

SENATE—Friday, July 24, 1992

(Legislative day of Thursday, July 23, 1992)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable BROCK ADAMS, a Senator from the State of Washington.

PRAYER

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

Let us pray:
 * * * *If any man offend not in word, the same is a perfect man, and able also to bridle the whole body * * * the tongue is a little member, and boasteth great things. Behold how great a matter a little fire kindleth! And the tongue is a fire, a world of iniquity: so is the tongue among our members, that it defileth the whole body.* * * *—James 3:2, 5, 6.

Eternal God, Author of truth, election campaigns involve words. Grant to those who manufacture speeches or television bites and those who use them, sensitivity to the destructive as well as edifying and motivating power of words. Our leaders are saying the right words: "family values," "decency," "seeking the moral and ethical center." Grant our leaders the honesty to mean what they say and the will to do it. Save us, Lord, from words without content, rhetoric without commitment. We have been reminded that what is morally wrong cannot be politically right. Give those who speak intellectual, spiritual, and moral authenticity.

To the glory of God. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
 PRESIDENT PRO TEMPORE,
 Washington, DC, July 24, 1992.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BROCK ADAMS, a Senator from the State of Washington, to perform the duties of the Chair.

ROBERT C. BYRD,
 President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of proceedings be approved to date.

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

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I ask unanimous consent that the leader time of the distinguished Republican leader and myself be reserved for use later in the day.

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business with Senators permitted to speak therein for up to 10 minutes each.

Mr. MITCHELL. Mr. President, under the previous order, as stated by the Chair, there will now be a period for morning business during which time Senators will be permitted to speak for up to 10 minutes each.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New York.

A NEW SECRETARY OF STATE

Mr. MOYNIHAN. Mr. President, I would take this occasion at the outset of the Presidential campaign to comment concerning reports we have read that our distinguished Secretary of State, James A. Baker III, is going to leave his present duties and move to the White House to assume direction of the President's reelection campaign. His prospective position has been described by someone in the White House as Executive Vice President.

It would appear—nothing more than that—that this decision was reached when the President and the Secretary of State were in the Rockies over the last weekend, taking a break—intelligently—in pursuit of the wily trout, as we say, and talking about this matter as they would properly do. They are old friends.

Secretary Baker managed Mr. Bush's campaign for the Senate in 1970. He carried Houston for him and has been with him, at his side, ever since. Nothing is more appropriate, more admira-

ble in politics, than that kind of long-standing relationship.

And I might say, Mr. Baker, when asked about this move, said very deftly, as he usually does, "Do not believe it until you hear it from the President," which is scarcely a denial but probably a way of deferring the President's decision to the President himself.

So we can assume that this will now happen. From this Senator's point of view, it is entirely appropriate that it should happen if that is what the President wants and Mr. Baker is agreeable to it.

On the other hand, as a member of the Foreign Relations Committee, I would like to state—speaking only for myself but speaking from the record—if President Bush is to ask Secretary Baker to come to the White House to run his campaign, the Secretary must leave his post as Secretary of State.

This will be difficult for him to do, understandably, with so many matters in flux in the world. In the Middle East, where we see genuine progress, the statement by Mr. Rabin yesterday that there will be no new housing built on the West Bank is a very important change in policy in that region. The decision the United States, Great Britain, and France are about to make with respect to armed action against Iraq, where Saddam Hussein increasingly defies the United Nations, breaks all agreements—that is a matter of profound importance; there is a possibility of military action under the auspices of the United Nations. In the Balkans, the horror of those conflicts continues.

The New York Times had a gripping editorial yesterday which stated: "The blood from the Balkans is seeping under Europe's door." There are more refugees in Europe just now than at any time since the end of the Second World War. And the world round there are the kinds of crises associated with newly independent nations—ethnic groups demanding national status, conflicts over territory. We just saw a splendid example in Czechoslovakia, of a nation breaking up without going to war, internal war. But that is rare; the unusual case. At least it is not the necessary one. All over the world there are crises of a new era, a new world order trying to find and define itself.

It is not the best time for a Secretary of State to be leaving. But if the Secretary is to do so—and I believe some of my colleagues will discuss the same point—he must be succeeded by a Sec-

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

retary of State. He cannot take leave and put that most nonpartisan position in the Cabinet in that compromised situation.

I can report, Mr. President, that the Congressional Research Service tells us that never in the history of the Nation has a Secretary of State involved himself in a Presidential election in the direct manner that is contemplated by Mr. Baker going to the White House—never.

It would be not just unprecedented but it would be in contravention of the struggles, and traditions of this Republic.

Secretary Acheson, in his wonderful book, "Present at the Creation," says that "A Secretary of State is always a political figure" but it is nonetheless rightfully important that overt partisanship in the foreign policy be minimized. This is how he put it. He says:

[T]he doctrine and practice of nonpartisanship in foreign policy is a very practical political expedient, designed to moderate asperities inherent in our constitutional system. "The doctrine of the separation of powers," Justice Brandeis has explained, "was adopted by the Convention of 1787, not to promote efficiency but to preclude the exercise of arbitrary power. The purpose was not to avoid friction but, by means of the inevitable friction incident to the distribution of the governmental powers among three departments, to save the people from autocracy."

Then Acheson continues:

Today in the determination of our policies toward "the vast external realm" with all its complexities and dangers, there is a superabundance of friction to save the people from the autocratic imposition of courses of action. The purpose of nonpartisanship is to ease the difficulties in the way of maintaining continuity and predictability in action. To borrow a phrase of Woodrow Wilson's it is the essential "oil of government."

So, sir, I would say, without the least intent of disparaging the Secretary of State, simply to put him on friendly notice that his office is the most important of any other office of the Government apart from the President himself, and that office has to continue. Our policies have to be pursued by a Secretary of State with full powers of office, nominated by the President, confirmed by the Senate. That is easily done. We ought to do, and will do. If the nominee should be Deputy Secretary Eagleburger, I cannot imagine there would be any objection, certainly not from this Senator who has known Mr. Eagleburger for a quarter of a century or more. But there must be a Secretary of State. It is unacceptable, it is extra constitutional, it is against all our history of practice to let that become a partisan political post by taking leave of it to manage a political campaign. That will not do. It need not happen. And it must not.

Mr. President, I see that other Senators are here to discuss this same point. I am happy to yield the floor.

I see my very able and learned friend from Pennsylvania is on the floor.

I yield the floor.

Mr. WOFFORD addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. WOFFORD. Mr. President, I share all the concerns of the Senator from New York about the Secretary of State's role. He says the Secretary of State obviously historically and by the very nature of the office should wear only one hat, the hat of the most nonpartisan office in our Cabinet and in our Government, in our executive branch.

To my knowledge, as the Senator from New York has pointed out in his research, he has done so in the past historically.

But I am concerned about the two hats that the President of the United States wears, and the possible damage to the very confidence in the Presidency that is required to hold our country together.

The President does wear two hats. Aside from being Commander in Chief and Chief Executive Officer, he is also a political figure in our Constitution, and when the election season comes, of course, he is engaged in a campaign for his reelection when he is so nominated and chooses to do so.

But the historian of the New York Times is correct that the President is reaching out to the Secretary of State to come to the rescue of his political campaign, and if the President is really thinking of bringing him home from the most important front—this is world today in this time of extraordinary opportunity in the post-cold-war world to be thinking, if he is thinking, of bringing him home and assigning him a job in the White House, with apparently the expectation he would return to the Secretary of State at some point—but leaving that point aside—to take a job in the White House to save his faltering Presidential campaign I think is mixing the two hats of the Presidency in a very damaging way to this Republic.

It is one thing for Mr. Baker to come back to resign his job to take another job in the political campaign to help a friend in need, his party in need, but I cannot understand how there could be any thought of his managing a campaign as a member of the White House staff. If ever there is a clear conflict of interest, that would be it.

My campaign manager was not on the Senate payroll. George Bush's campaign manager should not be on the White House payroll.

This conflict of interest is especially ironic when you consider that George Bush recently vetoed campaign finance reform even while accepting some \$200 million in public financing for his own campaigns. Now, it seems it is so reported anyway, that he expects the taxpayers to pick up the tab for the salary of a chief political operative. I realize he set a precedent not long ago,

a year and a half ago, when he permitted, in fact apparently encouraged, his Attorney General to step into, plan, a campaign that I happened to be involved in in Pennsylvania, at the same time as he continued to be Attorney General of the United States.

So I ask George Bush as President, as a man who has to, for the sake of this Republic, wear those two hats carefully, to think twice and thrice and long before he puts the very essence of the White House's integrity on the line in asking our Secretary of State to come back to take this political role in what would be an extraordinary unprecedented conflict of interest.

I yield the floor.

Mr. SARBANES addressed the Chair. The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Mr. SARBANES. Mr. President, I want to commend my two colleagues, the very able and distinguished Senators from New York and Pennsylvania, for the points they are making here on the floor of the Senate today. I think it is very important to stop and think for just a moment about what the President is talking about doing and the cavalier attitude which the administration is taking toward I think some very important issues.

To my knowledge the Federal Government and its payroll are not there to be used by a sitting President to achieve his reelection in a very direct partisan fashion. I have very serious problems with the notion that anyone is brought into the White House staff for the purpose of running a campaign. I mean, stop and think about that for a moment. That is what is being said. Perhaps they will back off of that, and they will define a different nature for Secretary Baker and the White House. But what is being said is that the campaign is in trouble, they need to get directly into it, and therefore they have to bring Jim Baker into the campaign effort. And the way they are going to do that is not that Jim Baker is going to go to the campaign to become his manager or director—in other words leave the Federal service to go to the campaign which, of course, would preserve the dichotomy between public policy responsibilities and partisan political activity which all of us are very much aware of—but instead they want to bring him into the White House staff in order to help run the campaign.

That is, I think, the point that my colleague from Pennsylvania has made very well. In fact, I thought it was shocking that the Attorney General was in fact serving as Attorney General while preparing his campaign for the U.S. Senate in Pennsylvania. In the end he did not prevail, perhaps in part because of that reason. But the notion that he can continue to serve as Attorney General when he is clearly an active candidate is really contrary to the way we have done and the way we ought to do business.

I also want to address the suggestion that they are going to take the Secretary of State, at a critical time with respect to foreign policy issues, and simply shift him out of that arena. I think it ought to be recognized that the Nation will pay a large price for that.

Now, President Bush and Secretary Baker may choose to do that. But I think it ought not to go unnoticed that the Nation will pay a price for that. What will happen is that by drawing Secretary Baker into the President's reelection effort, the Nation's interests, in terms of losing the continuity, the knowledge, the experience, the skill that Secretary Baker has brought, will be harmed in order to serve the President's political interests.

Obviously, if Secretary Baker chooses to do that, he can do that. It is a free country, and he can go and help run the President's campaign, although I do not think he ought to do it on the public payroll and on the White House staff. Secondly, he certainly should not do it on the basis of some "leave of absence" as Secretary of State.

It is clear to me that if the Secretary of State chooses to run the campaign, the required and honorable course is for him to resign as Secretary of State. I frankly would regret that. I think, in effect, the administration and the Nation would have lost something in terms of dealing with foreign policy issues. But, nevertheless, if the President and the Secretary are going to put the President's political interests at such a high level, to give such weight to it, then the Secretary cannot simply take a leave of absence. I do not understand this concept of a leave of absence for Secretaries of State. As the able Senator from New York has pointed out, it has never happened before in our history, and it is some demonstration of how standards are being reduced for political purposes.

I do not want to overdraw the analogy, but we are now into the realm of negative politics. We have completely destroyed any sense of standards about how we conduct our political debate and exchange in this country, and now it is reaching the point that we are clearly undercutting the separation we have tried to maintain between running the Government or addressing public policy issues, and engaging in political activities. Here we have this incredible notion that the Secretary of State can simply take a leave of absence and go over and run the campaign.

Well, of course, then why not have the Secretary of Defense take a leave of absence and go over and help run the campaign, and on and on, down the list? No Secretary of State has ever done this. I frankly would regret the Secretary leaving his office, because I think there are important challenges

that confront us including, most particularly right now, the Middle East, where the Secretary is presently located. In any event, there are new opportunities in the Middle East, hopefully, for a breakthrough, and we ought not to allow them to pass us by.

For a Secretary of State to become directly involved in the reelection campaign is really contrary to the bipartisan tradition of American foreign policy. Certainly, if he is to do that, the Secretary ought to resign as Secretary. This concept of a leave of absence, it seems to me, is totally unacceptable. There is no precedent for it. I doubt very much there is any statutory basis for it. We have been researching that. We have not been able to come up with any. In fact, there is a limitation of 120 days on having an office remain vacant.

So actually, the statutory framework runs in the opposite direction to any such notion of a leave of absence. Therefore, I very much urge the administration to reconsider what they are doing. Apparently, the President is desperate politically and feels he must have Secretary Baker's assistance. I do not know the answer to that question. Obviously, if we tell Secretary Baker not to move over to the campaign staff, they are going to say, well, you are just doing that because you do not want the President to be helped out politically.

I am trying to bring a broader view to it. I think the Secretary ought to stay as Secretary and address these foreign policy concerns. But if he is not going to do that, he certainly ought not to be promoting this unacceptable and strange concept of taking a leave of absence from being Secretary of State in order to run the President's reelection campaign and, to compound it, to do so on the White House staff on the public payroll.

Is there no sense of standards? Clearly, what ought to be done here, if it is going to happen, is the Secretary should resign. He should go to the campaign and be put on the payroll of the campaign as a campaign manager.

I would regret that, because I feel he ought to stay on as Secretary of State and address these pressing challenges for American foreign policy. But if the administration's perception of what the public interest requires, what the Nation's interests require, does not conform with this observation that the Secretary ought to remain as Secretary, then at the minimum, it seems to me, he needs to resign his post—no leave of absence. That is just wanting to have it all. They want it all. They want him to take a leave so he in effect remains potentially as the Secretary. They want him to go on the White House staff so he gets paid on the public payroll. It sort of takes your breath away. The audacity of it takes your breath away.

If someone here were to do the same sort of thing with someone on their staff, what do you think would happen? They would be in front of the Ethics Committee or the Federal Election Campaign Committee just that quickly.

My preference is that Secretary Baker stay on as Secretary of State, because I think we have important issues facing our Nation that he is in a unique position to deal with. I am sure some are going to say that I want him to stay because I do not want him to go over and help the President politically. The President is in desperate straits. The only one who can bail him out, or so a lot of people think, is Secretary of State James Baker, and therefore the campaign has to bring him over. Well, if they bring him over, he ought to resign as Secretary of State. He ought to go on the payroll of the campaign committee.

The thing ought to be done openly, it ought to be done cleanly, and it ought to be done fairly.

Mr. President, I yield the floor.

Mr. MOYNIHAN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mr. MOYNIHAN. I wonder if I could address this question to my two colleagues. Each of us is a member of the Committee on Foreign Relations, and we have been variously involved in these matters for a long while.

If the Secretary resigns, as we clearly agree he must do—

Mr. SARBANES. If he leaves.

Mr. MOYNIHAN. If he leaves.

Mr. SARBANES. I do not think he should leave. I think he should remain as Secretary. If he leaves to go run the campaign, I think he needs to resign.

Mr. MOYNIHAN. If he is to run the campaign, he must resign.

Does the Senator agree that in that situation—recognizing that time is pressing on the President and the political calendar—if he will nominate a Secretary, nominate a person to succeed Mr. Baker, the Committee of Foreign Relations will promptly, I mean instantly, be seized of the matter, have a hearing, and vote on whether or not to report it to the Senate, with the expectation that the President will have his choice in such matters and such that the new Secretary will be confirmed in short order. Thereafter the United States will be represented in the Security Council, in the council of world affairs, by a person fully authorized by the Senate to go forth and represent the Nation. Would the Senator from Pennsylvania agree to that?

