. 917 enjoys wide support with 289 cosponsors. If you include its sponsor, Mr. ROYBAL, that makes a supermajority in the House. Legislation with this much support deserves nothing less than a vote on the House floor.

Harold Kendler died fighting for a cause he believed in. Unless Congress takes action to correct this inequity, others will also die out. Notch victims in my State and across the country do not intend their death to be Congress' solution to the notch problem.

Mr. Speaker, Congress must take immediate action to correct the Social Security notch inequity. I urge you, I urge the Committee on Ways and Means and I urge my fellow colleagues to hear the voices of 12 million notch victims across the country and put notch legislation to a vote.

## TRIBUTE TO THE WORK OF LAURIE NADEL

### HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 22, 1992*

Mr. SCHUMER. Mr. Speaker, this Saturday, July 25, 1992, marks the anniversary to Public Law 101–58, declaring the 1990's the Decade of the Brain.

In light of this anniversary, I would like to pay tribute to the work of Laurie Nadel from Brooklyn, NY. Dr. Nadel, whose book "Sixth Sense" was published this year, is one of the Nation's foremost authorities on intuition and brain research. Her commitment to and success in this field deserve recognition and praise.

## A PEORIA TRADITION

### HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 22, 1992*

Mr. MICHEL. Mr. Speaker, I would like to bring to the attention of our colleagues an historic event that is taking place in my hometown of Peoria, IL, at the end of this summer.

The weekend of August 7 and 8, the oldest high school in Illinois—Peoria High School—will be holding its first all-school reunion. I am particularly proud of this achievement as my wife, four children, and I are all alumni of Peoria High School.

At this time, I would like to insert into the RECORD an article by Theo Jean Kenyon of the Peoria Journal Star, "Great Gathering Taking Shape for Peoria High School," which describes the upcoming all-school reunion of Illinois' oldest high school.

GREAT GATHERING TAKING SHAPE FOR PEORIA HIGH SCHOOL

(By Theo Jean Kenyon)

It may be the biggest bash of the summer.

They're coming from California and New York, and as far as Australia.

Peoria High School's first all-school reunion the weekend of Aug. 7–8 at the Civic Center is a month away, but reservations are rolling in as the July 15 deadline grows near.

For the oldest high school in Illinois, which opened May 5, 1856, the all-school reunion promises to be a great gathering of affection, shared memories and renewed friendships.

"Thanks for the memories, Peoria High School," wrote Bert England, class of '36, "in caring teachers, the life-long friends that I have made, and the pride in being privileged to play first solo trumpet in the band."

"Fun, fun, fun! I can hardly wait," wrote an enthusiastic alumna from Decatur.

The all-school reunion grew out of the Peoria High School Alumni Association, organized a year and a half ago. One of its first goals was to raise a $1 million endowment fund to generate scholarships for PHS graduates needing financial assistance.

The first $6,000 in scholarships was awarded this year. Those students will be guests at the reunion banquet Saturday night, Aug. 8.

More than 2,000 graduates already have joined the alumni association, many buying a lifetime membership at $100 or $150 for a two-alumni household.

But one graduate of the class of 1924 wrote that she thinks paying the $10 a year membership will prove cheaper for her.

School treasurer Jo Irvine, who is handling association memberships as well as reservations for the reunion, and school secretary Helen Hagan, who also serves as association secretary, are currently swamped with membership lists, telephone calls and reservations.

Reservations for more than 500 are in, and a total of 1,000 to 1,500 are expected. "We expect a deluge after July 1," Irvine says. Postcards reminding folks of the July 15 reservation deadline are being mailed.

Large numbers of alumni living in California and Arizona are coming ("I think the cheap air fares helped a lot," says Irvine) and others are coming from all across the country, as well as Canada.

Marvin Ayers, who lives in Australia, wrote to ask if he should bring a tuxedo.

It won't be that formal, says Richard Greene, Peoria High School principal. At the Saturday night banquet in the Civic Center exhibit hall, "we'd like to hold speeches to a minimum; we're here to have people enjoy themselves."

Bruce Saurs, alumni association president, owner of the Peoria Rivermen hockey team, and a former baseball and basketball coach at Peoria High School, agrees.

The banquet program will include a film strip and music by the school's swing choir and band.

An opening "mixer" Friday night, Aug. 7, from 6:30 to 10 p.m. at the Civic Center is expected to give everyone a chance to renew friendships with classmates and meet alumni from other classes in an informal setting.

On Saturday morning, Aug. 8, Peoria High School will have an open house for all alumni between 9 and 11 a.m. Instead of formal tours, principal Greene plans to have students and faculty available on each floor to answer questions and be informal guides.

One of the most visible graduates on the national scene, U.S. Rep. Robert Michel, class of 1940, along with his wife, Corinne, as well as two of their children, Laurie (class of 1971) and Robin, (class of 1972), have sent in their reservations.

Also returning is Joseph Miles Chamberlain, a 1940 graduate who was president and director of the Adler Planetarium in Chicago until his recent retirement.

The logistics of reaching the school's far-flung alumni was solved by putting class reunion lists in the computer. Hagan now has a computerized mailing list for 14,000 Peoria High School alumni.

One of the side benefits is being able to provide an accurate address to alumni seeking information.

An all-school directory of alumni is also in the works, said Greene, with arrangements being made through a White Plains, NY, publishing firm. The reunion is expected to help in obtaining up-to-date information.

"This all-school reunion has really helped us pick up the names of people we didn't have before," says Hagan.

## CONGRATULATIONS TO BERT GAECHTER

### HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 22, 1992*

Mr. TORRICELLI. Mr. Speaker, it is with great respect and admiration that I address my colleagues in the House today, for I rise to extend my heartiest congratulations and warmest best wishes to Bert Gaechter on the occasion of his retirement.

Born in Holy Name Hospital, Teaneck, NJ in 1926, Bert is the son of Jacob Gaechter who was a member of the Ironworkers' International Union from 1904 to 1958.

Bert attended Midland School in Rochelle Park and Hackensack High School, and enlisted in the Navy in 1944, serving aboard the U.S.S. *Fall River* and the aircraft carrier U.S.S. *Lexington*. Honorably discharged and returning home to Rochelle Park in 1946, Bert joined Ironworkers' Local 483 of Hackensack, NJ, as an apprentice ironworker, and gained journeymen's status in 1949.

Working as a full-time ironworker on various construction sites in northern New Jersey and serving the local union in various elected position starting with sergeant at arms in 1950, delegate to the Bergen County Building Trades Council in 1951, as member of the executive board in 1952, as trustee to the pension members assistance fund in 1958, member of the examining committee in 1961, Bert has also served as business agent from 1968 to the present.

During his tenure as business agent, Bert held the following positions: president of Bergen County Building Trades Council, member of the New Jersey State Building and Construction Trades Council Executive Board, member of the board of agents Morris-Sussex Building Trades Council, president of the board of agents Bergen County Building Trade Council of northern New Jersey, and trustee of the Ironworkers' District Council Pension and Welfare Fund.

He is married to Evelyn Kramer, daughter of Joseph Kramer, a member of Pipefitters Local 274 in Jersey City, NJ until 1970. They reside in Rochelle Park, NJ and have three children, Glenn, past president and now assistant business agent of Ironworkers' Local 483, Steven, an attorney, Nancy Kester who risides in California, and three grandsons, Marc, Karl, and Jacob, as well as one great-grandson, Zach.

Mr. Speaker, I am proud to join in paying tribute to Bert Gaechter. I am sure he will continue to provide invaluable service to his community and truly make a difference in society.

## REMEMBERING CIVIL RIGHTS PIONEER JUANITA MITCHELL

### HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 22, 1992*

Mr. CONYERS. Mr. Speaker, last week we lost Juanita Mitchell, a civil rights leader of great talent and boundless energy. We will all miss her optimism and guidance in the fight for full equality and justice in America.

In every civil rights battle for the last 50 years, Juanita fought side-by-side with her husband, Clarence, of the NAACP. Clarence and his other partner in these fights, Joe Rauh of the Leadership Conference on Civil Rights, were named the "gold dust twins" by one architect of the South's massive resistance to desegregation.

The following is Joe's eloquent tribute to Juanita. All Americans should remember this great woman.

Eight years ago, in this same beautiful church, I spoke of my civil rights partner and gold dust twin, Clarence Mitchell. Today I come to celebrate the life of his beloved, dedicated, and supportive wife, Juanita.

Juanita was my friend for over four decades, not just as the wife of my partner, but as one of the great civil rights fighters of all time. She broke so many color lines and added so many firsts to her string of accomplishments that I shall always think of her as America's advanced echelon of decency and justice.

In victory she was always generous with credit, never caring that credit went to white or black, Jew or Gentile. In defeat, which occurred all too often in the beginnings of the

civil rights legal revolution, she never lost faith in our cause. She was strong, she was brilliant, she was eloquent. Her optimism was the sunlight through the clouds in the civil rights mist. Her mind was always clear because her heart was always filled with compassion and hope.

Juanita's entire life was our hymn of hope in these words:

What is the memory that's valued so highly
That we keep alive in our flame
What's the commitment to those who have died
When we cry out "they've not died in vain"
We have come this far always believing
That justice will somehow prevail
This is the verdict, this is the promise
And this is why we will not fail.

In a life as blessed with inspiring associations as good fortune has showered on me, the Mitchell family will remain most dear to me forever. Clarence, Michael, Kiefer, George: Carry on the struggle in the memory of your incomparable parents.

## MOST-FAVORED-NATION STATUS TO CHINA SHOULD BE DENIED

### HON. FRANK McCLOSKEY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 22, 1992*

Mr. McCLOSKEY. Mr. Speaker, unfortunately I was not in Washington, DC on July 21, 1992, and was unable to vote on House Joint Resolution 502, disapproving the extension of nondiscriminatory treatment—most-favored-nation treatment—to products of the People's Republic of China and H.R. 5318, regarding the extension of most-favored-nation treatment to the products of the People's Republic of China, and for other purposes. Had I been present, I would have voted in favor of both the House Joint Resolution 502 and H.R. 5318.

Despite administration claims, China's record on human rights remains deplorable and has not significantly improved over the last year. We still have little knowledge about the massive numbers of prodemocracy demonstrators and religious leaders imprisoned in China and Tibet. In addition, China's trade surplus with the United States rose by more than 50 percent fueled through its reprehensible use of prison labor. The United States trade deficit with China is expected to be $20 billion in 1992, second only to Japan. U.S. workers should not be forced to compete with products made by forced labor.

Despite China's pledges to the contrary, it continues to promote the proliferation of nuclear weapons and advanced missile technology to countries such as Syria and Iran. In fact, last May, the Chinese Government exploded a 1,000 kiloton nuclear warhead, the largest in Chinese history. Even during the cold war, the United States and the Soviet Union agreed to limit their nuclear tests to 150 kilotons.

I strongly support overturning the President's extension of MFN status to China for 1992 and establishing conditions that China must meet for MFN benefits in 1993. China should not be given most-favored-nation status unless they change their ways.

## INTRODUCTION OF THE PRESCRIPTION DRUG RECORDS PRIVACY PROTECTION ACT OF 1992

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 22, 1992*

Mr. STARK. Mr. Speaker, today I am introducing legislation, the Prescription Drug Records Privacy Protection Act. The measure is intended to ensure basic fundamental privacy guarantees to every American who benefits from prescription medications by protecting the sanctity of individual patient prescription records currently kept in computer systems by doctors, pharmacists, and insurance companies.

This legislation is modeled after an existing statute in the criminal code dealing with the privacy of individual's video rental information. The Federal Government regulates the disclosure of consumer's video rental information in 18 U.S.C. 2710. This legislation was passed after the case of Judge Robert Bork's personal video history came to light in a July 1989, story in the City Paper, a Washington, DC, weekly. Soon thereafter, Congress included a prohibition on the sharing of video rental information in that year's crime bill.

In my view, if we can ban the disclosure of video rental information, then we certainly ought to ban the disclosure of personal prescription records.

This issue first came to my attention from certain individuals in the pharmaceutical manufacturing industry who were concerned about the computerization of prescription drug records by pharmacists. These New Jersey based drug company executives raised the notion that the increasing computerization of medical records will lead to potential privacy violations.

A further look into the matter did lead to additional evidence showing that insufficient privacy protections existed, and the establishment of a strict Federal standard seems necessary. Indeed, it appears the biggest potential violators of privacy rights are the pharmaceutical industry themselves as they seek to acquire physician prescribing data for the sole purpose of marketing their products.

A February 27, 1992, Wall Street Journal article by Mike Miller, "Data Tap: Patients' Records Are Treasure Trove for Budding Industry," outlines the alarming practices of some information data service companies and a few select pharmaceutical companies.

Writes reporter Miller:

In fact certain data-collectors that pledge total confidentiality sell drug companies the age, sex—and an ID number—for individual patients. Fears about the sale of medical records are causing some physicians and pharmacists to resist the collectors' surveillance efforts. Others are pushing for legislation, noting that privacy law covers videotape rental and cable-TV selections, but not most medical records.

The reference to the sale of individual's ID numbers ought to make every consumer sit up straight. Since almost all State governments are now in the business of selling computerized lists of driver's licenses and voter registration, if the ID numbers also happen to be Social Security numbers—as is the case in many insurance company information data processing systems—all a clever data purchaser would have to do is match the list of ID numbers with motor vehicle lists to create a data base matching individual names and prescription history. In other words, the sophisticated drug company could then have a list to send out coupons or persuasion mail direct to consumer. The potential for abuse is obvious.

Continuing from the Journal article:

Companies bent on cutting medical expenses are reviewing their employees' medical records more closely than ever.

Such trends particularly alarm patients with AIDS, mental illness and other conditions in which a breach of privacy can have far-reaching consequences. "It worries the hell out of me," says Frank Burgmann, a director of Florida's mental health services agency, who has tried unsuccessfully to keep pharmacies from selling their prescription files. "Data is like a whore. It gets passed around from hand to hand, in spite of rules."

Last month, an Ohio jury found that a hospital employee didn't violate any law when she allegedly discovered a friend's AIDS diagnosis in the hospital computer and shared the news with other hospital workers. Douglas A. Sargent, a Detroit psychiatrist and lawyer, tells of a clinically depressed patient who he says was fired after his employer learned of his condition from an insurance company.

The article goes on to reference my pending proposal to encourage the establishment of State-based electronic data transfer programs to identify existing fraud, addiction, and illegal drug trafficking of certain prescription drugs. I should note that these programs, funded largely by Bush administration Justice Department funds, have in place strict privacy protections, require standard data encryption standards [DES] or scrambling of the data, and limit access to the data information systems to qualified State government personnel. My legislation mandates the strictest privacy protections, and I will support every effort to establish strong privacy protections in health care recordkeeping in the private and public sector.

Another recent story of how far drug companies will go to influence consumer prescription drug behavior is revealing. Over the past few months, thousands of potential patients currently suffering from allergies received a slick, expensive mailing advocating the use of a new version of Seldane, a very successful allergy relief medication.

The mailing encouraged patients to contact their physician to ask to try the new Seldane-D, a daily dosage version of the nonsedating antihistamine/decongestant combination. "So, if you suffer from severe nasal congestion as well as sneezing, runny nose, and itchy, watery eyes, you may want to consult your doctor," reads the letter.

But how did this drug company find which patients suffered from allergies, and where they lived? At first glance, one would have suspected the doctor was the source of the patient's prescription data. Or could it have been the pharmacy? Or perhaps the source was the insurance company?

It turned out to be none of the above. According to Seldane's manufacturer, the source for the data on the individual's history with

Seldane and/or allergy problems was a Carol Wright mailing, the coupon mailing company, which sent out a consumer poll last fall in the regular envelope of coupons, and used the information collected from the survey to build a complex data base of allergy sufferers and likely Seldane prescribers. In short, Carol Wright's discount coupons led to "contact your doctor" 6 months later. In my opinion, while perfectly legal, this case symbolizes the great lengths drug companies will go to in trying to influence the prescribing habits of physician and consumer behavior.

In closing, USA Today has also editorialized on the need to implement privacy protection standards. Their March 27, 1992, editorial puts it all in perspective:

There are legitimate uses of medical records that must be balanced against the right to privacy. Researchers need to track epidemics, police need hospital workers to say if they've treated a bullet wound, and family members need hospitals to tell them a relative's status.

Balancing these conflicts is difficult, but necessary. Easier, but just as critical, is protecting new types of data. Now is the time to begin restricting the use of genetic-testing results before testing becomes widespread.

Some medical-privacy problems may be alleviated if cost pressures are eased by health-care reform. Meanwhile, we need the safety only a federal law offers.

I couldn't have said it any better.

[From USA Today, Mar. 27, 1992]

ACT TO SHIELD THE PRIVACY OF OUR MEDICAL RECORDS

Your medical secrets aren't safe.

Federal privacy laws protect videotape-rental lists, bank records, telephone calls and cable-TV subscriber lists. Yet only a handful of state laws and a fragile system of ethics prevent outsiders from peeking at your private medical files.

Lost amid calls for health-care reform is an urgent need for a federal law to ease mounting strains on confidentiality:

As employers move to "managed care" to control health costs, insurers use more outsiders to check up on medical treatments. That means more prying eyes poring over your records.

More companies "self-insure"—they pay workers' medical bills, and insurers do the paper work. Many think that means they own the records.

More computerization means selling secrets is simpler. Marketers tap into willing physicians' records to sell to drug companies curious about who's prescribing what. They promise to screen out names, but no one checks.

Horror stories abound: A South Carolina doctor sold his files to an auto leasing and salvage executive who tried to sell photocopies back to the patients. A company fired a depressed employee after hearing of his condition from an insurer. An employer asked his insurer for a list of HIV-infected employees so he could fire them.

More frantic competition among insurers, more pressure to hold down medical costs, and easier access to medical data will only make things worse.

There are legitimate uses of medical records that must be balanced against the right to privacy. Researchers need to track epidemics, police need hospital workers to say if they've treated a bullet wound, and family members need hospitals to tell them a relative's status.

Balancing these conflicts is difficult, but necessary. Easier, but just as critical, is protecting new types of data. Now is the time to begin restricting the use of genetic-testing results before testing becomes widespread.

Some medical-privacy problems may be alleviated if cost pressures are eased by health-care reform. Meanwhile, we need the safety only a federal law offers.