Mr. WOFFORD. Indeed. The Senator from Pennsylvania recognizes that there has hardly been a time in American history when we more need a Secretary of State who has the confidence of the country, who is bipartisan, who does not have one foot in the political world and one in the international

world. We need that kind of Secretary of State. We have had him, I think, in Secretary Baker. I would regret his loss as Secretary of State. But if he is needed on this other front, if that is the judgment that is made, it seems to me that the Senator from Maryland stated two clear points that are self-evident: One, he would have to resign, and, two, he should not go on the public payroll. The White House is costing a lot already, but it certainly is not supposed to be paying the payroll—

Mr. MOYNIHAN. And there should be a successor which the Senate will be completely cooperative with.

Mr. SARBANES. Promptly.

Mr. MOYNIHAN. Promptly.

Mr. SARBANES. If the Senator will yield, the successor would become the priority item before the committee of the highest magnitude and would be addressed immediately—and obviously it would need to be. I do not think there is any problem on that score, and the committee would not only be seized of the matter, but would respond and respond promptly and effectively in dealing with anyone that the President sent to us as a successor to be the Secretary of State. This is a very important position.

Mr. MOYNIHAN. And critical.

Mr. SARBANES. In all of this discussion going on in the press, my own reaction has been that the position of Secretary of State is being treated very cavalierly. The Senator read that quote from Secretary Acheson, which I thought was right on point and reflected a kind of a sensitivity and an appreciation of the responsibilities of the Secretary of State, which, unfortunately, seems to be missing in the present discussion.

Mr. MOYNIHAN. I wonder if I could read one more passage from Dean Acheson. He writes:

A Secretary of State is always a political figure. Even General Marshal became such, perhaps to his surprise. But he does well to avoid purely partisan involvement and flights of partisan oratory. His office depends upon his party's success, but the success of his office will depend upon bipartisan support.

I think we have made our point, Mr. President. I yield the floor.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant 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. WOFFORD). Without objection, it is so ordered.

AGRICULTURE APPROPRIATIONS— H.R. 5487

Mr. GORTON. Mr. President, the United States has the safest, most

abundant food supply in the world. This luxury exists in part due to the importance we place on research in agriculture. H.R. 5487, the Agriculture and rural development appropriations bill for fiscal year 1993, proposes a research program that will help ensure that U.S. agriculture is productive and healthy. I support this bill and want to thank the chairman and ranking member of the Agriculture Subcommittee for their work and attention to projects that are important to Washington State.

The fiscal year 1993 agriculture appropriations bill provides funding for the construction of a research facility in Pullman. In addition, the bill includes funds for new and continuing research on numerous Washington State crops, food safety, agriculture and forest products trade, and animal health. In total, the 1993 agriculture appropriations bill provides over \$6 million in direct funds to Washington State, and indirectly, over \$17 million to the State.

I am pleased that the committee provided \$800,000 for research of market opportunities for agricultural and forest-related products. The funding provided to Washington State University and the University of Washington for the IMPACT and CINTRAFOR programs, respectively, will allow these trade centers to continue identifying and promoting export opportunities.

Among the oldest foods cultivated are dry peas and lentils. The bill provides \$387,000 to establish research centers focused on high priority issues affecting food legumes.

The bill provides \$412,000 to complete the five year barley gene-mapping project. This 5-year project has made significant progress in basic molecular genetics and in the development of breeding strategies for barley.

The agriculture appropriations bill also includes \$2.6 million for the construction of the Animal Disease Biotech Facility at Washington State University. This facility will link the veterinary teaching hospital with the Veterinary Sciences Building. The laboratory will be dedicated to enhancing animal health and well-being through prevention, improved diagnosis, and effective treatment of diseases infectious to both agricultural animals and humans. Though I requested \$12 million for this project, I recognize the constraints under which the committee operated and will work to have the project fully funded next year.

I am pleased that the committee has allocated funds for the Geographic Information Systems Program. The \$1 million included in the bill will be used to enhance and apply information processing technology for natural resource management. Central Washington University is among the academic institutions that receives assistance from this program. With GIS funds CWU has developed technology for growth manage-

ment, land-use management, and assessments and linkages between natural resource values and management needs.

Two years ago, I began working to secure funding for the establishment of the Northwest Small Fruit Research Center. Last year, this project received more than \$200,000. This year, it received only \$187,000. I continue to believe that the research this facility will perform is needed and will work for increased funding.

The reregistration of minor-use pesticides is essential for the continued production of almost all the fruits, vegetables, herbs, and ornamental commodities grown in Washington State. I am pleased that the committee has provided \$3.5 million in funding for the IR-4 Program. This program is the sole source of research support for farmers during the FIFRA reregistration process. The funding the committee provided for residue testing at Tri-State Pesticide Lab in Tri-Cities Washington will also assist agriculture.

A declining budget necessitates that resources be shared among research and educational institutions. This bill reflects that reality and appropriates over \$1.2 million for Ag-Sat, a network of land-grant universities linked by satellite. Washington State University is among the schools that, through Ag-Sat, will extend research information, increase educational opportunities, and supplement and broaden college curricula.

Among several other essential agriculture programs for which I requested funding, I am pleased that Steep II as well as research on potatoes, the Russian wheat aphid, and TCK smut received appropriations. I also commend the committee for recognizing the importance of research on apples, dry beans, cereal rust, lygus bugs, and nursery crops and for directing the Department of Agriculture to provide adequate funding for this research.

Finally, the importance of agricultural trade has never been greater. I am pleased that the committee funded the Marketing Promotion Program [MPP] at \$174.5 million. I strongly support this level of funding and encourage the Senate to resist compromising with the House of Representatives' \$75 million appropriation for MPP.

Last but certainly not least, Mr. President, this bill provides over \$2.8 billion for WIC. This program has a proven track record of success and I strongly support this level of funding.

Mr. President, this is an important bill, for farmers, consumers and the environment. It ensures that the United States will remain the leader in the production of safe, abundant foods. I thank the committee and subcommittee for their consideration of items important to Washington State. I support this bill and urge its adoption.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, as I indicated last evening after the Senate voted 58 to 33 not to invoke cloture on the motion to proceed to the energy bill, thereby falling 2 votes short of the 60 votes necessary to terminate debate on that bill and permit the Senate to begin its consideration, it was and is my hope that the Senators involved on the issues that are preventing us from taking up that bill would continue to meet and hopefully resolve the issues that would lead to us being able to begin consideration of the energy bill.

This is a bill that the Senate has already passed once by a vote of 94 to 4, and is important to our Nation's future.

It had been my expectation that we would be debating and voting on that bill today. However, a number of Senators opposed to one or more of the provisions in the bill would not permit the bill to be brought before the Senate for consideration. As a consequence the participants met late last night after the vote, and I am advised are meeting again today, in an effort to resolve their differences in a way that will permit us to take the bill up.

However, those meetings have not yet produced a final resolution of the matter, and it does not appear that such a resolution will occur within the next few hours. Therefore, I believe no useful purpose will be served in continuing in session to consider the bill today as I hoped we would be able to but as is now clear we will not be able to.

Accordingly, there will be no rollcall votes today and shortly, following the remarks by the distinguished Republican leader and any responses to those remarks, it is my intention that the Senate will recess until Monday, at which time, under an order agreed to last evening the Senate will take up the Commerce, State, Justice appropriations bill. It is my hope that we can complete action on that bill on Monday and then be prepared to take up many of the other appropriations bills on which we must act and other important measures that await Senate action.

Mr. President, I yield the floor until the distinguished Republican leader completes his remarks.

Mr. DOLE. First, I want to join the majority leader in hoping that the matter that is holding up the energy bill can be resolved. I know they are

meeting again this morning. I understand from some of the participants there are two or three issues that are still unresolved. But if that can be done, I think it would not be necessary to have any more votes on the motion to proceed but just proceed to the bill and hopefully pass it rather quickly, because it passed here before by a vote of 94 to 4. So it is not controversial but it is important.

Mr. President, I have a couple of brief statements. One is an example of what some would say is more balance in public broadcasting.

MORE "BALANCE" FROM PUBLIC BROADCASTING?

Mr. DOLE. Mr. President, it was not very long ago on this floor that we had a serious debate about funding for public broadcasting, and about public broadcasting meeting its requirements of balance and objectivity.

Now comes word of two new public affairs programs that raise serious questions about the Corporation for Public Broadcasting's commitment to balance this election year.

And I know it is difficult to have balance, and there are some on either side of any issue that say well, you cannot legislate balance, and that was not my effort before and it is not my effort now.

But this week—and I have a CPB report and they proudly announce two extremely worthwhile programs entitled "Voice of the Electorate," programs designed to focus on issues of concern to black and Hispanic voters.

Certainly that is very appropriate. There is no problem there. Everybody ought to be all for it. And the report says, "Public television reaches out to minority voters." And that certainly would be a worthwhile project, and it ought to be done. It ought to be reaching out to all voters because in some States about half the electorate participates on election day.

What does concern me is that despite being produced by the Independent Production Fund, a so-called non-partisan organization, both programs are being hosted not by objective journalists, for example, but by two partisan Democrat politicians.

This is supposed to be balance. And this again is according to their report, not my report.

According to CPB's press release, former Democrat Congresswoman Barbara Jordan will host one of the shows. The last time I saw Barbara Jordan, she was delivering one of the keynote addresses at the Democratic national convention. The other new program will be hosted by the former Democrat mayor of San Antonio, Henry Cisneros, who recently popped up on a list of possible Bill Clinton running mates.

Now, we are told this is balance. This is how you balance the program when

you talk about Hispanic or black voters. You get two liberal Democrats who have been participants in Democratic politics to go on CPB and this is being funded partly by the Government.

Now, perhaps these Democrat hosts will surprise me, but when an announcement like this comes so closely on the heels of all the assurances from CPB about addressing its so-called perception of imbalance, you have to wonder if the taxpayers are getting the objectivity they are supposed to be paying for it. It is even more troubling if the message is that only Democrats are somehow qualified to reach out to minority voters.

Are there not any qualified Republicans or independents? Only Democrats are qualified to be objective. Only Democrats are qualified to be representative of minority voters or other voters.

Mr. President, we have heard plenty of promises from the public broadcasting establishment that they will finally live up to their legally mandated balance requirements, which was in the original act passed in 1967.

But despite all the promises and hype to win a huge funding increase from Uncle Sam, it looks like the only balance CPB is worried about is its taxpayer funded balance at the U.S. Treasury.

Mr. President, I again would appeal to the CPB: There has to be some fairness. This is an election year. The stakes are very high. And I do not know why we have to fund programs that are going to be dominated by one political party, and one political agenda, and one political view.

I hope that those who, without much thought, supported the big, big increase in public funding would go back and take a look. We were not after Big Bird. We were not after "Sesame Street." We were after this kind of nonsense that goes on all the time.

I hope that Sheila Tate, who heads the CPB, would get out her dictionary and look up the word "balance" and "objectivity" and see if she can find under either one of those definitions that it has to be two members of the other party addressing issues that affect all Americans.

TIME TO REEXAMINE THE CLINTON RECORD

Mr. DOLE. Mr. President, on another matter that I think is important, and I know my colleague from Maine may not totally agree with me, President Bush has been subject to a number of speeches on this floor and a lot of criticism on this floor. We counted up about 783 times "Bush" has been mentioned in the past several months, not every time critically, but almost every time.

So I want to continue as I started earlier at least to take a look at the

record. I am not going to attack anyone personally. That is not my bag. But I think we have to reexamine the Clinton record.

Bill Clinton, as I have said before, the Democrats had a good convention. It was very exciting. I watched all of it and I liked it. Just as an observer, I thought it was good theater, good television, but the policies they ended up with were not very good.

We have to take a look at the record, because the liberal media, which covered about most of it, sort of adopted this ticket now as their own. They are not liberals anymore. They are moderates. I think Dan Rather said they were conservatives, both Bill Clinton and our colleague, Senator GORE.

So I think we have to continue because at least on the Senate floor people on C-SPAN can listen to us. They may not agree with us, but at least we get some coverage, Republicans get some little coverage by speaking on floor.

We do not have the media, the Washington Post, the New York Times, and all the networks, and most everybody else out there trumpeting every day for the liberal ticket or now, excuse me, the moderate ticket, according to the media.

I have said it before, and I will say it again: Clinton-GORE is really Clinton/more—more taxes, more Government, more spending and more of the failed liberal agenda the American voters have rejected before and will reject again.

And if you look at the Clinton/Gore platform, it contains a lot less—less fiscal discipline, and less real reform. When it comes to the Clinton/Gore platform, balancing the Federal budget is missing in action—it makes no mention of balancing the Nation's books. And while Bill Clinton claims he will slash spending by \$10 billion with the line-item veto, there is no line-item veto in the Clinton/Gore platform, and there is no support for the line-item veto in the voting records of most of Bill Clinton's allies in Congress, including his own running mate.

How is he going to pass the line-item veto? It has to go through Congress.

One of the main reasons for skyrocketing health costs in this country is our legal system, which amounts to a bonanza for trial lawyers. They give their money, 90-some percent, to Members of the other party and they are a big drain on America's wallets. That is why we do not have product liability reform and tort reform, because they have big, big political action committees and they know where to put the money. Bill Clinton's platform does not even mention liability or tort reform, genuine changes that can make health care more affordable and America's economy more competitive.

Also missing from the Bill Clinton platform, any mention of Government

regulatory relief of the American economy. And while we are talking about missing in action, the Democrat platform makes no commitment to account for our Nation's POWs and MIAs.

And when you look at Governor Clinton's record in Arkansas, you have to conclude that if you like taxes, you'll love Bill Clinton. On 128 separate occasions, Bill Clinton has raised taxes or fees on the people of Arkansas. In fact, Clinton's tax increases alone account for 18 percent of his State's annual budget.

Oh, but he is soaking the rich, you must be telling yourself. Wrong. In Bill Clinton's Arkansas, everybody pays—the rich, the middle class and the poor. But do not take my word for it because I am the Republican leader. According to the Winthrop Rockefeller Foundation, a leading Arkansas public policy center, Arkansas has "a flat rate tax system," where a family earning \$30,000 pays the same marginal tax rate as the billionaire family of the late Sam Walton. A 1988 study by the Center on Budget and Policy Priorities discovered that most of Clinton's tax increases were regressive, and disproportionately affect low-income households. In fact, Clinton was Governor for 3,689 days before the working poor won relief from the State income tax. Furthermore, it took Governor Clinton 2,190 days to sign legislation stopping his State from taxing food stamps.

Mr. SARBANES. Will the Senator yield for a question?

Mr. DOLE. Not quite yet. I want to finish my statement.

Mr. SARBANES. I just wanted to ask, what was the source of that quote?

Mr. DOLE. Winthrop Rockefeller Foundation, Public Policy Center.

Mr. SARBANES. Winthrop Rockefeller was the Republican Governor of Arkansas?

Mr. DOLE. He is deceased. He does not have much influence now.

Mr. SARBANES. He was the Republican senator.

Mr. DOLE. JAY ROCKEFELLER is a Member of the Senate on the Democrat side, and I have a lot of respect for him.

Mr. SARBANES. He is certainly a very able and distinguished Member, I might say.

Mr. DOLE. As was his uncle, I think—Winthrop. Winthrop Rockefeller certainly did great things for Arkansas and certainly there are no more politicians in the Winthrop Rockefeller Foundation than in the Kennedy School for Politics up in Massachusetts. So we can argue that later.

In 1991, Bill Clinton was one of only three Governors to raise both his State's sales tax and gas tax. We hear an awful lot around here from the other side of the aisle about tax fairness, but if you ask most Americans, this is hardly the record of fairness they are looking for.

And if you like big Government, you will love Bill Clinton. Since 1983, Bill Clinton has more than doubled State government spending. And judging by what his happened at the Arkansas Department of Human Services, it looks like Bill Clinton believes in the biggest bureaucracy the taxpayers can buy. Since 1983, administrative costs at the department have shot up an unbelievable 3,012 percent, a pretty big increase, and when it comes to the State payroll, Bill Clinton makes New York Gov. Mario Cuomo look like a real spendthrift. Thanks to Bill Clinton, Arkansas has 70 percent more State government employees per resident than New York. Every other person up there is an employee to somebody, some city government or Federal Government or State government.

And when it comes to reducing Federal Government spending, the only specific program that Governor Clinton wants to eliminate is the Honey Bee Program. There are about 1,800 programs. He found one, the Honey Bee Program. And that may be a tough battle, considering his own running mate has voted to keep the program alive time after time.

So, we have seen what Governor Clinton has done with Arkansas' \$2.1 billion budget—imagine what he'd do if he got his hands on the tax dollars of everyone in the 49 other States, with his \$150 billion tax increase, with his 22-page program for America and \$200 billion in extravagant new spending.

We have heard a lot this year about "change." I think the word is a little overused, "change." Everybody wants to change for the better. But let us face it. The Democrats have a majority in Congress. I know they are very proud of that majority and they are all my friends.

We have an idea that we think ought to happen. We ought to have a Republican majority for a change. If Bill Clinton says George Bush has been—Republicans have been in office for 12 years in the White House and that is too long, how is he going to defend the Democrats on the House side who have been in power for 38 years? Thirty-eight years, the Democrats have run the House of Representatives and 32 out of 38 years they have run the Senate of the United States.

If we are going to have change, if 12 years ought to be the limit, well, then we ought to change the House of Representatives and we ought to change the U.S. Senate.

So, it seems to me if that is the change he wants to talk about, then we ought to talk about change.

I want to say one thing about President Bush. When you are down in the polls as we all know, we are in politics, it is easy to have everybody give you advice and everybody jump all over you and say you are doing this wrong, you are doing that wrong, you ought to

change this, you ought to change this person.

My view is it is a very close race. It is probably about a 10- or 12-point race. It is not 30 points. It is no more realistic than saying George Bush had a 91-percent approval rating after the Gulf crisis. It was probably in his State of the Union message, that President Bush challenged Congress to enact a job-creating economic growth package. America could already have incentives for first-time home buyers. We are still going to try that again. America could already have capital gains rate reduction and urban enterprise zones. America could already have help for working families with a \$500 per child increase in the personal exemption, and America could already have new incentives to boost small businesses. Well, it's 178 days later, and what did America get? Zero—more of the status quo from the anti-change, anti-reform Democrat congressional majority.

On February 6, President Bush unveiled his comprehensive health care reform plan to help bring affordable insurance within the reach of more Americans. America could already have health insurance market reform to make coverage more available and less costly, America could already have money-saving health care administrative reform, America could already have malpractice reform to fight skyrocketing health costs. What did America get? Zero.

And when the President proposed big funding increases for childhood immunizations, Healthy Start, infant mortality, WIC nutritional assistance, Head Start, and access to primary care/child care services, the House Labor Appropriations Subcommittee cut \$308 million from the President's requests for immunizations, Healthy Start, infant mortality, and Head Start.

The House did that, controlled by the other party.

Three years ago, to boost educational excellence, President Bush submitted his comprehensive education reform bill, America 2000, and submitted a revised plan in 1991. The President has proposed big funding increases for national education goals, including more for preschool children, more for childhood development programs, and a record increase for Head Start. America could already have Federal aid for State and local GI bills for children, to help low- and middle-income families with scholarships to use at the school of their choice. But when it comes to school choice, what did America get? Zero.

So, year after year, the choice for the Democrat congressional majority has been politics over education reform.

On March 11, 1991, President Bush challenged Congress to approve his comprehensive anticrime bill to help make neighborhoods safe and keep dangerous criminals behind bars. America

could already have real reform that includes an enforceable Federal death penalty for the most heinous crimes, an end to limitless and costly appeals, and provisions to keep obviously guilty criminals from going free on technicalities.

It is 502 days later, and what did America get? Zero.

When it comes to partisan sniping, the Democrat congressional majority takes the gold medal, the silver, and the bronze. In recent months, Democrat Senators have been on a furious pot shot frenzy, piling cheap shot after cheap shot on President Bush. In fact, since January alone, Democrat Senators have mentioned President Bush 683 times on this floor.

There may have been a few neutral comments, but most of them were critical. Most of them critical. I see they are already gathering, and the record holders are showing up now, some of the gold medal winners are now on the floor ready to go the extra 10 miles for whatever. I think the Senator from Maryland is probably one of the top high jumpers in the Senate. I think he has a gold medal and working on the other two medals. Maybe he will get them this afternoon. There may have been a few neutral comments but I feel safe in saying the overall majority references have not been complimentary.

Sure, President Bush ought to be criticized, and he is going to be criticized here for the next hour or two, I can already feel it coming, and I am outnumbered 3 or four to 1. But, at the same time, we have a right to take a look at the opponent's record. We do not have 10 opponents now; we have 1. It is Clinton versus Bush. Right now Clinton is ahead. It is going to a great race and a close race.

As I said, President Bush's poll number are down, but if we just lift a finger to help the American people, we might even help President Bush to get some of these economic reforms done and some of the other things the President has suggested over the past 3 years because he does have an agenda. But where is it? It is buried in Democratic-controlled committees. That is the way it works.

But we have not given up. Certainly President Bush has not given up, and I know my colleagues on this side of the aisle have not given up.

This is a very important year. We have had one very important convention, the Democrat convention. And I said, I was excited about it; it was a good convention. They were united. Everybody seemed to be having a good time and they are ahead in the polls, so they ought to feel good about it.

Now the Republican convention is coming. I hope we can do as well as the Democrats did; have a good time, be constructive. But after that is all done, after all the rhetoric and speeches, we have to look at what is best for Amer-

ica. Whose policy is best for America? I think that is when the serious attention, the focus, is going to come from the American voters, the independents, Republicans and Democrats. With Ross Perot out now it is a two-person race. It is not a three-cornered race it is a two-person race.

So, Mr. President, it will be our effort not to attack—never will we attack, at least this Senator will never attack anyone personally. But I think we do have an obligation from time to time to talk about the record. The record is there. You cannot change the record. It is public. Once we get beyond that, then maybe it is negative campaigning, maybe we should not make statements. As long as it is a record, as long as we have the facts—so far I have not been disputed and my colleagues on the other side will make the same argument about President Bush and some of his programs, but I will just say this. If you are trying to run a business and you are the CEO and you have a hostile board of directors, you have problems. So in America today, we have the President, who is a CEO, and he has a hostile board of directors called Congress. The Democrats have a big margin in the House, a 102-vote margin, and a big margin in the Senate. Now what is the President going to do?

Again, I say in conclusion, you talk about change. If 12 years is too long for some of my colleagues on the other side to have a Republican President, then you will have to confess that maybe 38 years of Democratic control in the House is too long, and surely 32 out of 38 years of Democratic control in the Senate is too long.

We cannot have it both ways. Bill Clinton and my friend AL GORE cannot go around the country, whether by bus, bicycle, horseback, foot, airplane, whatever, and say we have to have a change because Bush has been around for 12 years, but do not mention Congress. It did not take an FBI agent to find a Democratic Member at the convention. They do not want to focus on Congress. They have been around forever—38 years the Democrats controlled the House; 32 out of 38 years they controlled the Senate. If we want to change, we ought to start with who has been around the longest. Give us a chance. If Republicans cannot do any better, then throw us all out.

So I just suggest it is going to be an interesting August, what is left of July, and August and September, October, and then it will be election day and the American people will have spoken. Certainly it is going to be a very important election. I know that my colleagues are prepared to agree with me, so I yield the floor.

Mr. MITCHELL addressed the Chair. The PRESIDING OFFICER (Mr. ROBB). The majority leader is recognized.

Mr. MITCHELL. Mr. President, this has already been an unusual political

year. But I think we are now beginning to see an even more unusual development; that while the Democratic Presidential ticket of Governor Clinton and Senator GORE is traveling the country, meeting the American people, and conducting their campaign around the country, the Republican campaign is apparently to be conducted here in the Senate with daily criticisms of Governor Clinton and Senator GORE and now lately the press and the media.

I checked the RECORD and I cannot find any record of complaints about media coverage back in January, February, March, and April when Governor Clinton was being pounded, criticized daily, when the television coverage on him was almost entirely negative. Maybe I missed something in the RECORD, but I have not yet uncovered criticism about the coverage at that time. And so far as the allegation that Democrats have the media, why, of course, all of us are familiar with the fact, documented, that the overwhelming majority of newspapers in America are owned by Republicans and have editorial policies that are Republican. I think this is a relatively new complaint which does not have any basis in fact and reflects the difficulty which the Republican ticket is now having.

I think if the President and the Vice President want to advance their interests, they would do well to discontinue the Senate campaign, because most of the Senators have already made up their minds how they are going to vote, and begin to conduct a campaign addressed to the needs of the country and to the American people.

I know my colleagues are here with some charts that they want to discuss, and so I just want to address two points that were raised by my friend, the distinguished Republican leader.

First, on the budget and the allegations about liberals and spending. It is not a well-known fact, but it is a fact that Congress has appropriated less money than President Bush has requested since he took office. Let me repeat that so there can be no misunderstanding. Congress has appropriated less money than President Bush has requested. Stated another way, if Congress had approved every budget submitted by President Bush precisely as submitted without changing a word, without changing a comma, without changing a number, the amount of spending would have been higher than it actually was. That being the case, how is it possible that Congress is responsible for the spending and the President is not? The answer, of course, is that such allegations are inaccurate and not correct.

The same is true, incidentally, of the Reagan years. The aggregate amount of money appropriated by the Congress during the 8 years in which President Reagan held office was less than that requested by President Reagan.

Furthermore, it is a fact, of course, that appropriations bills are just like every other bill; they can only become law with the President's signature or if Congress overrides the President's veto. As we all know, the President and members of his administration have rightly been proud of the fact that Congress has not been able to override any one of his vetoes. So every single penny spent by the Federal Government in the past 3½ years has been spent following the signature of the President on the spending bill.

The President has vetoed several appropriations bills, but almost all of them have been over abortion-related matters and not over the level of spending.

And finally, I would like to make one comment on the subject of taxes and the use of the words "taxing the rich," and the President's proposals on economic growth.

In March of this year, the Congress approved an economic growth plan which included six of the seven proposals made by President Bush, not all of them in a form identical to those which were proposed, but many of them were identical, and all of them were substantially similar.

The President vetoed that plan, which included his own economic proposals, because it included an increase in the tax rate on the wealthiest seven-tenths of 1 percent of Americans. In other words, in order to protect the economic interests of the wealthiest seven-tenths of 1 percent of Americans, the President vetoed a bill which included most of his own economic growth plan. I think that tells us a great deal about the President's priorities and the priorities of this administration.

It is true that Governor Clinton's plan proposes to increase the marginal tax rate on those Americans fortunate enough to have incomes over \$200,000 a year. That is less than 1 percent of all Americans. It asks them to pay their fair share. And yet it is very clear that our colleagues and the President will under no circumstances—under no circumstances—agree to require the very wealthiest Americans, less than 1 percent, those whose incomes exceed \$200,000 a year, to pay their fair share.

So we do have a difference in priorities. We do have a difference in emphasis. I think it is good that these economic proposals will be discussed in the campaign. I hope that the Presidential candidates will debate often. I would like to see five or six debates between the Presidential candidates, and perhaps even more than that between the Vice Presidential candidates.

I think it would be a very good thing if they are able to directly speak to the American people—President Bush and Governor Clinton, and Vice President QUAYLE and Senator GORE—in a series of debates all across this country on

each of these subjects and see who is able to convey to the American people that economic program which will produce growth and job creation, which we all agree is necessary, and the fairness we all think is important in our society.

So I think we are going to have now, as I look around, a fairly spirited and lengthy discussion. I announced earlier my intention to recess the Senate. But I think it will probably be a while before we get to that recess, and we will now have a lengthy discussion.

So, Mr. President, I said what I want to say, and I will yield the floor to the distinguished Republican leader.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Republican leader, Senator DOLE.

Mr. DOLE. Mr. President, I am glad some relief has shown up here—I mean some support. I knew it would be coming. I found one media outlet that wanted to talk to me at 12:30, so I did not want to pass up the opportunity. It does not happen very often on our side. So I did want to be on time.

But I did want to correct the RECORD. The Senator from Maryland does not get the gold medal; I made a mistake. He is not even really in the running.

According to our count, of the 683 times that President Bush has been mentioned on the floor, only 23 times were by the Senator from Maryland. The leader, the gold medal winner is the Senator from Tennessee [Mr. GORE]. And apparently it paid off for him; he is now on the ticket. He went after Bush 37 times, with little comments like "President Bush is guilty of the greatest abdication of leadership"—little things like that. "The Bush administration violating existing law"—just little charges like that.

My friend, Senator SASSER, was close behind, with 34 attacks. But he was bested by my friend from Michigan, Senator RIEGLE, who had 35 attacks. Those are only four of the front runners. So the gold would go to GORE; the silver would go to RIEGLE; and the bronze would go to SASSER.

Mr. SARBANES. The Senator just took my medal away from me.

Mr. DOLE. Right; I made a mistake, but I—

Mr. SARBANES. That is terribly unfair to do.

Mr. DOLE. But I think I—

Mr. SARBANES. The Senator should not have awarded the medal if he was going to take it away.

Mr. DOLE. We do that from time to time. I think before the day is out the Senator may qualify for a special medal.

Mr. SARBANES. I will try very hard to do so.

Mr. MITCHELL addressed the Chair. The PRESIDING OFFICER. The Chair recognizes the majority leader, Senator MITCHELL.

Mr. MITCHELL. I think the distinguished Republican leader may have just created a powerful incentive from our standpoint. If Senator GORE—

Mr. DOLE. Got on the ticket.

Mr. MITCHELL [continuing]. Is leader on that, and got on the ticket—the last time I looked, the polls showed him with something like 55 percent favorable; 10 percent unfavorable—he has had a lot of people around the country join the attack on President Bush. Look where it got Senator GORE. The American people seem to like it: 55 percent favorable; 10 percent unfavorable.

And the Vice President, I guess, who would get the gold medal for defending President Bush, has numbers that are not comparable to those, I guess is the best way I could put it.

I thank my colleagues.

I yield to the distinguished Senator from Maryland.

Mr. SARBANES addressed the Chair. The PRESIDING OFFICER. The Chair recognizes the Senator from Maryland [Mr. SARBANES].

Mr. SARBANES. Mr. President, this is very interesting. The Republican leader, Senator DOLE, said he watched almost every minute of the Democratic Convention, and he said we had a very successful convention. We had a very successful bus tour since the convention, and Senator DOLE has felt compelled to come to the floor virtually every day this week to launch a torrent of abuse.

It demonstrates exactly the truth of his assertion that we had a very successful convention. We have a very strong ticket. They are now out and across the country. The public is responding to them because they know this is a ticket that wants to deal with the Nation's problems and move the country forward.

Mr. President, I ran across a column—it is interesting how these things almost anticipate developments. It is really pertinent to the comments of the Republican leader on the floor today—by Marianne Means, who writes for the Hearst syndicate. I just want to quote some of this column because we heard it today, in the statement by the Republican leader and by President Bush.

I am now quoting Marianne Means. She said:

With all the reelection pitches he has tested coming up short, President Bush's stalled reelection campaign seems in danger of sinking into a puddle of self pity.