## INTRODUCTION OF LEGISLATION TO PROVIDE FEDERAL GRANTS FOR STATE AND LOCAL 'GI BILLS' FOR CHILDREN

### HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 22, 1992*

Mr. GRADISON. Mr. Speaker, the President, through the Secretary of Education, Lamar Alexander, and the Department of Education, has proposed legislation based on the same principles used in the original GI bill which enabled returning servicemen to exercise choice in where they obtained post-secondary education. The competition which resulted between both public and private colleges and universities contributed to a system of higher education which is widely regarded as the finest in the world. Mr. Speaker, I believe the introduction of competition and choice to our school system will have a similar effect and, in the process, deliver to our children the standard of education to which they are entitled. Today I, along with 22 original cosponsors, am proud to be introducing legislation which I believe will have a dramatic and positive effect on the elementary and secondary school system of our country.

Our schools have received increasing attention over the last decade. Serious criticism of our schools from a wide variety of sources has led to concentrated efforts to identify the underlying problems and, more importantly, endeavor to solve them. Decreasing levels of academic performance, particularly in the sciences, increasing drop out rates, drugs and violence in schools have all generated proposals for educational reform. These programs have had varying levels of success. This legislation, in contrast, directs emphasis towards reform in the institutions by which our schools have traditionally been governed. Much political and bureaucratic control over schools will be eliminated and will be replaced with the competition fostered by parental choice.

The GI bill for children is directed towards five major goals: First, it will provide educational choices for lower- and middle-income families which have traditionally been available only to wealthier families; second, it will lead to schools which will be more responsive to the needs of their students and their parents; third, it will engage parents more in the education of their children and related areas; fourth, it will encourage schools to be more flexible in the application of their resources, particularly in providing supplementary facilities and activities outside traditional school hours; and finally, as a large-scale demonstration exercise, our experience with the program will allow us to tailor an expanded program to best fit the educational needs of our children.

This legislation would authorize $500 million in 1993, and additional amounts in later years, to help States and communities give $1,000 scholarships to low- and middle-income families. Families will be able to apply these scholarships to any school which is operating lawfully, public or private. From the perspective of the schools, the new funds will be available to principals, teachers, and school administrators to use in order to help develop the programs needed to achieve our national education goals. Any State or locality will be able to apply for Federal funds to give its children in a low- or middle-income family a $1000 scholarship. The State or locality would determine the maximum family income for eligibility, but it would not be permitted to exceed the higher of the State or national median income, indexed to family size. The scholarships would then be distributed, until funds were exhausted, from lowest to highest family income. A government body would have to fulfill three criteria in order for it to apply. First, it would have to demonstrate a choice of schools for families in its area. Second, families would have to be permitted to spend the scholarships at a wide variety of public and private schools. Finally, it would have to allow all lawfully operating schools in their area to participate in the program if they chose to do so.

Applications for the scholarships would be reviewed by the Secretary of Education who would select States and communities for funding based on the following criteria: the number and variety of educational choices available to families in their area; the availability of educational choices to all families, including those ineligible for the scholarships; the proportion of children from low-income families who would receive the scholarships; financial support for the program by the applicant, including support from the private sector. Children receiving the scholarships would do so over a 4-year period unless they left the school, moved out of the area, or no longer met the income criteria. The funds from the childrens' scholarships are to be used by the schools to develop academic programs. However, up to $500 of each scholarship can be used for other programs, including those for children before and after school, during weekends or over school vacations.

Although the scholarships are for families, not schools, participating schools must comply with all Federal antidiscrimination statutes. Clearly, they must comply with section 601 of Title VI or the Civil Rights Act of 1964 (race), section 901 of Title IX of the Education Amendments of 1972 (gender), and section 504 of the Rehabilitation Act of 1973 (disability).

Mr. Speaker, this legislation, once enacted, will give parents the opportunity to choose one elementary or secondary school over another and will put powerful competitive forces in play. It will introduce sorely needed competition to our primary and secondary schools. For the first time, it will enable middle- and low-income families to make choices about the education they wish to provide for their children. It will make schools more responsive. It will actively engage more parents in the education of their children. Most importantly, it will motivate schools to succeed because, for the first time, they will know that if they do not, they will suffer the consequences.

## TRIBUTE TO JOSEPH STEENLAND

### HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 22, 1992*

Mr. BONIOR. Mr. Speaker, on the evening of July 24, 1992, Joseph Steenland will be honored with a special retirement party. I am very pleased to join the Roseville Police Department in paying tribute to a remarkable individual for his devotion and outstanding contributions to our community.

Over the years, Joseph Steenland has come to symbolize the Roseville Police Department's vow to maintain law and order. The battle to keep our neighborhoods and streets safe is a responsibility we all share. Mr. Steenland's long record of distinguished service has proven him to be an effective public servant. His personal involvement, professional integrity, and, above all, deep sense of justice have made him a respected policeman.

Joseph Steenland has unfailingly pledged himself to take an active role in our community. While a dedicated officer of the law for 35 years, Mr. Steenland has also been affiliated with many local organizations. For the past 16 years he has been a member of the Roseville Board of Education, and he is the past president of the Macomb County School Boards Association.

Mr. Speaker through his commitment and hard work as a public servant, Joseph Steenland has touched countless lives. I expect he will no doubt continue to do so in retirement.

On this special occasion, I ask that my colleagues join me in saluting Joseph Steenland for his fine record of accomplishment and service to our community.

## A TRIBUTE TO IMAM W. DEEN MOHAMMED

### HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 22, 1992*

Mr. STOKES. Mr. Speaker, I am pleased to rise today to recognize Imam W. Deen Mohammed. Because of his outstanding leadership, Mr. Mohammed will be honored by the Masjid Bilal of Cleveland on the occasion of its thirteenth annual testimonial dinner. The dinner will be held on August 8, 1992, at Swingo's Restaurant in Cleveland, OH.

Imam W. Deen Mohammed is certainly deserving of this special recognition. The son of Nation of Islam leader, Elijah Mohammed, he is a man of impeccable talent and ability. Imam W. Deen Mohammed has been instrumental in working with leaders in communities throughout America to address the social problems facing our Nation. He effectively utilizes his keen insight into the Bible, Torah, and Quran to apply scriptural interpretation to social issues.

Mr. Speaker, Imam Deen Mohammed was selected to serve as a member of the National Black Leadership Forum where he has extended his influence to the realm of Government, working with the administration on issues affecting minorities and exchanging ideas toward solving problems affecting all Americans. He has also traveled extensively, effectively promoting a greater understanding of race and culture.

Imam W. Deen Mohammed has received numerous awards for his efforts. He is the recipient of the Four Freedoms Award, an award previously bestowed upon such illustrious leaders as President John F. Kennedy, Mrs. Eleanor Roosevelt, and Dr. Ralph Bunche. In addition, he has received the Walter Reuther Humanitarian Award, as well as awards from mayors and Government officials recognizing his leadership and commitment.

Mr. Speaker, I urge my colleagues to join me in recognizing the numerous accomplishments of Imam W. Deen Mohammed as he is honored by the Masjid Bilal. I am confident that he will continue to make outstanding contributions on behalf of the Nation of Islam and that he will continue to serve as an instrumental force in articulating the concerns of mankind throughout the world.

## A CONGRESSIONAL SALUTE TO COUNCIL MEMBER ROBERT G. CORMACK

### HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 22, 1992*

Mr. ANDERSON. Mr. Speaker, on Friday, July 24, 1992, the city of Downey will honor retiring Council Member Robert G. Cormack. Mr. Cormack will leave the council after 12 years of dedicated and distinguished service. It is with great pride and pleasure that I rise today to pay tribute to this exceptional gentleman.

Robert G. Cormack, a recent widower, and his family have been residents of Downey for many years. It was in Downey that Bob, always an enthusiastic participant in community activities, began his career in public service. He served with the board of education for the Downey Unified School District for 9 years. This position led to his appointment to the U.S. Department of Agriculture's Council on Child Nutrition. Following this post, Bob ran and was elected to Downey's City Council. During his impressive tenure with the city council, Bob served as mayor twice, from 1983–84 and from 1988–89.

In addition to this exemplary service, Bob has worked on the Southern California Association of Government's Energy and Environment Committee, the League of California Cities' Environmental Quality Committee, and was director for the Commerce Refuse-to-Energy Joint Powers Authority. Mr. Cormack also serves on several multicity consortiums; the Southeast Water Coalition, the I–5 Freeway Consortium, and the Los Angeles County Drainage Area Alliance. As a representative to the Second Century Foundation, an organization that recognizes and celebrates important events in Downey's past and present, Bob ensures that the city of Downey preserves its rightful place in California's rich and unique history.

These duties and his responsibilities as president of Delta Systems, Inc., keep Bob extremely busy. In what little free time he has, Bob enjoys working on his 100-acre ranch in Roseville, CA and serving as a member of the Rotary Club of Downey.

Mr. Speaker, the Downey City Council will miss this vital personality and leader. Bob has devoted his time and considerable talents to the betterment of life in Downey. My wife, Lee, joins me in extending this congressional salute to Mr. Robert G. Cormack. We wish, Bob, and his three sons, Robert, Jr., Stephen, and Harold, all the best in the years to come.

## QUALITY—A WORD TO LIVE BY

### HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 22, 1992*

Mr. HUGHES. Mr. Speaker, I would like to share with my colleagues the words of my constituent Mr. Frank Longo, on the subject of quality. Mr. Longo has simply and eloquently captured its essence, and cautions against neglecting its importance. For it is quality upon which our great Nation is built, and it is only by maintaining that quality that we will go forth.