The President, whose approval rating is at an all-time low, is giving such erratic public performances that voters may well wonder if they are supposed to vote for him or feel sorry for him.

Having oversold himself 4 years ago, he has no more sense of his own identity than we do.

So he tries this, then he tries that, and when nothing works he whines that it's somebody else's fault.

Bush hasn't yet claimed that the country suffers from malaise, but he's getting close.

Bush alternates between grouching about a public lack of appreciation for all he has done for us and fits of anger at familiar sitting ducks like the media, Congress, and misguided liberals.

Asked on CBS' "This Morning" show why voters should reelect him, the best Bush could do was claim he deserved it because he'd been elected once already.

"People are going to say, 'Who has the experience? Who has the temperament to take on these big problems day in and day out?'" * * * Not that I am perfect, but that I've got a proven record of being tested by fire," he said.

Then Marianne Means notes:

The problem, however, is that a lot of "these big problems"—mostly stemming from a sick economy—got worse during those years he was being tested, suggesting that perhaps he flunked.

The old repertoire is failing him, and he has found nothing to take its place.

The unfulfilled absolutes with which he defined his 1988 campaign—unconditional promises not to raise taxes and to be the environment President, the education President, the everything-to-everybody President—cannot be trotted out again. When they collapsed from the weight of their own excess, they badly undercut his credibility.

I know it is difficult for the distinguished Republican leader to deal with all of this. But I think Marianne Means has outlined essentially President Bush's problem.

The Nation has been in a recession now for almost 2 years. We started a downturn in June 1990 and the unemployment rate was 5.3 percent. The rate is now at 7.8 percent. So we have gone from 5.3 to 7.8 percent.

Mr. President, the people across the country are hurting. The 7.8-percent rate is the official unemployment rate. Those are people completely out of work and looking for a job. We also have a measurement in this country of what is called the comprehensive unemployment rate, and that includes not only the people out of work and looking for a job, but also the people who want to work full time but can only find part-time work—there are six million of those in the country—and people so discouraged they dropped out of the work force. That gives you the comprehensive unemployment rate. That rate now has risen steadily over the 2-year period, and it is now at 10.9 percent, just under 11 percent.

Mr. President, it is important to note that these are quarterly figures and these figures have risen in every quarter throughout this recession. In other words, we have not had a quarter in which that rate went down a bit and then came back up. It has continuously gone up in each successive quarter, beginning at 8 percent, and it is now at 10.9 percent, just under 11 percent.

The reason I make that point of this consistent rise in the unemployment rate is because the Bush administration has consistently refused to recognize that we are in a recession and that we need to do something about it. In effect, what has been happening is the

people have been saying to the President, "Mr. President, there is a problem," and the President has been saying, "No problem, no problem." People say, "No, no, Mr. President, there is a problem." The President says, "No problem."

Let me just give you an example of this. At a press conference on the night of June 4, the President said, "Now I think the economy is improving, so things are turning around, and yet at this juncture the American people have not felt it."

That was on Thursday, June 4. On Friday morning, June 5, the Bureau of Labor Statistics reported the latest monthly unemployment figure, which indicated that the unemployment rate for the month of May had risen three-tenths of a point, from 7.2 to 7.5 percent, which at that point was the highest rate of unemployment during this recession.

So, the night before, the President said the economy is improving, the next morning we got the unemployment figures and there was a jump in the unemployment from 7.2 to 7.5 percent.

Did not the President learn from that experience? Unfortunately, no. On the 25th of June, he was quoted in the paper as having said, "I think the economy is better than most of the American people think." A week later, the Bureau of Labor Statistics announced the unemployment rate for the month of June. The unemployment rate for the month of June jumped from 7.5 to 7.8 percent, again the highest level in this recession and the highest unemployment figure in more than 8 years.

So the President, a week earlier, said "I think the economy is better than most of the people in American think." Then, a week later, these latest unemployment figures are announced and the rate went up to 7.8 percent. We had a three-tenths of 1 percent rise in 2 successive months and a six-tenths jump in a 2-month period. Both months, the President was telling the American people that the economy was getting better and the American people did not realize it. So, again, the American people are saying, "We have a problem, Mr. President." The President says, "No. No problem, no problem." This has been a consistent attitude throughout this recession.

I am going to impose on my colleagues to take a moment or two more, Mr. President, to trace that through, and later I will come back with some other points I want to make. But this has been consistent throughout this recessionary period on the part of this administration.

Back in December 1990—this was after the unemployment rate went from 5.3 to 6.1 percent—Treasury Secretary Brady said, "I do not think it is the end of the world if we have a recession. We will pull out of it. No big deal."

Through the summer of 1991, as the unemployment rate continued to rise we kept trying to get the administration to extend the unemployment insurance benefits. In fact, in June 1990, it reached 7 percent. Throughout this period, this is what the administration was saying. In January 1991—unemployment was then 6.1 percent—the President said, "Most people who have looked at the economy feel that the recession will be shallow. It will not be a deep recession."

In the economic report of the President—I am now quoting—the administration said: "Our outlook is that the economy, after a relatively brief and mild recession, will rebound by the middle of the year." This was in February 1991. They said it was going to rebound by the middle of the year. Look at what has happened, Mr. President. It has continued in this pattern. It is now up at 7.8 percent.

In June 1991, the unemployment rate by this time had risen to 6.9 from 5.3 percent. In June 1991—that is a year ago—Marlin Fitzwater said, "We still believe that the recession is ending and we are on the road to recovery."

In July, when we were trying to extend the unemployment insurance, Dick Darman said to the Senate Budget Committee, "The recession can't be the reason the economy is turning up."

Michael Boskin said at a briefing, "The recession ended in the spring; a recovery has begun."

I am going into some detail on this, because it is important to understand the view and perspective the administration has taken throughout this recession.

Darman, in September, said, "I think the economy turned in May."

Then he said, "We are not on our way to a double dip recession."

Then he said something, Mr. President, which is really more accurate about White House forecasts. He said, "We are not necessarily credible, because administrations tend to be somewhat more optimistic than others, for understandable reasons."

Well, you can say that again, "we are not necessarily credible." That is absolutely right on target. In November, the President invited a group of small business executives to the White House during a photo session, and he said that the economy had turned the corner and was headed for recovery.

In another interview he said, "I do not believe this country is in a recession."

How do you come to grips with a problem when the unemployment rate keeps moving up, and the President keeps saying there is no problem. It continues even now. In the last 2 months, as I said earlier, the President said that "the economy is better than most of the people in America think," and then the unemployment figures came out, and they jumped yet again.

They are at the highest level that they have been in over 8 years—7.8 percent. That is almost 10 million Americans completely out of work. There are another 6 million Americans working part time who want to work full time, and over a million that are so discouraged they are not even looking for a job; 17 million Americans are either fully or partially unemployed, and the President is telling us that the economy is improving.

The people know what the state of the economy is. It is the President who does not know what the state of the economy is.

So, Mr. President, I want to simply say that this attack mode is not going to work. There is a record here, and the administration has to address it. They have not come to grips with this problem, and that is the issue now that is going to be before the country over the next few months as we come to November 3 when the American people are going to make a fundamental decision about the future course of our Nation.

I appreciate that the Republican leader feels that we had a very successful convention, and that he watched most of it. It obviously was very difficult for him to watch it. I know he built up a lot of frustration over it, which he has been venting here on the floor of the Senate. But there have been months and months when the American people have been feeling tremendous frustration, because this unemployment problem is not being addressed.

Mr. President, I ask unanimous consent that the article by Marianne Means to which I referred be printed in the RECORD.

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

PTTY THE PRESIDENT
(By Marianne Means)

WASHINGTON.—With all the re-election pitches he has tested coming up short, President Bush's stalled re-election campaign seems in danger of sinking into a puddle of self-pity.

The president, whose approval rating is at an all-time low, is giving such erratic public performances that voters may well wonder if they are supposed to vote for him or feel sorry for him.

Having oversold himself four years ago, he has no more sense of his own identity than we do.

So he tries this, then he tries that, and when nothing works he whines that it's somebody else's fault.

Bush hasn't yet claimed that the country suffers from malaise, but he's getting close.

Bush alternates between grouching about a public lack of appreciation for all he has done for us and fits of anger at familiar sitting ducks like the media, Congress and misguided liberals.

Asked on CBS' "This Morning" show why voters should re-elect him, the best Bush could do was claim he deserved it because he'd been elected once already.

"People are going to say, 'Who has the experience? Who has the temperament to take

on these big problems day in and day out?' . . . Not that I'm perfect, but that I've got a proven record of being tested by fire," he said.

The problem, however, is that a lot of "these big problems"—mostly stemming from a sick economy—got worse during those years he was being tested, suggesting that perhaps he flunked.

The old repertoire is failing him, and he has found nothing to take its place.

The unfulfilled absolutes with which he defined his 1988 campaign—unconditional promises not to raise taxes and to be the environment president, the education president, the everything-to-everybody president—cannot be trotted out again. When they collapsed from the weight of their own excess, they badly undercut his credibility.

"I'll be darned if I want to get into some other formula so you can come back and remind me of a broken pledge," he says now.

Nor can Bush fall back on the traditional campaign standbys of peace and prosperity on which incumbent presidents have relied in the past.

Without the nuclear threat posed by the Evil Empire, global peace doesn't look nearly as fragile as it used to. It occurs to voters that peace is quite possible to maintain, even by some guy who's inexperienced in foreign policy.

Prosperity doesn't work for Bush this year either. Few believe him when he says the economy is improving, and for good reason.

Voters don't care about the ups and downs of official statistics; they care about things they see for themselves, such as closed retail stores and lower real estate values and unemployed relatives.

Although Bush once promised to create 30 million jobs, the Bureau of Labor Statistics shows a net gain of only 205,000 private sector non-agricultural jobs in the past four years. During the same period, the working-age population went up by more than 5 million.

Last month the nation's unemployment rate shot up to 7.8 percent, the highest it's been since March 1984, and that figure reflects only the number of people looking for work, not the actual number unemployed.

Asked about the job shortage in the CBS interview, Bush touted enterprise zones, his plan to subsidize a limited number of businesses to entice them to locate in poor neighborhoods.

But this is basically an anti-poverty program aimed at disadvantaged youth, not an across-the-board effort to produce jobs for middle-class white-collar and blue-collar men and women of all ages who are ready to work but have no jobs to work at. And it is more likely to motivate companies to move to new locations than to expand the total number of jobs available.

Bush also repeated his support for the constitutional amendment to mandate a balanced budget that was recently rejected by Congress. This amendment, even if passed and proved workable—supremely doubtful assumptions—would not take effect for at least five years. What are the unemployed supposed to do in the meantime?

Neither idea is going to do the trick, and voters know it. This does not create the image of a president knocking himself out to generate new jobs and protect the American standard of living.

But there is still time for President Bush to find himself. Four years ago he spent a dyspeptic summer before shedding his wimp image to leap tall buildings with the speed of light and rescue a campaign that had seemed tied to the railroad tracks.

He'll have to drop the Pitiful Pearl number, however. Americans don't want to pity their president; they want to look up to him. They want to imagine he is stronger than they are, even when they suspect he isn't. They want a leader, not a limpet.

Mr. SIMPSON. Mr. President, I have been fascinated by the charts of Senator SARBANES. We have seen many of these in recent months. I used to say flippantly, "I think my friend from Maryland is going to get a hernia hauling those charts out here on the floor," but I will not say that in a humorous vein again, because I had a hernia operation a week ago; and I intend to leave out that kind of reference completely, and I shall not go back into the medical etiology of that experience.

I know that Senator DOMENICI also adeptly uses charts. I do not know what the American people are to believe with all the charts both parties utilize—but it has been a fascinating chart war in the last months.

Mr. SARBANES. If the Senator will yield, these are very light charts, and they were specifically designed that way in order not to run the risk of the sort of problem that the Senator from Wyoming just made reference to.

Mr. SIMPSON. I thank my colleague. That shows his compassion, his general nature and concern for his colleague from Wyoming. We will have to bring our own charts back. We will bring the polyethylene chart, which is a very lightweight chart.

I want to begin by commending the Democrats. They had a good convention. It was spirited, and they are on a high roll. It is kind of like gloating. But gloating does not sell very well with the American public. It may be fun, and it may put them on a "high" when they talk about the "poor, old, pitiful President," and gloat and engage in sarcasm. But, I assure you—people are turned off by that. I have never been able to pass a bill in all of my legislative experience using a combination of sarcasm or ridicule. It does not work. It lessens the stature of those who use it, and it is something that turns people off.

There are 100 days to go, and they will be tough ones for the President. This has been a tough political year. We are sure to see 100 tough political days ahead.

I said to the President in December: You are going to have to hang by your thumbs for 10 months and expect them to flail away on you. That is the way it is going to be. It will not be pleasant. It will be ugly. It will be painful. They will make fun of your wife, and your family. The Presidential candidate on the democratic ticket has already suffered that. Certainly, DAN QUAYLE has suffered it more than anyone that has ever held the office, and now they even seem to enjoy making fun of his wife.

Maybe I was the only person in Washington who spoke up when Gary Hart went through the fires. I did not see

anybody on that side of the aisle stick up for Gary Hart. Not about what he did—but what I said was, "Has anybody thought about his wife, Lee Hart, and what she is going through—digging herself out of the rubble of all this?"

I also said to the media, "Would this really be as vital an issue if four FBI agents had been hiding in that hedge that night rather than four intrepid members of the fourth estate?" If it had been, the media would still be writing about it. Those four intrepid members of the fourth estate felt it was God's work that they should go forward and find the truth, because the candidate had goaded them to do that, baited them to do that. They had a good old time with that.

I have been here 13 years, and I have really enjoyed it. I am a legislator. I like legislating. I have been involved in the Superfund legislation. I have been involved in immigration reform, illegal immigration, and legal immigration. Nobody wanted to touch those with a stick, but I did. Thanks to my colleagues on both sides of the aisle we were able to attain reform.

I was heavily involved in the Clean Air Act and a lot of other important legislative areas. It is very dry work. We are here to legislate. We are not here to make speeches, cut ribbons, or to turn our entire staffs loose with all their energy simply to figure out day and night and how to best "diddle" the other side.

If the resources of the staffs of these Senators from both sides of the aisle were turned loose to figure out how to solve the Nation's problems instead of to lose sleep figuring out how to denigrate the President of the United States or to denigrate the other party, we would make some significant progress.

I came here in 1979. My first entry into the activity of the Senate was when Gary Hart and I were confronted with Three Mile Island. Suddenly we were in a helicopter headed to that crippled facility. And I learned about him, and I learned about the system.

I sat here and watched Ronald Reagan send up budget after budget. Please hear this, Americans, because you are going to hear a lot of it in the 100 days: the President of the United States never gets a single vote on the budget. I cannot wait to hear the prattle in response: "But the President of the United States has never sent up a balanced budget." You "ain't" kidding! There is no way he could with what the mandatory spending the Democratic Congress duped on him the year before. So we had to sit here and watch the President of the United States submit a budget which was immediately received with the cute words "dead on arrival."

And when the Republicans controlled this branch of the Congress for a very sweet time—a magnificent time actu-

ally, a particularly delicious time—the House of Representatives would take President Reagan's budget, whoop it up 20 percent, and ship it our way in a cynical giggle. They would then say: "Well, there it is. It is you Republicans who are treating the American people cruelly and shabbily and mean spirited. We, however, as saviors of the human weal, kicked up spending 20 percent and have shipped this budget your way so that the Republican Senate could do the heavy lifting, cut it down to some sensible measure, and catch hell for it."

That worked very well for them. I do not remember a single budget that was sent from the President to that body that was not marked "dead on arrival."