Frank Longo has been the recipient of the 1985 Grant National Silver Cup Award for craftsmanship in the shoe service industry and the 1991 National Retail Merchant of the Year:

QUALITY—A WORD TO LIVE BY

(By Frank Longo)

Quality is what built this country. Quality is a never ending word to live by; it's a thirst and hunger and the incentive for doing the very best for others. In doing and achieving quality in our work and our daily lives, the inner spirit of being what America was truly built on prevails and rekindles itself.

As Americans, we don't need lessons from anyone on anything at any time in applying our talents, abilities and efforts in the basics of giving and performing our very best.

American traditional values have slipped somewhat over the years. What once was commonplace, is an exception rather than the rule. We somehow want the other guy to do it especially when we believe that we ourselves are shortchanged in quality, whether in manufactured products or services rendered.

We didn't just all of a sudden arrive at the present state of our economy or the welfare of our people. We allowed it to happen. You just can't sidestep, shortchange and pull the wool over people's eyes forever. People want quality; no matter whether it's in a foreign or American made product. Quality work, products and services rendered, are this nation's key to prosperity and meaningful employment.

Warranties today, for the most part, are not worth the paper they are printed on or the worthless amounts of small print used in many litigations. A man's word was once his bond. Today, you'll find this to be secondary in American values.

The desire for quality has to come from the heart. The heart of the matter lies in all of us to do our best for one another. Treating people with kindness, self respect, and dignity, combined with being honest and trustworthy, are really what living is all about.

Whether it be quality of life or services rendered, walking the "extra mile" is truly American Quality at its best.

The phrase "Pride in Profession" should stand out in everyone's mind who cares about what he or she is doing for a living. Without pride, we have discontent and shoddy workmanship. Lack of pride in American Quality is the breeding pot for discontent. Let us Americans take the P out of the word POOR and put the P back into Professional where it benefits us all.

Born of immigrant, hard working Italian parents, I am proud of my heritage as most others would be of theirs. Most of all, I am proud to be called an American. So, here's to you America, God Bless you and your people and the land that we love. God Bless America!!

## JOEL COOK: A GENUINE AMERICAN PATRIOT

### HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 22, 1992*

Mr. GILMAN. Mr. Speaker, I regret to inform our colleagues that the stellar, dedicated services provided by a truly outstanding American patriot are coming to an end. Due to consideration of health, Joel Cook has found it necessary to resign as national chairman of the Human Rights Committee for POW's and MIA's. Subsequent to his resignation, the executive board of this organization voted to disband out of respect for this truly unique leader.

Mr. Speaker, some of our colleagues can well remember the mood of the Nation back in 1977, when Joel Cook founded this organization. Most Americans did not know or care what the initials "POW" and "MIA" stood for. Several White House administrations were perceived to be willing to sweep the POW/MIA issue under the rug and proceed on as if it didn't exist. The pleas of the families of missing American heroes fell upon deaf ears.

It was in this atmosphere that Joel Cook began his organization, intended to raise American consciousness on this issue, and to offer a ray of hope of those who did care about the fates of our MIA's and POW's.

Mr. Speaker, I insert at this point in the RECORD Joel Cook's recent farewell letter to his organization, which articulates some of what the organization was faced with the those days, and some of the accomplishments they achieved:

NATIONAL HUMAN RIGHTS,
COMMITTEE FOR POW/MIA'S,
*Walden, NY, June 1992.*

DEAR FRIENDS: On July 7, 1977, our committee was formed to bring public awareness to the POW/MIA issue. We had over 2550 Americans still unaccounted for from the war in Vietnam. Not too many people knew what the letters POW/MIA meant. Not too many people even cared.

We thought we would start a local group to work on this issue, but that first night we went national. Today the public awareness is out there, thanks to our committee and organizations like ours.

Over the years we have met and worked with many fine and dedicated people. These people care about their loved ones and there are the people that cared about their followed Americans.

With the good there is also the bad. We have met and seen people that have made money on this issue by exploiting the families and the public by lying to them to accomplish this.

During the past few weeks I have reviewed some old fund raising letters from these people, and reviewed some video tapes about them. Sick! Sick! Sick! How many times has Red McDainel said he knew somebody was coming out soon . . . he just needed more money to get them out? Who can forget Jack Bailey, who was almost able to . . . see the whites of their eyes? He is also just needed more money. We remember Bo Gritz who keeps planning secret rescue missions and getting as much money from families and friends of our MIAs as possible. Then we have these so-called "missions" fail. I will never forget how Gritz suckered George Brooks, MIA father, out of $30,000. The list goes on and on.

Speaking of scams, how about every time the Vietnamese want something? They wave a few sets of remains in front of us. Back in 1978–79, when they wanted to be admitted to the United Nations, we were told to let it happen, don't protest it, and the issue will be resolved. It is now 1992, and we are still looking for our answers.

Now the Vietnamese want to normalize relations with our country and big business in the U.S. is pushing for it. Just like during the war . . . big business had their hand in it and they said to hell with the people. Well, it's time to say to hell with big business. There are to many answers needed before we can have normalization.

Russia now needs aid from the United States. When Russian President Boris Yeltsin spoke before the U.S. Congress, he told them to U.S. servicemen that were taken to Russia and may still alive today in Russian prisons.

Before our government gives anything to Russia, they should have Mr. Yeltsin prove where he got his information. If anyone is alive, he should get them released now!

Again the families and concerned people are getting their hopes up. I hope what he said is true, but let's get the answers before we give them anything.

Many of the radical groups pushed and pushed to get a Senate Select Committee formed. They finally succeeded and many are now angry with the decisions and statements put out by Senator John Kerry and his members.

These same radical groups are now pushing to get H. Ross Perot elected president. This is the same Ross Perot that knows of Americans being held. This is the same Perot who won't testify before the Senate Committee to provide his proof until AFTER the election in November. What a weasel. If anyone is alive, do we tell them that Perot wants to wait four more months before he has anything to say?

Speaking about the upcoming election, I haven't heard anything from Bill Clinton on this issue. George Bush is still the best man we have in Washington for this issue. He has kept the issue alive and because of him many of the families have gotten answers. Unfortunately, no one has come out alive, but it's not because of George Bush.

I am sorry to say that this will be my last newsletter. On June 13, 1992, we held an executive board meeting. Due to illness, I have to resign. The executive board voted to accept my resignation. Since I have been chairman since the committee was formed, it was voted on and unanimously passed to close the committee with a "good name".

I am proud to say that no one in the committee has ever been paid for nor accepted money for their own personal use. I have never made any promises to anyone, told any lies, or given any misinformation. We have always done our best to help all the families and people concerned with this issue. Like all of you, one of my biggest disappointments was to never see anyone come home alive.

We are requesting and urging all who are truly concerned to stay in touch with the National League of Families and to work with them.

I don't want anyone to think I am quitting. Hopefully, I can work on this issue (on a smaller scale) again soon.

As previously stated, I am requesting that you continue to work on this issue through the League. Their address is on the second page, under the postcard. Ask for proof of information when you are approached by any groups for your assistance on the issue. Write to the government and tell them it is too soon to normalize relations with the Vietnamese. I am also asking you (on my own) to reelect George Bush. Let him finish what he is trying to do for our POW/MIAs. Most importantly * * * keep the faith!

For our POW/MIAs,

JOEL H. COOK,
*National Chairman.*

Mr. Speaker, the illness which has caused Joel Cook to abandon his 15 years of effort—an illness which may well have been caused or exacerbated by exposure to agent orange during his own service in Vietnam—may have stilled the voice of this outstanding individual, but it does not silence the interest of the American people in this issue. The concern of Americans in great part was due to the educational efforts of Joel Cook and his organization, and the fruits of their work will continue long after all of us are gone.

Mr. Speaker, on Veterans Day, Wednesday, November 11, 1992, the town of Newburgh (NY) Republican Committee plans to honor Joel Cook as an outstanding American—an individual who made a difference and who proved that one good intentioned person can indeed create an impact.

In conclusion, I request that a tribute published recently in the Wallkill Valley Times, one of many journalistic tributes to appear recently in honor of Mr. Joel Cook and his National Human Rights Committee for POW/MIA's be inserted at this point in the RECORD.

[From the Wallkill Valley Times, June 17, 1992]

COOK FORCED TO QUIT POW-MIA QUEST

(By Kathleen Aris)

Joel Cook sat at his kitchen table Monday morning to reflect over the past 15 years of his life. Between working a full-time job and raising two children with his wife, Linda, Cook took a stand and dedicated himself to fighting for the 2,266 American soldiers listed as missing in action or as prisoners of war in Vietnam. His dream of bringing one of those soldiers home ended last weekend, as he retired as head of the National Human Rights Committee for POW-MIAs and asked that the organization be disbanded.

The Executive Board of the National Human Rights Committee for POW-MIA's voted unanimously to disband Saturday, at Cook's request. Unable to keep up with the demanding schedule of spreading public

awareness and speaking engagements because of his health, Cook asked the committee to end its efforts and liquidate the remainder of the committee's fundraising merchandise within the next two months. By September 1, the committee of 3,200 will be completely disbanded.

The National Human Rights Committee for POW-MIA's was formed on July 7, 1977, with Cook's intentions focusing on a local organization in Walden that would make the public aware of those missing in action or held as prisoners of war. More than just a veterans group, the committee was more of a public awareness organization reminding the public "If you don't care, who will?"

Information learned through Cook's persistence and diligence has been turned over to the federal government and the National League of Families, an organization similar to the Human Rights Committee, and has led to a national network of citizens spreading the words "Lest We Forget" through bumper stickers and flags.

Cook's interest in Americans still in Vietnam was sparked by the lack of support shown by citizens as he attended a rally in Washington DC. Less than 50 people attended the rally to show their concern for American military in Vietnam, and his outrage led to a 15-year fight for those Americans' rights and lives.

"We're not going to let it die," said Cook to the person he attended the rally with, a mother of a missing soldier. "I'm going to do something, even if it's small."

After a small amount of publicity, the first meeting was held, with more than 50 people attending. They came from all over the area, all over New York state, and some from as far as Pennsylvania with one purpose in mind. Cook was on his way in forming a local group to spread the word about POW-MIAs. People attending the meeting weren't happy that it was just going to be local effort. They wanted something more, a national work force.

"At first I thought I would bite off more than I could chew, but I figured we might as well go all the way," said Cook. "We wanted to do it in a professional way, and we did it."

After the first materials citing the group's purpose were circulated all over the country, responses came pouring in. People couldn't believe Americans were still over there, Cook said. Politicians, journalists began calling and writing to Cook and the committee seeking information and wishing to assist in the fight.

"We were anti-government when we first started, right up to when Reagan was elected because the government was covering up the issue," said Cook. "We pushed for Carter to be elected since we were discouraged with the Republicans. When he came into office, Carter just about killed the whole issue, saying there was no proof there were any Americans there. Reagan worked with POW's who came home in 1973, and our hopes were up. He met with families and said how embarrassed he was about past administrations and how the issue was handled. He promised it would be one of his top priorities, and while he didn't get anyone home, he did find out where people were. Bush has followed in Reagan's footsteps."

In his tenure as President of the committee, Cook saw that public awareness was spread regarding the issue, and said people know what POW-MIA means. The POW-MIA flag flies throughout the country and in Canada, and is even displayed in the Capitol rotunda in Washington, DC. Rallies of support have been held, and Cook believes work to bring more information out of Vietnam regarding POW-MIAs is surfacing at a faster pace now. The federal government currently has a temporary office in Vietnam, something that wasn't always there that is keeping relations and work with that country's officials moving forward. The work of the committee and organizations like it have aided in the fight to bring Americans home.

"Citizens now know we still have people unaccounted for," said Cook. "Because of our work and other organizations' efforts, everyone who went to Desert Storm has been accounted for. The government is not covering this up. What people don't understand is the reports that come in are five to six years old, and there are more coming in, some as young as a month old, but no one sees them. This is the stuff we're up against."

Cook served in Vietnam from January 1970 to March 1971. Serving "in country," Cook was exposed to Agent Orange, a chemical used by the United States military as a defoliant during the war. Earlier this year, the man who has worked for the return of the many in Vietnam, brought a part of that place home with him, which has now taken the form of Soft Tissue Sarcomas. Cook has a long and large battle ahead of him, filled with radiation treatments and surgery. Taking a break from stressing the importance of POW-MIAs, Cook now stresses to veterans that they should be administered an Agent Orange test.

"I thought I was invincible," said Cook. "If it can hit me, it can hit others. It's a little late for me, but not for them."

While he said he's not sorry about any of his actions over the 15 years, Cook does believe more time should have been given to his wife and their two children, Steven, 20, and Rachel, 17.

Cook does have one regret though. Tearfully, he wished he could have seen one come out.

"If it's only one, we owe it to him or her to get them back alive," he said, "and if not, we owe it to their families to get their remains so that they know."

## THE TERCENTENARY OF THE FOUNDING OF THE COLLEGE OF WILLIAM AND MARY IN VIRGINIA

### HON. HERBERT H. BATEMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 22, 1992*

Mr. BATEMAN. Mr. Speaker, I rise today to introduce House Resolution 524 to commend and congratulate the College of William and Mary in Virginia as it prepares to observe the 300th anniversary of its founding on February 8, 1993. It is only appropriate to recognize this exceptional institution of higher learning which has such a distinctive place in our country's educational and national heritage.

Chartered in 1693, the College of William and Mary in Colonial Williamsburg is the second oldest institution of higher learning in the United States. Known as the "Alma Mater of a Nation," William and Mary nurtured the minds of those who led the American Revolution and later created its system of government.

William and Mary's Thomas Jefferson authored and, along with the other alumni, signed the Declaration of Independence in 1776. George Wythe, an eminent legal scholar and law professor at the college, participated in the Constitutional Convention in 1787, which produced our current form of government—the world's first and oldest existing republic. Three of the college's graduates, Thomas Jefferson, James Monroe, and John Tyler, went on to head this republic as President of the United States.

Fellow William and Mary alumnus John Marshall guided the early development of the Supreme Court and the judicial branch of Government during his tenure as Chief Justice. Another of our Nation's Founding Fathers, George Washington, was serving as the college's first American chancellor when he was elected our country's first President. Today, the college's chancellor is retired Chief Justice of the Supreme Court Warren E. Burger.

William and Mary also is known for establishing one of the first honor systems in the country and for founding Phi Beta Kappa, America's first and foremost scholastic fraternity. Three years later, Thomas Jefferson united the college's faculties of medicine, law and the arts, making William and Mary America's first true university. These traditions established at William and Mary have helped set educational standards for quality and excellence at colleges and universities across America.

The history of the College of William and Mary constitutes a significant part of the history of the United States. Indeed, the college has played a leading role not only in cultivating the minds of some of America's most respected leaders, but in fostering the ideals and system by which this country has sought to educate its citizenry.

The 300th anniversary of the chartering of William and Mary is an occasion in which all Americans can take pride and great satisfaction. This occasion affords us with a rare opportunity both to reflect upon our Nation's heritage and to commend one of this country's most distinguished public institutions of higher learning.

## LIFE INSURANCE TO BE REDEFINED UNDER THE PHOENIX

### HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 22, 1992*

Mrs. JOHNSON of Connecticut. Mr. Speaker, Phoenix Mutual Life Insurance Co., founded in Hartford in 1851, and Home Life Insurance Co., founded in New York City in 1860, have long and proud histories of accomplishments in the life insurance industry, and have earned envied reputations as industry pioneers.

Now, these two strong mutual life insurance companies have merged to form Phoenix Home Life Mutual Insurance Co., the 12th largest mutual life insurance company in the country.

The reasons for this merger, the largest in the history of the mutual life insurance industry, are enlightening. Here were two companies that were fully able to compete on their own. However, to provide even better value to

the true owners of the companies—their policyholders—management of both companies set out to become even stronger and more competitive by joining forces.

Together the merged company will be a formidable competitor in the industry, with assets under management in excess of $16 billion. Phoenix Home Life is more efficient and better able to deliver its products and services at less cost than either of the two companies could separately.

I commend the leaders of Phoenix Home Life and am proud to represent so many of their employees in the House of Representatives.

## AMERICAN IS BEAUTIFUL

### HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 22, 1992*

Mr. JACOBS. Mr. Speaker, the following is a description of America the Beautiful written by Chuck Klein of Patriot, IN. It is excellent and deserves to be seen by a very wide readership.

AMERICAN IS BEAUTIFUL

(By Chuck Klein)

"Oh Beautiful for Spacious Skies": This canopy, so immense, it expands as high as the heavens and as broad as needed, not unlike a blanket of freedom, to cover Americans wherever they might be. The courageous blue makes up the bed for the stars of our flag and the blood red sunsets remind us, daily, of lives surrendered to protect the men, women and children of this vast beauty.

"For Amber Waves of Grain": Gold nuggets of life sustaining sustenance on whose shoulders all of those who seek the protection of the spacious skies depend.

"For Purple Mountain Majesties": Forging straight up from the great plains of gilded grain, like a church spire paying homage to the heavens, these rugged resplendent pinnacles symbolize the strength and tenacity of the spacious sky people.

"Above the Fruited Plain": Scattered among the violet mountains and meadows of wheat are the bounteous production yards of the fruits of American ingenuity and manufacturing. In the history of the world these plains and majestic plateaus have yielded the highest standards of excellence and an excellent people.

"America, America": Saying it once isn't enough. To be an American is to be strong and fair, and honest and wise, and humanistic and realistic, and all the other virtuous attributes of those under the protection of the spacious skies.

"God Shed His Grace on Thee": The Lord truly has blessed us with his benevolence, a covenant with all Americans, to do right by thee and thou and you and me.

"And Crown Thy Good With Brotherhood": As we keep the compact with God so shall he continue to bestow the munificence that comes from loving and understanding, and helping our brothers and sisters.

"From Sea to Shining Sea": Not just from Maine to Hawaii or Alaska to Florida, but to wherever those whose roots stem from the fruited plains, the fields of grain or the majestic mountains. For it is the duty of all Americans, an obligation that evolves from a pact with God, to stay the course and expand the spacious skies of brotherhood and freedom.

## INDIVIDUAL INVESTMENT ACCOUNT ACT OF 1992

### HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

### HON. ED JENKINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 22, 1992*

Mr. SCHULZE. Mr. Speaker, we are today introducing a bill to dramatically stimulate taxpayer saving and investment. This bill will not only improve the taxpayers' return on saving and investment, it will increase government tax revenues and dramatically increase our Nation's wealth.

This act establishes individual IRA-type accounts—unlimited IRA's—that enjoy the following attributes:

Unlimited tax deduction for IRA saving.