So George Bush did send budgets to us which were not in balance, and could never have been in balance, because of the expenditures of the year past. And the first cute thing that was always said when he sent his budget here was "dead on arrival." Is that not interesting?

So, George Bush, this "ogre" of a man, has taken America down this "hideous course" where we are now a "wrecked, ragged Nation of no hope, no possibility, no future." And who says that all day long? The people on the other side of the aisle with the charts.

Mr. President, George Bush shall be making no excuses in this campaign about being the environmental President. George Bush submitted a Clean Air Act. And thanks to the work of GEORGE MITCHELL and MAX BAUCUS, on that side of the aisle, and a lot of work over here from JOHN CHAFEE and myself, and many others, we passed a Clean Air Act. And that is good. Some say it is "too punitive"; some say it is "not punitive enough".

But I remember one night during Clean Air Act negotiations when the environmental groups were huddled over their camp fires about 3 in the morning, with rather pained visages—it looked like they had been eating pickles. They said, "Boy, they are really going to have to go down."

I said, "What are you cooking up now?"

They said, "We are figuring out a way to defeat GEORGE MITCHELL and JOHN CHAFEE at the next election."

I said, "You people ought to have rock in place of a brain, because that is the way you do your business. The extremists on both sides of every issue control the debate, with their emotional cries. George Bush has nothing to apologize for. He has been one fine environmental President."

The candidate for Vice President of the United States stood on this floor. First he harassed the President of the United States for many weeks for not going to Rio. Then when the President decided to go to Rio he beat him up for days, because he was going to Rio.

When George Bush went to Rio, the Vice Presidential candidate thought he ought to go down there and show them that the United States was just a poor wandering bunch of polluters. Our Nation has spent more bucks correcting and helping the environment than every other country on the Earth. I want to clear on that. Still the President went down there and had to wallow in what was described "self-pity" by the environmental Vice-Presidential candidate.

As an education President, George Bush should not have to bat an eye. What absurdity to say that George Bush has not been an excellent education President. He has the most extraordinary Secretary of Education that has ever served there in my memory. Lamar Alexander terrorizes the establishment of education, because he is right. He talks about flexibility; he talks about choice; he talks about tenure; and he takes on the teachers unions. And they do not like it a bit, because they love the status quo.

George Bush submitted a health care package to us. What happened to it? Nothing.

Let me tell you, Mr. President, we have 100 days to tell this story, and I can assure you that it will be told. George Bush has sent to this Democrat Congress more legislation to help the economy of the United States than any other President in history. And what has happened to it? It has been laughed out of House committees, and laughed out of House subcommittees. His Cabinet people and subcommittee people have been made fun of. They teed old Jack Kemp up over there and hit him like a golf ball back to the White House, and chuckled while they did it. While he was talking about HOPE—low income housing residents owning their own property, talking responsibility and empowerment—they just chuckled him right out of the building. That is what they have been doing. Because their mission in these last 3½ years has not had anything to do with helping America. It stems from the fact that the Democrats are so sick and so tired of seeing a Republican President of the United States that they said "we will stop it." The way to stop it is to make the President look like a boob who does nothing, cannot function, and is inept. The way we will do that will be to take every proposal that he sends us and rework it deftly. This is where staff really must have gotten a hernia. We will put enough in every bill to make it very difficult for him to sign. But George Bush had a lot of guts and he vetoed 31 of those turkeys. In both the House and the Senate responsible people, Democrat and Republican alike, often helped to sustain those vetoes.

That is what has been happening to George Bush's Presidency. And they have the gall to get on their hind legs

and call it a failed Presidency when the Democrats controlled the House and the Senate every waking moment of George Bush's Presidency.

During the great convention caper in New York, I must say it was very difficult to discern exactly where the House and Senate Democrats were stationed. Apparently the high-technology stand was built so that the Democrat Members of Congress could be hidden under it. Thus, the American people would not know how they got into this situation. But we know why. Because of Democrats in the U.S. Congress who rammed it in George Bush's ear time after time after time, always deftly loading the detonating package hoping it would go off under him and he would have to veto, and they could make him look rough and boobish.

George Bush has sent up an incredible number of proposals: Growth incentives and tax reductions. He talked about capital gains in his campaign. Capital gains reduction is not about the rich. Capital gains tax reduction is about the guy who worked on the railroad in 1950 and bought a house for \$30,000, and now would like to sell it for \$100,000 and go take his trailer to Arizona and instead of paying 30 percent to do that, pay 15. If anybody can tell me how that "diddles" the little guy send a self-addressed envelope, and I will pick it up and try to respond.

Mr. SARBANES. Mr. President, will the Senator yield?

Mr. SIMPSON. I yield.

Mr. SARBANES. The individual would pay no tax on his residence, because under existing law he has an exclusion that more than covers the dollar that the Senator used and which already provided for the person who worked on the railroad and bought a house for \$30,000 and sold it for \$100,000.

He does not pay any tax whatsoever on that because he gets an exclusion that was instituted for that purpose. It is in the law for the working people of this country.

(Mr. KERREY assumed the chair.)

Mr. SIMPSON. I understand you are talking about the exception for over the age of 55, one-time house sale. That is not all that I am talking about. There are other examples about stocks and bonds that little people set aside that could be affected by the tax. There is much more to it. For instance, the fellow that worked, had his stock investment set aside, maybe had a deduction from his payroll for it and has that there right now, and is ready to sell and go into retirement—maybe 40 grand, maybe 75 grand of life savings. These are the little people. They are not recognized by the Democrat Party.

Mr. SARBANES. What about the example the Senator used? Does he accede that in that example that individual would not pay any tax whatsoever?

Mr. SIMPSON. No, I do not.

Mr. SARBANES. You gave me a fellow in 1950 who was working on the

railroad. He bought a house for \$30,000 and he has now sold it for \$100,000 to move to Arizona. Now, he does not pay any tax.

Mr. SIMPSON. I am not only talking about that limited exception—I am talking about the entirety of a person's portfolio. I spoke of sales of houses—but what about stock and intangibles, and there are others. To say that the capital gains tax reduction is for the rich is a phony bit of class warfare, and it is.

I would be glad to enter into the record all of my material right now. I have the floor. I did not interrupt the Senator from Maryland while he had it, and I would like to finish.

The President set up comprehensive health care reform. What happened to that? I can tell you, ladies and gentlemen. Nothing.

He announced his plan on February 6, a market-based system that builds on the strength of the current system to provide access to affordable insurance for all Americans.

His proposal would reform the health insurance market to make coverage more secure and available and less costly for millions of Americans, including taking care of those millions who are uninsured.

It included a medical and health care insurance initiative to eliminate administrative costs; strengthen administrative activities. He sent up a malpractice reform initiative to reduce insurance, litigation, settlement, and defensive medicine costs. He proposed 100 percent deductibility for health insurance premiums for self-employed. He proposed a funding increase for preventive health care initiatives, including childhood immunization, up 18 percent; infant mortality/Healthy Start, up 17 percent; WIC nutritional assistance, up 9 percent; Head Start, up 27 percent; and access to primary care child care services, up 24 percent.

That is what this President did. And what has happened to his health care reform plan? Nothing. The Democrats have said publicly in the House of Representatives that they hoped and prayed they would not have to deal with the Republican health care plan because it looked like it might pass.

If that is not the ultimate crass behavior. They did not want to play with it over there, and I am citing the Washington Post article by Spencer Rich dated June 5, 1992, which I ask unanimous consent to be reprinted following my remarks.

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

(See exhibit 1.)

Mr. SIMPSON. Mr. President, now the American people are going to hear about that one in the next 100 days.

They are going to hear a lot about the Democrat Congress that also then took various other Presidential initiatives or education and job training pro-

grams and simply shot that one out of the saddle too. They just let it rot—or they sent it to him hoping he'll veto it.

He initiated the National Energy Strategy on March 20, 1991. And, finally, today, we are getting to an energy proposal, thanks to some thoughtful Democrats and Republicans, who probably are going to get a lot of flak from the higher political structure. "Why are you going to let that bill go forward when we have almost got it?" But they are going to do that.

He presented legislation which would provide hope for distressed communities, still including a comprehensive crime bill which languishes here.

The President proposed, with regard to the environment—and hear this—he proposed a 22-percent, a \$3.4 billion increase for priority environmental investments, including protection and expanding of national and State parks, wildlife refuges, and other public lands; higher funding for Federal facilities and Superfund cleanup; wetland protection; increases in pollution control; and resource protection. This is George Bush—this "hideous, sinister figure" that I am speaking of.

He proposed expanded global change research. And do you know what happened? The House Appropriations Committee voted for significant reductions in the requested level of all of these activities.

The committee reduced funding for the President's America-the-Beautiful initiative in the Interior appropriations bill by \$262 million, 14 percent. The committee bill uses the savings to fund, among other things, unneeded construction of Interior Department building facilities, a \$173 million increase; increases for programs targeted by the President for termination or consolidation, \$49 million.

He presented us with economic competitiveness initiatives. Those—civil justice reform, product liability reform, malpractice reform—all languish.

Ladies and gentlemen, the reason it languishes is because of the Congress of the United States.

He had a bill for work force development. That was submitted May 28, 1992.

No legislative action has been scheduled on Job Training 2000. Not a bit.

There had been no legislative action on the Youth Apprenticeship Program. That was submitted January 29.

There has been no action on the \$500 million for the Weed and Seed Program. The House voted for a modified version. The House proposed no funds for Weed and Seed, which is to weed these terrible, poisonous criminals from these urban areas and then seed it with sensible capitalist endeavors.

I know sometimes that capitalism is not a good word here in the Congress, but other countries are dropping whatever they had before and trying to embrace it. We would not want to forget

it as far as what it has done for this country.

He put enterprise zones out there, and he continues to fight for those. Nothing has happened there. An authorization of 50 zones, with a 50-percent reduction. At least Senator BENTSEN is considering it, he is a very able man, and he will consider it. If he said he will, he will do it. That is the way he is.

We have not even started on the appropriations bills. We will have a lot of fun in here with those, hoping to load them up, and get President Bush to veto them and look like again a mean-spirited, terrible, terrible man.

The VA-HUD Appropriations Subcommittee in the House funds a few vouchers. They prevented HUD from reducing housing subsidies to local housing authorities. The House Banking Committee rejected the administration's tenant management proposal—just threw it out.

Highway construction and rehabilitation? They reported a bill which had extraordinary pork in it. The House-passed transportation bill reduced the President's proposed air traffic modernization and air capacity investments by \$300 million—\$300 million. A permanent R&D credit went out the window. The President presented that, but that is why it went out the window—because the President presented it.

The House has voted to cut each of the President's 10 major applied research initiatives by well over half a billion dollars. They cut the President's basic seven research proposals by \$300 million. And the Senate has yet to act.

The \$5,000 homeowner credit? Nothing. Because? You know why. It is good. It is too palatable. It is too juicy in an election year. And when you are part of a party and you have a pledge that you made, when George Bush came here, that the first thing you wanted to do—so bad you could taste it—was to take back the White House—well sometimes your vision gets a little clouded in that process.

Now national defense. I have not heard much about the firewall yet because everybody finally figured it out except the candidate for President on the Democrat ticket. He wants to take \$56 billion more out of defense. And, ladies and gentlemen, what we want to keep asking Bill Clinton is this: "Who is going to pay the bill, Bill?" And we want to ask him that on the defense budget. We want to ask him what he wants to do with the 2-, 3-, 400,000 people he is going to put back on the street, if you take the defense budget any further down than Colin Powell and Dick Cheney are recommending. "Who is going to pay the bill, Bill?"

Then you want to ask the candidate for President how he can possibly suggest to the American people that he is

going to raise their taxes 156 billion smackers—which is twice what Mondale and Dukakis proposed. When the bus ride is over, it may be more like the train with the garbage on it, traveling through America trying to dump off the stuff and make the people of America believe someone else is going to pay the 156 billion bucks in increased taxes. And that is in there.

My good friend PETE DOMENICI will bring the charts on that one. They are heavier-weight charts than are used by the spokesmen on the other side of the aisle.

So those are just a few of the things that this Senator has observed in his time here. "Dead on arrival," for you, Mr. President; dead on arrival with every plan you have submitted until we can work it over, redo it, and load it with some of the things you want, and put you at the ultimate anguish of having to veto it, and then gleefully watching that happen, 31 times. A fascinating business. And the President of the United States never got a single vote, not one single vote on this budget, or any one of them. Yet the budgets were passed right here by us. That is the way that is.

So, as we go into the final 100 days, watching the candidate for President on the Democrat ticket trying somehow to be able to explain how he is in favor of a balanced budget amendment to the Constitution but that his Vice-Presidential candidate has voted against that many times; how the Presidential candidate for the Democrat Party is going to tell us about line-item veto and how he embraces that to his bosom, and how his running mate has voted against that a dozen times; and how somebody can tell the United Auto Workers, who I assume are the core constituency of the President and Vice President ticket on the Democrat Party, that the Vice-Presidential candidate suggested a carbon tax, which would absolutely decimate America, on coal and energy—including the State of the President pro tempore; a carbon tax, and a \$1 per gallon gasoline tax. Try that one, all ye who would seek the Presidency of the United States. And that is what the candidate for Vice President talks about, in his book. Read the book.

Apparently, automobiles are to go the way of some other species long endangered, according to that book. And how about CAFE standards? Who do you think helped carry the ball in here on CAFE standards? The Vice-Presidential candidate on the Democrat ticket.

Those are realities. I hope the United Auto Workers will be observing that with great care. Because those votes were cast. They are public. Senator AL GORE is a wonderful man—and his wife Tipper and my wife Ann have worked very closely together on mental health issues. AL GORE's father and my father

served together here in the U.S. Senate, side by side, and I served with him. I have listened for months as he has prepared himself for this task on this floor. No one, I think, would argue that point. How he will reconcile his voting record with that of the platform and the speeches I heard from candidate Clinton in New York will be a remarkable thing for the American people to untangle. They are on opposite sides on almost every issue—of substance, at least, with the American public who tell us they want a balanced budget amendment. So does Governor Clinton, but his running mate does not.

People say, why do you not have a line item veto, Mr. President, and quit this rotten pork barrel posturing?

Senator GORE does not want that and has voted against that many a time.

And hear them talk about capital gains. I think the two of them probably will have to sit down and step away from the miniature golf courses and get out of their jogging togs, and talk about how they can possibly reconcile two totally opposite attitudes of Government. And there will not be any way to avoid those issues for the Senator from Tennessee because they are all right there at the desk, in the CONGRESSIONAL RECORD, one after another. He is the most liberal Senator that ever represented a Southern State. Bar none. Vote after vote after vote.

So, I say again: "Who is going to pay the bill, Bill?" And I will tell you who will pay it. Young people will pay it. You have the crassest example, several days ago of what happened to the balanced budget amendment. Some may say the balanced budget amendment might be silly, or it might be stupid, or it might be naive, or it might be a lot of things. But I will tell you, if you believe anybody in this body when they tell you all we need is self discipline and to get off our duffs and do what is right, have a laugh on me. That is never going to happen here. So you have to shackle yourself.

What happened to it over here? The AARP and other senior citizen groups and the U.S. Chamber of Commerce twisted the arms out of the sockets of 12 cosponsors of that measure. We used to call that a LBJ cocktail—it was a bourbon and water, and a twist of the arm. And that is what they did to 12 of those poor souls over there. And some seniors groups told America that your Social Security check would be cut \$52. What an outrageous way to do business. And the people swallow that stuff and they all say do not take them on, there are 39 million of them.

That does not count the membership how many of the old magazines of Modern Maturity are still in the dentists offices from 2 years back. They have magazines that look like the Smithsonian, and it has pictures of the sleekest grayhaired cats you have ever seen playing golf and tennis and picking out

Royal Viking cruises. Those are the ads.