Tax deductible premiums for life insurance are an acceptable investment, providing the proceeds are payable into the IRA account.

Tax-free investment growth until a withdrawal.

No penalty tax on any withdrawal.

No forced distribution at any age.

No income tax at death. Beneficiary can maintain the IRA account with benefactor's basis.

No estate tax at death.

IRA/Principal Residence Rollovers:

Up to $15,000—indexed for inflation—of taxable distributions can be rolled-over from the IRA without tax for first purchase of principal residence. Tax basis of residence is reduced by like amount.

Tax-free rollover into the IRA of proceeds from sale of principal residence. Tax basis of the IRA reflects the basis of former residence, including the existing law's $125,000 tax-free gain after age 55.

WHO RECEIVES THE VALUE FROM TAX DEDUCTIBLE IRA'S

It is important to recognize that tax deductible IRA contributions can always be divided into two parts:

Part 1: The tax avoided due to the IRA contribution. For example, a $100 tax deductible contribution by a taxpayer in the 15 percent tax bracket avoids a $15 tax.

Part 2: The balance of the contribution. This balance equals the taxpayer's net-after-tax income if the taxpayer had not made the tax deductible contribution. In the part 1 example above, the balance is $85.

The full amount of the tax deductible contribution—that is, the $100 above—is invested within the IRA until a taxable IRA withdrawal is made.

Upon a withdrawal, the Government not only recovers the tax avoided when the contribution was made—part 1—the Government also receives the entire tax free, private enterprise investment growth thereon. Obviously, all such taxes avoided are really deferred, and during the deferral period, they are fully invested at free enterprise rates of return.

Similarly, upon an IRA withdrawal, the then existing value of the taxpayer's after-tax contribution—part 2 above—is received by the taxpayer without further tax. This is so because IRA after tax saving—$85 in the example above—is only taxed once, and properly so.

Note that the taxpayer never receives the tax avoided and deferred by the tax deduction, nor does the taxpayer receive any of the tax free investment growth thereon. All of this inures to the Government.

AN ILLUSTRATION OF IRA VALUES

| Tax bracket | Original investment | | Withdrawal values (after assets have doubled over some period of time) | |
|---|---|---|---|---|
| | 15 percent | 31 percent | 15 percent | 31 percent |
| Deducted IRA contribution | $100.00 | $100.00 | $200.00 | $200.00 |
| Tax avoided by deduction (part 1 above) | 15.00 | 31.00 | [1] 30.00 | [1] 62.00 |
| Contribution balance [2] (part 2 above) | 85.00 | 69.00 | 170.00 | 138.00 |

[1] IRA Value ($200.00) times tax bracket. Thus, the government recaptures the "tax avoided" ($15 and $31) and the entire investment growth thereon.

[2] The "balance" of the total IRA contribution equals the taxpayer's net-after-tax income if the taxpayer had not made the tax deductible IRA contribution. As illustrated, this also doubles in value without further tax to the taxpayer.

Note that the Government enjoys the entire tax-free investment growth on IRA taxes avoided and deferred. This investment growth that is paid to the Government reflects private enterprise rates of return. These governmental values, that grow at free-market rates, more than offset the Government's directly related debt increase arising from the tax avoided and deferred. The Government's borrowing costs—that is, T-bill rates—are less than the free-market rates accruing for the Government—and the taxpayers—within the IRA. Thus, the Government, our taxpayers and our Nation enjoy very valuable financial gains from IRA's, and these gains increase with the IRA's duration.

Every Government official and economist will agree that private enterprise free-market rates of return over time will exceed the Government's cost of money.

TAX BRACKETS COMPARISON

The higher the tax bracket, the bigger the tax deduction. Thus, the higher the tax bracket, the bigger the Government's financial gains, because the Government recaptures all IRA taxes avoided and deferred, as well as all of the investment growth thereon. Thus, unlimited, tax deductible IRA's are not a tax loophole for the rich; the higher the tax bracket, the more the Government gets, and makes, via free-market investment returns.

It can also be pointed out that every taxpayer will enjoy the same after-tax investment growth per $100 of after-tax saving under IRA's regardless of their tax bracket. For example, in the illustration above, both taxpayers—15 and 31 percent tax brackets—had their aftertax saving double in value. Thus, if both taxpayers in the illustration above had after tax saving of $100—instead of the $15 and $31 illustrated, each one would have a value upon the withdrawal of $200.

There is no valid reason for a limit on IRA deductions such as $2,000. All taxable income, from whatever source, can and should be tax deferred if the taxpayer desires to save it rather than spend it. Uncle Sam makes a bundle from the tax deduction. And, all tax-

payers are well served, because their aftertax saving is only taxed once.

Unlimited, tax deductible IRA's will be most productive for the Government, as well as for the taxpayer and our Nation.

OUR NATION'S WEALTH

Our Nation's capital base and its liquidity is greatly enhanced by unlimited, tax deductible IRA's. These factors will induce a reduction in interest rates, and increases in values, productivity and jobs. Our Nation's private credit base is similarly increased. An expanded capital and credit base will induce economic growth that will, in turn, create even more capital and economic growth. Rather than an economic malaise that spirals downward—such as induced by the income tax on saving—our Nation's economic growth will spiral upward. America will lead the world in capital formation for internal and external use—both public and private. Over time, Government debt will decrease in absolute and relative terms.

It is important to recognize that unlimited, tax deductible IRA assets represent money—deferred spending—that's made available in an auction market for use by others. These others naturally expect to earn more money than their costs to pay for it. This ongoing, constant auction market represents free markets at their best. In due course, this deferred spending will create more money for increased spending later—at each voter/taxpayer's option.

All of this great expansion of IRA assets can be traded without the timing inhibitions of a capital gains tax. Transaction taxes, such as a tax on realized gains, create undesirable, and costly marketplace inefficiencies. With unlimited, tax deductible IRA's, there is no need for such transaction taxes, because all values will ultimately be taxed upon withdrawals at ordinary income tax rates.

SCHULZE-JENKINS REMOVES ALL PENALTY TAXES AND ALL FORCED DISTRIBUTIONS

Penalty taxes most severely deter saving at younger ages and lower tax brackets. For example, a 10-percent penalty tax is a 67-percent tax increase on a 15-percent tax bracket. Ordinary income taxes upon withdrawals are a sufficient, proper deterrent to an IRA withdrawal.

Forced distributions at age 70½ needlessly deter the ongoing accumulation of values for the taxpayer and the Government.

From the Government's perspective, the Government should: First, make it as easy as possible for every taxpayer to save as much as possible; second, let assets accumulate in the unlimited IRA for as long as the taxpayer desires; and third, let taxpayers have the freedom to save, or dissave via taxable withdrawals, via unlimited, tax deductible IRA's. Money is fungible. For example, mortgage money offered by an inner-city bank for inner-city homeowners can come from an IRA in Beverly Hills. Who knows? And, who cares? Thus, starting to save as early as possible in life is most important; and keeping those savings invested for as long as possible is equally important. This helps everyone: the IRA saver and the unknown user thereof.

NO INCOME TAX, NOR ESTATE TAX, AT DEATH

From the Government's perspective, letting this money continue to accumulate after death—with no change in basis—makes sense, because, from the Government's perspective, taxpayers are fungible, too. People live and die, but Governments continue. Letting the taxpayer keep his money invested in free-markets without tax until consumed—via IRA withdrawals—means ever growing tax dollars—and related tax receivable assets—for the Government.

There is no stepped-up basis at death under Schulze-Jenkins. All of its IRA investment values will ultimately be taxed at ordinary income tax rates upon a withdrawal at any time.

Estate taxes produce relatively little in dollar amounts for the Government. They are merely the tax manifestation of a life cycle notion that supposedly rich people cannot leave this world without a tax. Contrary to this view, every person should be able to pass on his or her unlimited IRA assets without such a tax, so that the investment portfolio can continue to grow without tax. These assets will always be taxed eventually at ordinary income tax rates as IRA withdrawals are made.

With unlimited, tax deductible IRA's, Americans from all walks of life will have the unfettered opportunity to become much richer by saving; and they can pass these IRA assets on to family, et cetera. Such saving will help them improve their standard of living, while helping others to do likewise. Uncle Sam will get his full tax as these values are withdrawn and spent. Until then, they must be permitted to grow without tax. The Government, taxpayers, and our Nation gain tremendously when compared to the existing ordinary income tax system of taxation.

LIFE INSURANCE AS AN IRA INVESTMENT

This is a legitimate investment for unlimited, tax deductible IRA's, provided the proceeds are paid into the IRA—or policy cash value—for eventual taxable distribution(s). In effect, the life insurance provides important completion insurance that completes the deceased's financial plan, thereby providing enhanced financial assets for his or her family upon death. These assets will ultimately be taxed at ordinary income tax rates as they are withdrawn from the unlimited IRA.

IRA/PRINCIPAL RESIDENCE ROLLOVER

The unlimited, tax deductible IRA residence rollover provision that permits up to $15,000—indexed for inflation—to be withdrawn without tax by a firsttime home buyer, greatly increases everyone's ability to save for home ownership. The home's cost basis is reduced by the rollover amount.

Without question, home ownership helps create and maintain family stability.

Consider how this provision, and the other important elements of unlimited, tax deductible IRA's could have helped the south-central Los Angeles people start up the economic ladder to home ownership and to self-sufficiency. Additionally, withdrawals without penalty taxes enhances the use of personal saving to start small businesses, et cetera. This is most important in the inner cities, as well as elsewhere.

Further, the rollover provision helps older, empty nesters exchange, without tax, their biggest, but unproductive, investment—their home—into productive financial assets. This can improve their living standards in retirement and facilitate the passing on to family—or others—the financial assets that they have accumulated. The unlimited IRA's tax basis is adjusted to reflect the prior residence's basis, including the $125,000 tax-free distribution after age 55.

These principal residence rollover provisions provide a sound, effective shot in the arm to all sectors of the housing industry: home builders and suppliers; agents and agencies; banks, thrifts, and insurers, et cetera. They cost the Government nothing due to the various basis adjustments. Probably, the Government will gain tax revenue.

ENTREPRENEURSHIP AND SMALL BUSINESS

Small businesses and entrepreneurship are the keystones of American economic growth. Unlimited, tax deductible IRA's greatly assist individuals to accumulate the money to start small businesses be they mom and pop or garage type high tech start ups that grow to immense size.

Appropriately too, as start up enterprises grow through public offerings and traded securities, the entrepreneurs can, via unlimited, tax deductible IRAs, diversify their investments so that they don't have all of their eggs in one basket. All of this adds immense value to the market place and spurs economic risk taking and the creation of more and better jobs.

OLD AND NEW SAVING

It is important to recognize the IRA results that flow from existing saving that is shifted to an IRA. New saving, that is, saving from taxable income that would otherwise have been spent, would create an even more favorable picture for the Government and our Nation, because when taxable income is spent, the Government will never have any investment growth thereon to tax thereafter.

Unquestionably, unlimited, tax deductible IRA's that have no penalty taxes nor forced distributions, and that has the principal residence rollover provisions, will create an upsurge in new taxpayer saving. This is exactly what our nation needs for longer term, sound economic growth with more and better jobs. Let us not forget, too, that this economic growth will lead to more spending in the future based on our taxpayers' ever-improving personal wealth.

REVENUE ESTIMATES

Unquestionably, staff estimates of revenues lost under Schulze/Jenkins will be high. Unquestionably too, these estimates will reflect the unreality of tax expenditures, as applied to IRA-type saving, in that such estimates assume that the tax deduction amounts, and the free-market returns thereon, are revenues lost, when in reality, they are tax revenues deferred and as such, are a tax receivable asset of the Government. Further, these staff estimates are static in nature, that gives little, if any, proper weight to the dynamic attributes of removing the existing ordinary income tax treatment impediments to saving.

This staff error in tax revenue analysis cannot be permitted to continue to thwart sound tax legislation on such an important element of our Nation's saving and economic growth.

Grossly erroneous tax revenue estimates in regards to tax deferred saving have frustrated our Nation's economic growth for far too long, and with most serious economic consequences. Such errors must not be permitted to continue.

Common sense, sound economics and demonstrable fact proves the soundness of Schulze/Jenkins.

Unlimited, tax deductible IRA legislation is bold, sound, simple and long overdue. Not only is it economically sound, it is politically sound from the perspectives of all voter/taxpayers.

Above all else, America needs unlimited, tax deductible IRA's to help its citizens regain an ever growing standard of living, including enhanced resources to pay for improved medical care, housing, schooling, retirement and out Nation's infrastructure.

A most important corollary gain is the greatly enhanced private and governmental fiscal soundness that will lead the United States and the world to a far brighter economic future.

The rewards from unlimited, tax deductible IRAs are limitless for our Government, for our voter/taxpayers and for our Nation. A failure to act promptly to enact this enabling legislation would reflect an unconscionable governmental failure, as well as a voter/taxpayer failure to insist upon this sensible, compelling legislation.

Set forth below are the real life financial gains to the Government, the taxpayer and our Nation from IRA's versus the ordinary income tax treatment of saving:

GOVERNMENT, TAXPAYER AND NATION'S GAINS OR (LOSSES) FROM IRA TAX TREATMENT VS ORDINARY INCOME TAX TREATMENT WHEN $100 OF EXISTING, AFTER-TAX SAVINGS ARE SHIFTED TO A TAX DEDUCTIBLE IRA

[Investment made in an actual, typical mutual fund on Jan. 1, 19 and maintained for years duration until withdrawn on Dec. 31, 1991]

| Gain or (loss) from IRA's | Tax bracket (percent) | 1991 1 yr. | 1989 3 yrs. | 1987 5 yrs. | 1982 10 yrs. | 1962 30 yrs. | 1926 66 yrs. |
|---|---|---|---|---|---|---|---|
| (A) Government's gain or (loss) | 15 | $15.78 | $18.15 | $19.38 | $32.10 | $75.24 | $1,098.21 |
| | 31 | 22.42 | 25.70 | 27.50 | 51.76 | 195.45 | 27,270.23 |
| (B) Taxpayer's gain or (loss) | 15 | (10.86) | (8.69) | (5.46) | 16.53 | 333.59 | 58,933.57 |
| | 31 | (9.89 | (1.92) | 6.76 | 64.31 | 700.49 | 89,223.44 |
| (C) Nation's gain or (loss) (A+B) | 15 | 4.92 | 9.46 | 13.91 | 48.64 | 408.84 | 60,031.78 |
| | 31 | 12.53 | 23.78 | 34.26 | 116.07 | 895.95 | 116,493.68 |

Note.—The above assumes that IRAs were available during all of the durations illustrated. Note that the government gains far more from IRAs than taxpayers for at least 10 years! (A vs B)! And, the government claims that IRAs lose revenue! The taxpayers' losses above arise from the existing 10 percent penalty tax on withdrawals; a 67 percent tax increase at the 15 percent tax bracket. No penalty taxes are assumed at the 66 years duration. Penalty taxes keep people from using IRAs; they must be eliminated. This will greatly increase new IRA saving, thereby creating even more tax revenue that more than offsets lost penalty taxes. With or without penalty taxes, the Nation always gains the same amount with IRAs (A plus B). To measure the government's gain or loss, the taxes that would have been collected under the ordinary income tax are carried forward as government debt to Dec. 31, 1991 at the government's actual cost of money (T-Bill rates) for each year of the duration periods.

Source: Savers & Investors League.

These gains or losses are from a single $100 saving that's invested in an actual, typical mutual fund at the start of the period shown.

Multiply the above figures by $10 million—($100 times $10 million equals $1 billion—to portray the enormous gains that would have been available to the government, the taxpayers and our Nation from each $1 billion of existing savings shifted to tax deductible IRA's if IRAs had been available during the durations illustrated. For example, the Government's gains from IRA's versus the ordinary income tax per each $1 billion of saving in 1962 would have been between $75 billion and $195 billion. The Nation's gains would have been between $400 and $900 billion. It is clear that the Nation's gains from each $1 billion of saving every year from 1962 and carried forward to December 31, 1991 would have been in the trillions of dollars.

Remember: The past 66 years illustrated above are the prologue to the next 66 and beyond. The financial and economic growth portrayed above has been literally wasted in the past due to the ordinary income tax bias against saving and the failure to provide unlimited, tax deductible IRA's. Schulze/Jenkins must be enacted immediately.

## COMMANDANT GENERAL TOM MAGUIRE, T.D.

### HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 22, 1992*

Mr. GILMAN. Mr. Speaker, I rise to take this opportunity to recognize an extraordinary man on the occasion of his 100th birthday. On March 28, 1992, Commandant Gen. Maguire, the sole surviving member of the 2d Dail Eireann—the first Irish Parliament, elected after the 1919 Irish declaration of independence—began his second century. This is an event of great significance among the Irish Diaspora as well as the people of Ireland.

In Ireland the President recognizes such events with a personal message and a check. When the individual who reaches the century mark is also a national hero, a former combat leader, and a former national legislator, the occasion should attract the attention of every legislative body.

Tom Maguire is respected by Irish people throughout the world, and in particular by those with connections to County Mayo, as a man who sought peace with justice and honor for all of Ireland. Commandant Gen. Maguire, T.D., a soldier and patriot, symbolizes those whose sacrifices and steadfast devotion led to the creation of the modern Irish State.

In recognition of the 100th birthday of Commandant Gen. Tom Maguire, sole surviving member of the 2d Dail Eireann, I invite my colleagues to pause in its deliberations to congratulate Commandant General Maguire, T.D., for a life of steadfast devotion to the cause of liberty and justice for all, and for peace with justice and honor for all Ireland. May he be remembered with the company of those brave men and women who served in the defense of the Irish republic proclaimed during Easter Week, 1916.

The printed program book of the 1991 New York Saint Patrick's Day parade, the largest parade in the world, contained a retrospective article on Commandant Gen. Tom Maguire, T.D., written by an Irish immigrant from County Mayo, whose grandfather, Richard Cawley, native of Shrule, County Mayo, had served under Tom Maguire in the Irish war for independence (1919–1921) and who still vividly remembers Maguire's qualities of leadership. Gerald O'Hara, the author, is a native of Charlestown, County Mayo, and is also active in the Irish immigration reform movement. Additionally, he serves as a corporal in the 9th Regiment of the New York Guard. He now lives in New York with his wife Catherine.

Mr. Speaker, I request that the full text of the article entitled "Remember 1916" appear at this point in the CONGRESSIONAL RECORD.

REMEMBERING 1916

TOM MAGUIRE, COMMANDANT GENERAL, I.R.A.