But the editorial comment is how everybody over 65 in this country is somehow foraging in an alley for enough to live on. Which is bosh. Because, as we sit here and do the heavy lifting, and count on PETE DOMENICI and JIM SASSER to do our heavy work—and they try hard. And while they labor over a billion or so—a cost of living allowance goes through here like a fast freight every year. It is \$23 billion for people on Social Security. And a third of it is going to people who are best described as comfortable. And a fourth of it goes to people who are best described as rich. I hold a lot of town meetings—but I made a hideous mistake the other day. I said, "I will take a final question from the grayhaired gentleman in the back." And he said, "I would rather have my hair turn gray than turn loose"—an abusive situation, I am sure you will agree.

So he then said, "I put in it from the beginning, Simpson, and I want it all out." I said, "Great; because if you put in it from the beginning, you put in 30 bucks a year for the first 8 years, and then you put in 174 bucks a year for the next 18 years." Get it? Hear it?

"Finally, they dinged you 300 bucks a year, and the ultimate indignity for the self-employed—then they rammed it to you for \$500 a year. Boy, that was stiff. Finally, they took you to 1,700 bucks a year, and that was just crude. And you are knocking 720-bucks a month out of it and giving me lectures, and you please tell me how long that system will last. You get all your money back in the first 5 years, and your life expectancy is 9 to 13 years." That starts the debate.

There were 16 people paying into that when I was a freshman at the University of Wyoming, and today there are three people paying into it, and one taking out. When I was a freshman, 16 people were paying into it, and one taking out. And in 20 years, there will be two people paying into it, and one taking out. And we do nothing—nothing—with it. And neither of the parties is going to touch that one with a stick. We will hear a lot of marvelous babble.

Thank God that WARREN RUDMAN and PAUL TSONGAS are going to go "out on the road" in America and tell the American people what they have to hear. I could not entrust that duty to two finer people. Maybe that will sober them up a while out there.

But I always now take a little pile of those forms with me at town meetings, and tell the folks: Send in your Social Security number to Baltimore, and they will tell you how much you have put in and what you are going to get out; and if you do not like it after you get that information back, call me.

I do not hear from anybody, because they take that form and they put it in, and find out when they were 15, they

paid 5 bucks a year for Social Security, and they find out in 1954 they put in 90 bucks a year, and they find out in the Army—where I spent 2 years—you did not put in anything. That is what they find out, and then they are embarrassed.

The reason the people of America are fed up right now at all the town meetings and everywhere else—with both parties—is because they have been sending people to Washington for 40 years to get them everything they wanted out of the Federal Treasury, Democrat and Republican alike. And if you did not deliver, you got beat. If you did not deliver the goods, you were beaten. And then they come to the next meeting and say, "Why don't you guys do something?"

I said: "I tried. I voted to cut the COLA; I voted not to give a benefit to a veteran who never served 1 year, never left the United States, and does not know a mortar tube from either end. I decided not to give them the same benefit we give to a combat veteran; I voted that way."

"You did?"

"Yes."

You know you can be a service-connected disabled veteran by tearing up your knee playing special services basketball at Heidelberg. While the occupant of the chair gave almost his entire fiber, soul, and body to this country. And he is of the legion of people we should take care of. There are 27 million veterans, and only 3 million of them were ever involved in any kind of combat activity or training accident. And the other 24 million just stand at the door and pound your brains in, and you swallow it.

Black lung; black lung. I do not mind giving black lung benefits. But I do not like giving black lung benefits to anyone who worked in the mines for 2 months, and smoked three packs of cigarettes for 30 years. Try that one on. That is a good way to get your brains beat in. That is where we are in this country. Tsongas knows it, and Rudman knows it, and we know it.

Let me just say a final thing. I know this is shocking. It is not meant to reflect on class warfare. But ladies and gentlemen, the poor do not hire people. People are hired by people with money. They are called capitalists. They are called employers. They are called entrepreneurs. Poor people do not hire anybody.

Sixty percent of the taxes in this country are paid by 20 percent of the taxpayers. You can go through all that babble about this rich 1 percent and, ladies and gentlemen, if you confiscated every single penny, took every single yacht, every single home, every single car of everyone in this country who has over a million bucks, it will run the country for only 7 months. Now, get it out there. This is absolutely stupid that we go through this exercise. And

this is one cowboy who is not going to sit for 100 days and listen to this guff. The poor do not hire people.

So, when this administration came to power in 1980, capitalists in their individual capacity were paying 72 percent income tax rate. That was the highest rate. What is it today? Thirty-one.

I can tell you the first thing that will happen in the Clinton administration. And I say again: "Who is going to pay the bill, Bill?" I tell you what is going to happen. Unless you cannot read or write, you will know. In the House for the last 2 years, they have been saying: We will balance this budget by diddling the rich.

This is the greatest bit of sickening class warfare that I have ever heard—pure babble. As I say, you can confiscate every little old thing they have, and fill every swimming pool in with gravel, and it will run the country for 7 months. So that is not going to do it.

Who is going to help us take on the cost-of-living allowance on Social Security, which goes to people without a means test, which could save us 8 to 12 billion bucks a year? Join the club; raise your hand. I do not see that. I would not see a single arm poised.

So that is where we are in America. Misery index—good lord, I was here under Carter. I remember the misery index. It was a dazzler. Three-percent inflation today, and 7.8-percent unemployment. Under Carter, their was a 19.6 misery index at the end of 1980, with a 12.5-percent inflation rate. And it is 3 today.

So when you go to the grocery, you are not getting stuck four times harder than what you were under the Carter administration. That is the way it is. We are going to talk about that in the next 100 days.

I hope we can remember this, and it is very simple: If anyone believes that you create jobs by suddenly taking the top tax rate from 28 or 33 and on to 40 to 50 to 60, then send your name and address in an envelope, and I will try to get back to you on that, too. That is not the way you create jobs.

And if anybody can tell me how you create jobs by a dollar-a-gallon gas tax—as the Vice Presidential candidate has suggested, not only in his oral remarks but in his book—and do a carbon tax on the coal industry and tax gas industry, and then do CAFE standards, which would just simply throw Detroit out the window, then please let me know that, too.

I hope that when all the shot and shell is over, that we will remember what the whole creed of this exercise was. It is again: That when you want the White House so bad you can taste it, you will do anything—anything it takes—to distort, ridicule, and make fun of. And meanwhile, every single thing that this President has proposed to this Democrat Congress is either languishing in its original form, or is

in a mutated pile of vegetation in some subcommittee or committee in this place, breathing just enough to create compost.

That is where we are. And if the American people cannot figure that out, they deserve everything they are going to get.

But the first thing they want to remember: What they are going to get, when they take that tax on the rich to 45 percent in the first few months of the administration, or 50 percent, is that it will affect everybody in subchapter S corporations. It would affect most sole proprietorships. You are messing around with 67 percent of the people of the United States, and they are called small business persons.

If they can explain their way out of that one for 100 days, I want to be here; I want to hear that one. That is exactly what you do, because 67 percent of the people in the United States pay their taxes as individuals or under subchapter S, in partnership or in sole proprietorships, and the Democrats do not have that figured out.

The American people will figure it out. If they are on the ropes now at 28 percent, well, then, get yourself a ring with your own ropes because it will be 44 percent, 54 percent, 64 percent, and where it was in 1978 at 72 percent. So it might be sober-up time for everyone. And if the American people cannot pick all that up in the great aura of the energy of the days to come, well, then, at least my job will be measurably diminished and I will be able to rest more, and will not have to be answering the phone as regularly. There will be nobody downtown answering it or responding. It will be easier times. There will be about 30 of us over here to try to make capitalism work. And we will leave it to the American people to once again ask the big question: "Who is going to pay the bill, Bill?"

EXHIBIT 1

[From the Washington Post, June 5, 1992]
HOUSE DEMOCRATS IN "GRIDLOCK" OVER
NATIONAL HEALTH CARE PLANS

(By Spencer Rich)

Democrats who had expected to clobber President Bush this fall on the issue of health care now find their House members unable to agree on any single health plan they could be confident of passing.

In fact, some of them fear that if the Democrat-controlled House committees send a bill to the floor, Republicans could find enough support to substitute their own health care proposal and deliver political credit to Bush.

The Republican plan as introduced yesterday by a House GOP task force, would expand health insurance coverage by changing the private insurance market and targeting tax credits to help the uninsured.

Democrats consider it only a tiny solution to the problem, but House Minority Leader Robert H. Michel (R-Ill.) contended that the GOP plan could help provide coverage for as many as 20 million people of the 36 million who lack health insurance. Congress should "move forward with reforms on which there

is agreement, rather than wait for any Utopian solution that frankly may never develop," Michel said.

After Pennsylvania Democrat Harris Wofford used the lack of a national health care policy last fall as a major plank of his successful Senate campaign against former Attorney General Dick Thornburgh, Democrats felt they had found a powerful issue for the coming elections.

But while Senate Majority Leader George J. Mitchell (D-Maine) appears to have a large proportion of his members behind a wide-ranging set of health care proposals, House Democrats are split.

"Gridlock, that's a rather succinct way of putting it," said Rep. Fortney "Pete" Stark (D-Calif.), chairman of the House Ways and Means health subcommittee. "There is not a two-thirds agreement on any one plan in Congress [needed to overcome Bush's expected veto] and there may not be a majority," said Stark.

Mike Bromberg, executive director of the Federation of American Health Systems, said, "I think there's a very small chance that anything could happen this year."

The drive to reform the nation's health care system comes not only because of the large number of Americans without health insurance, but because health spending for many years has been growing twice as fast as inflation.

But the plans for change come with huge price tags, either for government or business. One Democratic proposal is national health insurance for all, provided by the government, with mandatory limits on overall spending. Another requires all employers to provide health insurance to their workers or pay a tax to help the government cost controls.

The President, after considerable taunting from Democrats that he had no health proposal, came up with a plan to give tax credits or deductions to the poor and middle-class to help them buy insurance, and to reform private insurance rules and medical malpractice laws.

Like both the Senate GOP plan and yesterday's House GOP plan, which the White House and the Department of Health and Human Services helped develop, it seeks to correct flaws in the existing private-public insurance system without changing it to a government system or compelling employers to provide insurance.

Rep. Willis D. Gradison Jr. (R-Ohio) said the GOP plan could pass the House if Democrats ever let it get to the floor.

House Majority Leader Richard A. Gephardt (D-Mo.) has asked Democrats in all relevant House committees to approve a national health spending-cap bill by July 6, in time to send it to the House floor before the Democratic National Convention in mid-July.

Because President Bush has made clear he would veto such a plan, the Democrats could then argue in the campaign that they proposed real health cost controls but the President opposed them.

"We view the Gephardt bill as platform writing in the guise of legislation," said Bromberg, whose group, like virtually all hospital, doctor, pharmaceutical manufacturing and other medical services groups, opposes having the government set nationwide spending caps and fee schedules.

A Gephardt press spokesman said the leader believes "the number one problem with the health care system is the explosion of costs, and of course, the lobbyists and health care profiteers don't want costs held down.

The public does. The [July 6] date has to do with getting a bill to the President before this Congress expires."

At a closed meeting of Ways and Means Democrats Wednesday, some indicated they wanted an even broader, stronger bill—national health insurance. Some feared sending the bill to the floor lest the GOP pass its own bill with the help of conservative Democrats. Others favored a less comprehensive bill. Stark said yesterday he believed at least 15 Democrats would vote for the Gephardt proposal, but that is not enough if all the Republicans oppose it.

Sen. John D. "Jay" Rockefeller IV (D-W.Va.) looked for a silver lining.

"There has never been this much interest and focused activity on health care in my seven years in the Senate," he said. "The candidacy of Ross Perot could alter the outlook considerably in the next few months. It fundamentally challenges both parties to achieve something on health" in order to show that they can get things done.

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. SARBANES. Mr. President, will the Senator yield to me?

Mr. SASSER. I will be pleased to yield.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. SARBANES. Mr. President, if the Senator from Tennessee will accommodate me for just a moment or two, I want to make these observations on the comments of the Republican whip, the Senator from Wyoming.

It is very difficult, Mr. President, to have a reasoned debate if one side is going to use examples that are really completely inaccurate and inadequate and then stick to them even when challenged.

Now, the Senator from Wyoming gave an example on capital gains of a person working on the railroad who in 1950 bought a house for \$30,000 and now wanted to sell it for \$100,000 and move to Arizona. He was making a big deal that we needed the President's capital gains proposal in order that the individual mentioned in his example would pay less taxes. And he then said, if anyone challenged him on that, he wanted to hear from them.

Well, I challenged it right here. The fact is that this railroad worker would pay no taxes on the sale of that house because of the exclusion that is provided to him under Federal law. Now, that is just one example of a kind of litany of improper examples that have been given by my Republican colleagues.

I know I am imposing on the Senator's time. I just want to give a couple more examples. We had an example of a miner who worked 2 months in the mines and would collect black lung. Now, I am prepared to look at that example if he can produce it, but that is not my experience. My experience is that I have people coming in who have worked years and years in the mines and are seeking black lung payments and are being denied and rejected by the Bush administration.

Third, I want to be very clear on one thing. Going down this path of discussing the political season was initiated on the floor of this Senate by the Republican leader at the beginning of this week. Not only did he initiate it but he resumed it on at least 2 successive days and maybe more.

Now, I know that he watched the whole Democratic Convention. I know it was tough on him. But I want to be very clear that these exchanges were initiated by the Republican leader.

Now, I do not know what day and time you think it is, but one thing is for sure. They are not going to initiate this kind of an exchange without getting a response.

The Republican whip said that there were people who wanted the White House so badly they will do anything to try to take it—in effect, implying that attitude to this side of the aisle.

Let me make this clear. It was the President of the United States who said in an interview on television that he would do anything it takes in order to be reelected.

It was not this side of the aisle that made that kind of statement, the notion that we would abandon any standards whatever in order to win the election. It was the President of the United States who said that in an interview early this year; he would do anything it would take to be reelected. It is not the Democrats who have taken that position. It is not Governor Clinton or Senator GORE or Members on this side of the aisle who have taken that position. It is the close friend of the Republican whip who has taken that position publicly on national television, that he would do anything to be reelected, coming from a President of the United States, who is supposed to set some sort of national standard.

I could go on and on. The Republican whip talked about the weed and seed program, how important it was to have it. It was in the bill we passed. We included the weed and seed program. The administration made it very clear, on the House side, they would veto the legislation if the weed and seed provision was in it, just as the President vetoed the economic growth package which the Senate sent to him earlier this year.

Mr. President, we are ready to discuss these things in exquisite detail, if that is necessary, but we are not going to have these examples used which just do not work. We want to set the record straight. It was President Bush who said he would do anything that it takes to be reelected.

Mr. SASSER. Will the distinguished Senator from Maryland yield for a question?

I call the attention of my friend from Maryland to a chart captioned "Bush Growth Proposals." These were the economic growth proposals that were proposed by the President of the Unit-

ed States. Six of the seven economic growth proposals the President proposed were enacted by the Congress in legislation and sent to the President for his signature. As I am sure the Senator from Maryland is aware, the President vetoed this legislation which contained six out of the seven economic growth proposals he was advancing.

Why did he veto it? Because that legislation also included a tax cut for middle-income Americans that would have been paid for by a tax increase on the wealthy, that percentage of the American population that gained to dramatically economically during the decade of the 1980's, during the Reagan-Bush and Bush-Quayle tenure.

So I just wanted to call the attention of my friend from Maryland to that fact, that this Congress has, indeed, sent to the President of the United States an economic growth package with over 85 percent of what he requested, and he, of his own volition, vetoed the legislation that carried with it his request for economic growth proposals.