(SECOND DIVISION)

Born in Cross, South Mayo in 1892, Tom Maguire was the fourth child of eleven in a large nationalist family. His ancestors fought against the Williamites at Aughrim in 1691, with Humbert in 1798 and were active in the Fenian movement in the 1800's.

Considering this lineage, it was no surprise that the young Maguire was politically aware and had a keen interest in military history. In 1913 he was a member of the Irish Volunteers and took the anti-Redmond side in the split of 1914.

Events beyond their control precluded the Mayo Volunteers from taking any active part in the Rising of 1916. This monumental event in Irish history left an indelible mark on Tom Maguire. He has this to say:

"The Easter insurrection came to me like a bolt from the blue. I will never forget my exhileration; it was a turning point in my life to think that Irish men were fighting England on the streets of Dublin. I thank God for seeing such a day."[1]

Prominent in organizing the first company of the I.R.A. in South Mayo, Tom Maguire's leadership turned untrained and unarmed volunteers into an effective fighting force that engaged and defeated the British in several actions, notably the Kilfall ambush and the Tourmakeady ambush.

Tournmakeady, with its subsequent rear guard fighting and retreat across the Partry Mountains, made Tom Maguire a legend in his own lifetime. Wounded six times, and his adjudant, Michael O'Brien, fatally wounded after rendering him aid, he was carried by his own men where they broke through an encirclement of hundreds of British troops.

The tragic Civil War period found him imprisoned under threat of execution and his younger brother, John, was executed in Tuam.

Commandant General Tom Maguire, soldier and patriot, the last surviving member of the Second Dail, and one of the brave few who gained Ireland its first measure of freedom in six hundred years.

The people of Ireland and of County Mayo will forever be in their debt.

[1] From Survivors by Uinseann MacEoin, Argenta Publications, Dublin.

Commandant General Tom Maguire lives with his son, Dr. Sean Maguire, in Castlebar, County Mayo.

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, July 23, 1992, may be found in the Daily Digest of today's RECORD.

### MEETINGS SCHEDULED

JULY 24

9:00 a.m.
Armed Services
Closed business meeting to continue mark up of S. 2629, to authorize funds for fiscal year 1993 for military functions of the Department of Defense, and to prescribe military personnel levels for fiscal year 1993.
SR-222

9:30 a.m.
Governmental Affairs
To hold hearings to examine the role of contractors in the Department of Defense's star wars program.
SD-342

10:30 a.m.
Environment and Public Works
Environmental Protection Subcommittee
To hold hearings on S. 1491, to provide for the establishment of a fish and wildlife conservation partnership program between the United States Fish and Wildlife Service, the States, and private organizations and individuals.
SD-406

2:00 p.m.
Armed Services
Closed business meeting to continue mark up of S. 2629, to authorize funds for fiscal year 1993 for military functions of the Department of Defense, and to prescribe military personnel levels for fiscal year 1993.
SR-222

JULY 27

2:00 p.m.
Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To hold hearings on S. 2907, to revise and improve the National Flood Insurance Program of the Federal Emergency Management Agency.
SD-538

Governmental Affairs
Oversight of Government Management Subcommittee
To hold hearings on proposed legislation authorizing funds for activities of the Independent Counsel Law of the Ethics in Government Act of 1978.
SD-342

2:30 p.m.
Joint Economic
Technology and National Security Subcommittee
To hold hearings to examine China's recent economic performance and prospects, the status of economic reforms, and China's trade policies.
SD-628

3:00 p.m.
Foreign Relations
To hold hearings to examine U.S. plans and programs regarding weapons dismantlement in the former Soviet Union.
SD-419

JULY 28

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1993 for the Departments of Labor, Health and Human Services, and Education, and related agencies.
SD-192

Armed Services
To hold hearings on the military implications of the START Treaty and the June 17, 1992 United States/Russian Joint Understanding on Further Reductions in Strategic Offensive Arms.
SH-216

Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on proposed legislation authorizing funds for the Federal Trade Commission.
SR-253

Energy and Natural Resources
To hold hearings on the nominations of Hugo Pomrehn, of California, to be Under Secretary of Energy, and John J. Easton Jr., of Vermont, to be an Assistant Secretary of Energy (Domestic and International Energy Policy).
SD-366

10:00 a.m.
Environment and Public Works
Environmental Protection Subcommittee
To hold hearings on proposed legislation to conserve exotic, wild birds, including S. 1218, to provide financial assistance for projects for research, conservation, management, or protection of exotic birds, and S. 1219, to direct the Secretary of the Interior to issue regulations requiring the marking of exotic birds and to prohibit a person from importing exotic birds without a license.
SD-406

Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold hearings on S. 1581, to revise the Stevenson-Wydler Technology Innovation Act of 1980 to allow Federal agencies to secure copyright in computer software prepared by U.S. employees under a cooperative research and development agreement, and to grant licenses or assignments for the copyrights.
SD-226

2:00 p.m.
Budget
To hold hearings to examine the Administration's mid-session review of the Federal budget.
SD-608

2:30 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To resume hearings on S. 1156, Federal Land and Families Protection Act of 1991, focusing on the health of the eastside forests in Oregon and Washington.
SD-366

JULY 29

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1993 for the Departments of Labor, Health and Human Services, and Education, and related agencies.
SD-192

Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings to examine the uses of telecommunication technologies in education.
SR-253

Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to examine efforts to combat fraud and abuse in the insurance industry.
SD-342

10:00 a.m.
Finance
To resume hearings to examine the state of U.S. trade policy, focusing on proposed legislation to open foreign markets to U.S. exporters and to modernize the operations of the U.S. Customs Service.
SD-215

Judiciary
Juvenile Justice Subcommittee
To hold hearings on S. 1002, to make it a Federal criminal offense to leave or remain outside a State for the purpose of avoiding payment of arrearages in child support
SD-226

1:30 p.m.
Judiciary
Courts and Administrative Practice Subcommittee
Business meeting, to mark up S. 287, for the relief of Clayton Timothy Boyle and Clayton Louis Boyle, son and father, S. 1103, for the relief of the estate of Dr. Beatrice Braude, S. 1181, for the relief of Christy Carl Hallien, of Arlington, Texas, S. 1652, for the relief of land grantors in Henderson, Union, and Webster Counties, Kentucky, and their heirs, S. 1859, for the relief of Patricia A. McNamara, S. 1947 and H.R. 238, for the relief of Craig A. Klein, S. Res. 170, to refer S. 1652 to the Chief Judge of the U.S. Claims Court for a report thereon, H.R. 454, for the relief of Bruce C. Veit, and H.R. 478, for the relief of Norman R. Ricks.
SD-562

2:00 p.m.
Finance
Medicare and Long-Term Care Subcommittee
To hold hearings to examine how Medicare payment policies affect physicians' choice of medical specialties.
SD-215

Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

JULY 30

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine cosmetic standards and pesticide use on fruits and vegetables.
SR-332

Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1993 for the Departments of Labor, Health and Human Services, and Education, and related agencies.
SD-192

Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings to examine issues relating to telemarketing fraud.
SR-253

Governmental Affairs
Permanent Subcommittee on Investigations
To continue hearings to examine efforts to combat fraud and abuse in the insurance industry.
SD-342

2:00 p.m.
Judiciary
Business meeting, to consider pending calendar business.
SD-226

2:30 p.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on rail highway grade crossing safety, and on S. 2644, to require the Secretary of Transportation to require passenger and freight trains to install and use certain lights for safety purposes.
SR-253

Select on Indian Affairs
To hold hearings on S. 2481, authorizing funds for Indian health programs.
SR-485

AUGUST 4

9:30 a.m.
Select on Indian Affairs
To hold hearings on S. 2617, to provide for the maintenance of dams located on Indian lands in New Mexico by the Bureau of Indian Affairs or through contracts with Indian tribes.
SR-485

2:30 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 2577, to provide for the exchange of certain Federal lands within the State of Utah, between the State of Utah and the Secretary of the Interior.
SD-366

AUGUST 5

10:00 a.m.
Finance
To resume hearings to examine the state of U.S. trade policy, focusing on proposed legislation to open foreign markets to U.S. exporters and to modernize the operations of the U.S. Customs Service.
SD-215

Governmental Affairs
Business meeting, to consider pending calendar business.
SD-342

Veterans' Affairs
Business meeting, to resume markup of S. 2575, to revise certain pay authorities that apply to nurses and other health care professionals, and other pending calendar business.
SR-418

AUGUST 6

9:00 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold oversight hearings on high-speed ground transportation.
SR-253

AUGUST 7

9:30 a.m.
Governmental Affairs
To hold hearings to examine the health risks posed to police officers who use radar guns.
SD-342

AUGUST 12

9:30 a.m.
Select on Indian Affairs
To hold oversight hearings on Indian trust fund management.
SR-485

## CANCELLATIONS

JULY 23

9:30 a.m.
Governmental Affairs
To hold oversight hearings on the implementation of the Chief Financial Officers Act (P.L. 101-576), and to review the Army audit.
SD-342

2:30 p.m.
Governmental Affairs
General Services, Federalism, and the District of Columbia Subcommittee
To hold hearings on S. 2080, to clarify the application of Federal preemption of State and local laws.
SD-342

## POSTPONEMENTS

JULY 23

9:30 a.m.
Small Business
To hold hearings on H.R. 5191, to encourage private equity capital to small business concerns.
SR-428A