Mr. SARBANES. Mr. President, the Senator is making a very important point, and I think what needs to be understood is that all of this heart-rending that we hear from the Republican side about taxes, and about Clinton and GORE on taxes, is to protect the wealthiest people in the country.

We sent, as the Senator from Tennessee said, the President a bill which would have given some tax relief for middle-income people. In order that we not increase the budget deficit, we paid for it by putting an additional tax on the wealthy. These are the same individuals who profited over the 1980's. Pretax income for people in the top 1 percent of the income scale has risen from \$315,000 to \$560,000. Their after-tax income has more than doubled, from \$203,000 to \$410,000.

That is what has been happening. They want to attack Governor Clinton and Senator GORE. The fact of the matter is the economic proposal that Governor Clinton has laid out in getting additional revenues where it emphasizes tax fairness and closing corporate loopholes would raise 90 percent of that money, 90 percent of it in the following ways: there would be an increase in the tax rates on the top 2 percent of the population, the top 2 percent. There would be a millionaires' surtax.

They would say to corporations that they could only deduct up to \$1 million for the salary of a CEO. In other words, if you pay them more than \$1 million, you cannot take it as a deduction on your tax returns.

Mr. SASSER. Let me see if I have that straight. In other words, my friend from Maryland is saying that if you pay the chief executive officer of a corporation over \$1 million, the excess above \$1 million, would not be deductible.

So that we would not have the situation we have had in recent years when the CEO's of a major automobile company had been laying off tens of thousands of hourly workers, the profits on the automobile companies have been going down, there market share, when compared with that of foreign automobile manufacturers, had been declining, the chief executive officers of these automobile companies are rewarded for their loss of market share—and for laying off tens of thousands of hourly workers—by exorbitant multi-million-dollar raises and stock options.

So that would not be deductible under the proposal advanced by Governor Clinton and Senator GORE.

Mr. SARBANES. They could still do it, but they could not take it on their tax return as a business expense and deduct it and therefore, in effect, reduce their taxes by paying these huge salaries and other benefits to their CEO. And this is only if executive compensation exceeded \$1 million, corporations will still be able to deduct up to \$1 million of their executives compensation.

The other element that Governor Clinton put forward was to prevent tax avoidance by foreign corporations.

Mr. President, what has been happening is that the incomes of the very wealthy—I am talking about the top 1 or 2 percent in this country—have been rising and their relative tax burden has been falling; whereas, the incomes of the middle-class in this country have been falling, and the relative tax burden has been rising.

Mr. SASSER. Will the Senator yield on just that one point? I would direct the attention of my friend from Maryland to this chart captioned "Concentration of Net Worth." And you will note that the top 1 percent of the population in this country, which consists of about 80,000 households, now controls 37 percent of the wealth of the country—the top 1 percent; whereas, the bottom 90 percent has only 32 percent of the wealth of this country.

During the period from 1981 to 1989, the top 1 percent of the population, and their percent of wealth went up from 31 percent of the total to 37 percent of the total during that period of time.

So the top 1 percent increased their hold on the net worth of this country by a very substantial margin, from 31 percent to 37 percent of the total in the brief period from 1981 to 1989. And that is the group that the Clinton-Gore tax proposal seeks to increase taxes, and pay for these various programs with.

Mr. SARBANES. If the Senator will yield. As I understand it, the top 1 percent hold more than one-third of the net worth.

Mr. SASSER. That is correct.

Mr. SARBANES. The people between the top 10 percent, so that includes that other pie shape over there—

Mr. SASSER. This one here is 90 percent to 99 percent. They control 31 percent.

Mr. SARBANES. So the top 10 percent control two-thirds of the net worth in this country.

Mr. SASSER. That is correct.

Mr. SARBANES. And the remainder of us, the other 90 percent, control less than one-third of the net worth of the country.

Mr. SASSER. I caution my friend from Maryland about directing peoples' attention to this problem because we will be accused of class warfare from those on the other side.

Mr. SARBANES. They have already waged their class warfare. They waged their class warfare during the 1980's, when they shifted this net worth, and when they changed the rates and the way the system worked in order to give this immense concentration of income and wealth to the top of the income scale.

Then you come along and say, we think everyone ought to participate in this. And particularly the ones who have had a real party in the 1980's, ought to come in and make a contribution.

Uh-oh, they say, that is class warfare. You cannot talk that way, after they have for 12 years followed an economic policy that has focused income and wealth into the very top of the scale in this country.

The country actually benefited greatly in terms of moving its economy by having a more equitable distribution of income and wealth. Even the Chairman of the Federal Reserve has indicated in testimony before our committee that he is concerned about this concentration of wealth and income which has taken place over this last decade.

I heard the Senator from Wyoming say he wanted to eliminate the cost of living for Social Security recipients. So he is putting that right up front, first and foremost. But he is seeking to protect any effort to get a somewhat more equitable taxing system, and get a more reasonable share out of the very wealthy people in this country.

Those are the priorities. And it has to be very clear because the Clinton plan is very careful. What it seeks to do is make people who have escaped the burden, and reaped the bonanza, in the 1980's, to make a contribution; and, to lift a little of the burden on middle-income and working people. And the Republicans are literally going up the wall.

I will give them credit. They know their constituency. They know that it is these very wealthy people that are at the very heart of their constituency, and they will do anything they can to defend them, including misrepresenting what the proposals are on the other side.

I appreciate the Senator making it very clear in terms of the concentration of net worth, and what is taking place in this country.

Mr. RIEGLE. Will the Senator yield for an observation?

Mr. SASSER. I am pleased to yield to my friend from Michigan.

Mr. RIEGLE. Part of that problem too is the detachment of the Bush administration from what is really going on at the grassroots level in America. Many of the people who hold the top policy positions in the administration are themselves individuals of great wealth, who have family trust fund incomes. And every week and every month checks roll in off that accumulated family wealth which, in many cases, got much larger through the 1980's because of this favorable tax cut to people in their situation.

So when you talk to them about the economic problem in the country, they say what problem, because they do not have a problem. They do not see the problem. The problem is not affecting them. It has not hurt their incomes, they are not standing in unemployment lines, their sons and daughters are not standing in unemployment lines. And when you look at what the data shows in terms of how the middle class is being squeezed and being ground down day in and day out, it has no relevance to them because they are not connected to that. It is as if they lived on a different planet. We had a situation this week in the Banking Committee where Alan Greenspan came in on Tuesday. Now, imagine this, it is Friday now. On Tuesday he came in—

Mr. SASSER. The chairman of the Federal Reserve Board.

Mr. RIEGLE. Exactly. He came in, and we asked him at that time, "How is the economy doing?" Because he has been telling us all along that the economy is about to get better and, of course, it keeps getting worse and unemployment keeps going up and so forth. He came in and gave us essentially an optimistic reading that things are about to get better. Within 2 days, the unemployment numbers came out and showed that last week—listen to this number—422,000 Americans became unemployed just last week alone, 422,000. That is the highest rate now that we have seen in some time.

I know the Senator from Maryland has been following this issue. But now we have virtually another half-million people added to the unemployment lines within 2 days of the time that the Federal Reserve Chairman came in and told us that, finally, things were getting better and about to improve. I was so struck by it, because he said, in part—in defending the policies of the Fed—the Fed has been very slow to respond to this economic crisis. They have waited until the statistics have gotten worse, and then they made a little tweak to the policy here, and a little tweak there, and so forth.

Part of his answer to us was: You know, we have adjusted policy now 23 times. I thought to myself, if you have a car that is not running right, and you

take it down to the service station or the garage to get it repaired and the serviceman adjusts your car, and you bring it back home and it still does not run right, and you take it back again, and he fiddles with it again, and you bring it home, and you do this 23 times. On the 24th time when you take the car in and he says it is going to work this time, you know, just have confidence that it is going to work this time—how can anybody have confidence? People do not have confidence.

I mean, the bottom line here is the fact that 422,000 new individuals had to line up in unemployment lines last week because they lost their jobs.

Just yesterday, we had the board chairman of Smith-Corona—the last typewriter manufacturer in this country—come before the committee and tell us that they have now had to announce they are closing their factory in Cortland, NY, and they are going to move the 885 jobs down to Mexico, because they have been victimized by trade cheating by Japan. They followed the legal process to bring the laws against the trade cheating by Japan, and they had findings in their favor. But the Bush administration will not follow through with the remedies to correct the trade cheating, and now that factory is closing and the jobs are being lost. Workers with 20, 30 years seniority are being thrown out on the street.

That is what is happening in America. That is what is happening in America.

You have a President here who is like a one-eyed President. He can see the foreign policy problems, but he cannot see the problems here in America. If somebody goes and says to the administration, look, here is an economic problem in the Soviet Union, the President will say, yes, let us do something about that.

They came in here the other day asking for economic help for the Soviet Union. When somebody comes in and says we have a problem in China; we have to give most favored nation trading status to the Communist Chinese, the administration responds and says: By all means, do that. They twist a lot of arms to get that thing passed. Or Kuwait needs help. And here is help for Mexico. But when it comes to the problems of what is going on in the United States with the unemployment, the unfair income distribution, a lack of job creation, they cannot see out of that eye.

So the Bush administration has an economic program for every country in the world except this one, except for America. This is the country that needs one. That is why we have to have a change.

I was asked this morning in an interview with a newsman: "Suppose we get rid of Brady, Secretary of the Treasury, or Darman over at OMB?" Well,

that might help a little bit, but that is not fundamentally going to fix the problem. We need a whole fresh feel, a fresh vision, new thinking, somebody who sees the problem in America and is going to go to work on the problem here. We need a new President, Vice President, and Cabinet with a new economic strategy. That is what is needed.

You know what the Treasury Secretary himself said yesterday, as reported in the Cabinet? This is just astonishing, so I want to take a minute and share it with my colleagues. A few months ago when the economy was languishing, as it is at the present time, someone asked Secretary Brady when things are going to get better; when were we going to see light at the end of the tunnel and see jobs coming back and so forth. He advanced what he called the light bulb theory.

He checked somewhere and found out that there were large inventories of unsold light bulbs being produced by the light bulb makers of this country, which indicated that people were not buying as many light bulbs as they should be buying. He concluded from that that because people are hanging on to their old light bulbs so long that they were delaying the purchases, and one of these days there was going to be a great rush of people going out buying light bulbs all over America, and that was going to jump start this economy, and things would improve, and we were going to see people being reemployed.

People heard this and they wondered first if he was kidding. And when they found out he was not, people were scratching their heads saying, this is the economic theory? Is this what we are relying on in the way of a notion as to how to get this thing going?

Yesterday it was reported—I was not there, but I take the report to be accurate—apparently in the Cabinet meeting the same issue came up as to what is it going to take to get the economy started. The report states that Jack Kemp said they needed an aggressive growth strategy. That went over like a lead balloon. That was hooted down.

Then Secretary Brady apparently advanced this theory: The thing that was going to now trigger a resurgence of this economy was that the American basketball team in the Olympic games was going to win the gold medal, and that once the basketball team won the gold medal in the Olympics, this was going to create such a surge of feeling in the United States of optimism, that it is going to get the economy going again. This is kind of a revised version of the light bulb theory.

Mr. SASSER. After the basketball team wins the gold medal, and you have this resurgence of confidence, is that when there is going to be a rush on all the light bulb manufacturers?

Mr. RIEGLE. Apparently, that is the theory. This thing has gotten so hare-brained at this point. It is like they are

sleep walking on the issue of the economy. Consumer confidence is dropping. The trade deficit has gotten worse. We are going to have a trade deficit this year with Communist China of \$15 billion.

Mr. SARBANES. They are manipulating the trade relationship, and the administration will not recognize that. It is not as though that trade imbalance is coming out of fair, tough competition. The Chinese are manipulating the trading relationship, manipulating the currency. They have licensing arrangements. It is managed trade on their part, and they are managing their trade so that they have taken what was a trade balance in 1986 to where we are now approximately a \$15 billion trade deficit, our second worst trade deficit with any country in the world. President Bush, when we say we have to do something about this, we ought to address the most-favored-nation status, which you want to give to China, because they are not playing by the rules, let alone the human rights violations, or the sale of missiles into dangerous areas of the world, the missile proliferation issue, and on the trade issue itself, they are breaking the rules and manipulating the relationship to gain an advantage of it, and the President is sitting still for it.

Mr. RIEGLE. What this is is the one-eyed President problem. He can see the foreign policy issue. He wants to help the Chinese. He is willing to bend over backwards to allow them to cheat in the trade area and suck \$15 billion out of this economy, but when it comes to the effect—the damaging effect—here at home, he cannot see it because they cannot see the problems here in America. They do not have a plan for this country. They do not understand what is going on here. And they are basically saying: do nothing and things will get better. They have been doing nothing now for nearly 4 years, and things have not gotten better. That is why we need a new plan and some new leadership.

Mr. SARBANES. They will not even recognize the problem. They tell you recovery is right around the corner. They have gone around so many corners that they are bumping into each other, and they have not found a way out of the box. They keep telling us the economy is getting better. Greenspan, whom Bush appointed, said last summer that we were on the way to achieving our goals of solid recovery with unemployment down to its lowest sustainable level. In February, just this February, he said that the recovery should take hold in the second quarter.

The President, the day before these worsening unemployment figures came out, tells the American people the economy is getting better. But you do not know it is getting better. Then the next day we get these figures showing the economy is getting worse.

Mr. SASSER. Mr. President, I might say to the Senator from Maryland I

think they are now starting to give up on talking about the economy. And we are seeing it here, on the floor of the U.S. Senate, over the past few days. We have seen various Senators from the other side of the aisle, particularly my good friend, the distinguished minority leader, the senior Senator from Kansas, come on the floor and attack the Clinton-Gore ticket.

My friend, the minority leader, has a well-deserved reputation for humor and razor wit. But, frankly, I say to my friend from Maryland, I do not believe the minority leader's heart is really in these attacks.

I remember back in 1987 when the minority leader was running what I thought was a very honorable and a very responsible campaign for the Presidency, and he was repeatedly labeled unfairly. His positions were distorted. His record on taxes were misrepresented.

I do not think any amount of heartening back to the past is going to blind people to the anxiety and to the aimlessness of the present economic policy of this administration as has been so ably described by my friends, the Senator from Maryland and the Senator from Michigan.

So now we are going to name calling, and I do not think I have heard the word "liberal" uttered so many times or "taxes" talked about so much in a single week since Spiro Agnew was Vice President of the United States. It is really as though our friends on the other side somehow think that the economic reality of American life is going to disappear if they continue to chant the dreaded "l" word or the dreaded "t" word. They pull out the "t" word and hold it up and brandish it around as though it were some sort of sign or symbol of the cross to scare away the vampires.

Mr. CHAFEE. Mr. President, is the Senator going to be long in this speech?

Mr. SASSER. Yes, I may very well be, I say to my friend from Rhode Island.

Mr. CHAFEE. I thank the Senator.

Mr. SASSER. We hear these grave protestations that the liberal press is prejudiced in favor of the Clinton-Gore ticket. We hear about a blackout on positive news about the President by the liberal press. We hear complaints about a lack of fairness by the liberal press.

The liberal press is a myth. There is no liberal press. It does not exist. In order to own a newspaper in this country, you have to be wealthy. In order to own a television station, that requires enormous amount of wealth. And most wealthy people do not fall out on the liberal side.

Yes, the liberal press is a myth propagated by our friends on the other side of the aisle. If the press is anything in this country, if the media is anything

in this country, it is an establishment press and an establishment media that I find all too often simply take the handouts that come from the White House and print them or publicize them.

So, no, it is not the liberals, it is certainly not the liberals in the press that are the villains in this piece.

Now, one thing my friend the minority leader said that I certainly can agree with wholeheartedly, he said the American people are not going to be fooled, and I strongly agree with that. Indeed, the American people are not going to be fooled. And declaring that Governor Bill Clinton of Arkansas and ALBERT GORE of Tennessee are liberals, why that just is not going to stick. Nobody is going to believe that.

Ask Senator GORE's colleagues, whether they be a Democrat or a Republican, that served with him on the Armed Services Committee, was he a liberal when he came on the floor of this body and supported weapons system after weapons system? Was he a liberal when he supported the President and voted to give him the power to wage war in the Middle East? Is that the sign of a liberal?

How about Governor Clinton? Is wanting to reform welfare, as Governor Clinton has stated time after time he will do if he is elected President, is this a liberal program? Is a targeted capital gains differential liberal? Is rebuilding the country's deteriorating infrastructure a liberal program? I think it is a reasonable program that most knowledgeable people would applaud.

And is discussing the problems of health care and promoting managed care networks in place of our haywire patchwork, overly expensive health care system, is that liberal? Or is it simply being realistic and addressing the problems of the day?

And is it liberal to ask of young people national service on behalf of their country, as Governor Clinton has done, in exchange for a college education, in exchange for a decent break in this life? That is not liberal. That is simply addressing the realities of the day.

These are new ideas, and that is what this country desperately needs. These are the winds of change that we see emanating from this dynamic ticket of two young leaders—winds of change that will at long last swell the slack sails of stagnation that have characterized the present administration.

No, name calling is not going to blind anyone to the 3 years of economic stagnation into which this President, President Bush, has led this country.

And, frankly to talk about the "t" word, as I have heard here today, the "t" word for taxes, for my friends from the other side, actually the "t" word has lost its force since George Bush repudiated his own lips just a few months ago and then he repudiated his repudiation and flipped back and decided he

better repudiate the tax increase that he agreed to in 1990.

The simple fact is that there is good reason for my friends on the other side of the aisle to be on the Senate floor kicking up as much political dust as they can.

There is good reason for them to be attacking the news media in the hope that their charges will keep the press, intimidate the press, if you will, from covering the abysmal economic record of the Bush-Quayle administration.

That is the clear and obvious motive behind the statements that we have heard from our friends on the other side of the aisle this morning and earlier this week. It is simply a diversion. It is nothing more.

It is an effort doomed from the start to try to divert the public's attention from the worst economic performance of any President since the end of the Second World War. And that is the record, I say to my friend from Maryland, that is the record of President George Bush: the worst economic performance of any President since the Second World War.

President Bush is dead last in every statistical evaluation in every significant category of performance.

Let us look at the record.

In gross domestic product, in job growth, in growth of disposable income, in industrial production, in hourly wages, all across the board, the record of George Bush's 4 years in office is the worst economic record in a half a century, the worst in 50 years.

Now I say to my colleagues, President Bush is not the education President. He is certainly not the environment President, as my colleague, Senator AL GORE, has so ably pointed out time after time. But President Bush is quite literally the stagnation President. He is the economic stagnation President.

Let me just demonstrate to my colleagues what I am talking about. This is a chart that shows the economic growth records of Presidents during the postwar era.

And here it is for everyone to see, the average annual real per capita growth in gross national product, and that is the total wealth and growth of the economic product of the country divided by the population, and that gives you an idea how each individual citizen is faring.

We look and we see that since the Second World War, Lyndon Johnson is the champ. He gets the gold star, because there was 3.4 percent annual real per capita GNP growth when Lyndon Johnson was President. The standard of living was going up, wages were going up, production was going up. And Jack Kennedy was second. He was at 3.3 percent.

Close to the bottom had been Gerald Ford at seven-tenths of 1 percent, less than one-fourth of that of Lyndon Johnson in economic growth.

President Eisenhower did not do too well. He had only two-tenths of 1 percent growth during his 8 years in office.

But look, if you will, at President George Bush. Negative, negative real growth of GNP on a per capita basis. The standard of living actually declined under President Bush. A negative record of three-tenths of 1 percent annual contraction of GNP on a per capita basis. And what that means for the American people is they are worse off today economically than they were the day George Bush took office, the only President to be in that category in 50 years.

Well, let us look and see how the Presidents did with regard to creating jobs during their administrations. We have taken this study all the way back to Harry Truman—President Truman—who served from 1945 to 1952. During his administration, they created almost 6 percent more jobs than when he took office.

The much maligned Jimmy Carter, during his 4 years in office, there were 11 percent more jobs when he left office than when he went in.

Ronald Reagan, 9.8 percent more jobs when he left office, or created that many more jobs during his 8 years.

And look at who brings up the rear by far: George Bush. During the years of his administration, he has created only seven-tenths of 1 percent additional jobs during his 4 years in office, by far the worst record of any President since the Second World War.

And look at what he promised. He promised, when he came in office in 1989 that he would create some 15 million new jobs in 4 years. That is the promise up here, and this is the record in the yellow. Of that 15 million new jobs he promised he would create, he has actually created only 841,000; less than one-fifteenth of what he promised. Now this is the record, I say to my colleagues.

Well, how about industrial production? That is another good gauge of economic performance.

Again, we went back to the days of Harry Truman. And during President Truman's days industrial production went up 35 percent. It went up 36 percent under President Kennedy and President Johnson. It went up 14 percent under Richard Nixon; 15 percent under Ronald Reagan, his last term.

But look at George Bush. Industrial production has declined, has contracted, by four-tenths of 1 percent during the years that George Bush has been in office, the only President since the Great Depression to preside over a contraction in industrial production.

Well, how are people doing out there in the economy working, those who work by the hour? What has happened to hourly wages?

Well, again we went back as far as we could, and we could not take it back

any further than the Kennedy-Johnson years because the data just was not available. But we found during the years of Kennedy-Johnson, from 1961 to 1965, hourly wages in real terms, corrected for inflation, went up almost 11 percent. And that meant that those who worked by the hour, they were doing better and their standard of living was going up by almost 11 percent.

Under Lyndon Johnson it went up another 12 percent. Those were the great days of the 1960's and Americans felt good about themselves and they were doing better and they were buying two cars, and two cars in a garage, maybe two bathrooms in the house for the first time in their history.

Under Richard Nixon, hourly wages went up almost 6 percent; continued to go up at a less dramatic rate under President Carter, and during the two terms of President Reagan.

But look at George Bush. In his 4 years in office hourly wages have shrunk, have contracted, by almost 2 percent. And what does that mean? It means that hourly workers are making less in real terms than they were 4 years ago, I say to my friend from Maryland.

Mr. AKAKA assumed the Chair.

Mr. SARBANES. If the Senator would just yield on that point, because it is extremely important.

First of all, the unemployment rate has gone up. There are some people out of work and looking for a job. And it is not just the 17 million that are out of work or only working part time; it is all of their families and dependents that are impacted as well.

But, in addition, if you have a job, you are slipping behind.

Mr. SASSER. That is right.

Mr. SARBANES. As these figures show, your standard of living is being eroded. And that is what is happening to working people and middle-income people.

The only people whose standard of living is improving, and it is improving dramatically, are the people in the top 10 percent. And especially the people in the top 2 percent of the income scale. That has to be understood.

There is a tactic of divide and diversion taking place on the other side of the aisle. They want to try to gloss over what is happening to the country.

I think the Senator is right. The American people are not going to be fooled. I am now quoting from a news story yesterday.

The number of Americans filing first-time claims for unemployment benefits rose sharply in early July, dampening hope for anything more than minimal improvement in the unemployment rate this month. It was the biggest rise since late February. The level of claims was the highest since the week of May 2.

These are people out of work. What my colleague is showing is that people who are working are falling behind.

Mr. SASSER. Yes. And let me just show my friend from Maryland this

particular chart here. This is a chart of disposable income. As the Senator from Maryland knows, that is after-tax income.

Look, if you will, at the record of the Bush administration, when contrasted with that of other administrations. The growth is just simply not there.

Mr. SARBANES. I would say, Mr. President, the only people whose after-tax income is growing are the people right at the top. Their after-tax income has grown by a dramatic percentage. Their pretax income, that of the top 1 percent, over the 1980's went up 78 percent. Their Federal taxes went up 34 percent. Their after-tax income went up 102 percent. They doubled.

Mr. SASSER. This is the top 1 percent.

Mr. SARBANES. The top 1 percent. In addition, overall there is a 1.2 percent drop in disposable income. That is for all of the population.

But for the top 1 percent, they doubled their disposable income over this period. And you have had this massive concentration of economic benefits at the very top of the scale.

I want people to prosper and move forward and make their way. But there ought to be some sense of equity. And there ought to be some appreciation for the fact that the people in the middle, the working people of the country, have to share and participate in these economic benefits. You cannot concentrate them all at the top and hope you are going to have a strong and viable economy. Trickle-down economics, which is the economic philosophy of this administration, will not work. It will not bring prosperity to the broad base of the American people.

What Governor Clinton and Senator GORE are talking about is bringing prosperity again to working people and middle-income people. As Governor Clinton has said, the people at the top got a big increase in income, and their tax burden has been reduced.

The people in the middle have seen their incomes shrink, as these charts indicate, and their tax burden go up. It is completely reversed from the way it ought to be.

Mr. SASSER. My friend from Maryland is correct, Mr. President. One of the real problems with getting this economy moving again is that people do not have any money to spend. What we have seen is such a concentration and a movement of resources up to the top 1 percent of the population that even those who are working in this economy, by the time they get through paying their health care, if they are lucky enough to have health-care coverage, by the time they get through paying for the basic necessities of life, there is virtually no disposable income left.

They now find they have two wage earners in the family. The wife is now having to assist the husband, who 20

years ago could make a living for the whole family. Now she is having to work. They are still falling behind. And they are being crushed under a burden of debt just to try to keep their standard of living equal to what it has been in years past.

This recession has been with us for a long time. This is the longest recession on record, the longest economic recession that this country has experienced since the Second World War.

At first, the President's reaction, and that of the administration, was denial—that we were not in a recession. They denied it month after month after month. There was an 18-month delay.

We now know, if you look at this chart—I direct the attention of my friend from Maryland to this chart. He will note the recession started in July 1990. The administration continued to deny we were in a recession, and during that period of time, 2½ million people lost their jobs.

When this recession started, about 6.4 million people were unemployed. Unemployment has risen dramatically since that time.

Finally, in January 1992, the President came before the Congress, after acknowledging we had a recession, and said he would propose an economic growth package. He proposed that economic growth package. The Congress passed six of the seven proposals that he asked for.

What did he do in March 1992? He vetoed that economic proposal that carried with it six of the seven proposals that he had outlined.

Mr. SARBANES. Mr. President, if the Senator will yield for just a moment, I want to point out one aspect of this unemployment problem, and the administration's refusal to recognize it and to try to do something about it. That is the dramatic increase in the long-term unemployed—persons unemployed 27 weeks or more. It was at about 600,000 when this recession began, and is now well above 2 million. It has risen through this period, and it is now up over 2 million. These are persons unemployed 27 weeks or longer.

The administration, throughout this rise, kept telling us that there was no problem. They would not recognize the problem. The President; the Secretary of the Treasury; Mr. Darman at OMB; Michael Boskin, the Chairman of the Council of Economic Advisers; Mr. Greenspan, their appointee over at the Federal Reserve, they are all singing from the same song sheet, which says: No; it is going to be short and shallow. Things are going to be better. Things are going to be OK.

The American people know that everything is not OK.

Mr. SASSER. Mr. President, they do know everything is not OK. The American people know that something is basically wrong.

We now know that 1 out of every 10 of our fellow citizens are on food stamps today; 1 out of every 10. Those who administer these programs say they see individuals, and groups of individuals, making application for food stamps that they have never seen before—what appear to be middle-income people, middle-level managers who have lost their jobs, who have never been unemployed before. And there they are, applying for food stamps. One in every ten Americans is on food stamps today.

So with a record like that you might have expected that at the beginning of this year there would be some move to alter the course, some effort to put some momentum into this country's economy.

At a time when we are mired in recession—and I might say, at the same time facing a long-term fiscal crisis; deficits literally going through the roof, unprecedented in either the peacetime or wartime history of the country—you might have expected some program, some action, some initiatives.

There were only two courses available, really. Either stimulate the economy into health and administer the needed deficit reduction medicine later—that is what Senator SARBANES and I proposed in January of this year. That is a very modest fiscal stimulus program that would have put a few billion dollars into the hands of State and local governments to get some work programs going to try to stimulate the economy and put some money into the hands of people and then get to the deficit reduction after the economy had recovered.

They did not want to do that. So then the other way to deal with the deficit was simply to attack it head on. Reasonable people can differ about which course was best, but President Bush and his advisers chose neither one. He spent the past 2 months telling the American people that he wants a balanced budget amendment to the Constitution even though this administration has never, never sent a budget to this Congress that is even anywhere close to balancing. But he wants a balanced budget amendment to the Constitution, oh, yes, which, by the way, will take effect some 5 or 6 years from now. Those are the facts. There is no way that a balanced budget amendment to the Constitution could be passed out of this body, the other body, and ratified by all of the States before 4 or 5 years have elapsed.

That is the record, Mr. President. What we have seen is pure fiscal inertia. This did not come about by accident. What we had was a conscious business-as-usual policy. This has been a caretaker administration that has relied on the classic, old trickle-down economics. But they have not even taken care of the property. They have let the economy that they inherited continue

to decline and erode, and we find ourselves in the sad state that we are in now.

My friend, the minority leader, for whom I have great respect, and he knows that, I watch him quite often on television because he is so articulate and so quick-witted, and I find it is educational. But last week on television, the minority leader called the President's so-called growth plan—he discussed it this way, and I am quoting him directly. The minority leader said: "It's not going to turn the economy around." The minority leader is entirely right about that. The Bush growth plan, or so-called growth plan, was really never intended to get the economy moving. By the reckoning of the President's own Office of Management and Budget, the 1993 Bush budget would have produced almost zero stimulus to the economy, a stimulus amounting to only one-tenth of 1 percent of gross national product, and that is about one-tenth of what it traditionally takes by way of fiscal stimulus to move us out of recession.

So the growth plan was never intended to work. It was never seriously meant to try to push us out of this recession.

So, in summation, the President, sadly, has not aimed at long-term deficit reduction. The deficits have gone through the roof during his administration and will continue to if his policies are followed. He has not aimed at short-term economic recovery. He has no immediate plan, and he has no long-range vision. His policies have been self-confessed prescriptions for simply doing nothing. President Bush—and I say this sadly—has about the same claim for the mantle of change in 1992 that President Herbert Hoover had in making that claim in 1932.

Listening to a comedian the other evening on television, he said this, and I think he sums it up very ably and very wittily: "I've listened to the Bush-Quayle campaign theme, and I think I finally got it figured out. What they are saying is this: 'We've been in office for 12 years and if you want change, vote for us.'" That is what the comedians around the country are saying.

Mr. President, it is no surprise that as Governor Clinton and as my colleague, AL GORE, traveled through the heartland in a Greyhound bus, our fellow citizens came out by the tens of thousands to see them, to welcome them, because they sensed that these dynamic young leaders are their hope for change, and they sense that Bill Clinton and AL GORE have what it takes to get this country moving again in much the same way that the American people experienced in 1960, the feeling that John Fitzgerald Kennedy and Lyndon Johnson had what it took to get this country moving again.

So, Mr. President, I want to serve notice on our friends from the other side

of the aisle, and I say this with affection, that if they are going to come out here and throw down the gauntlet, as they have done this week, then I shall be out here with my colleagues on this side of the aisle to pick it up, and we will do it time after time if they continue to throw it down.

Mr. President, I yield the floor.

Mr. SARBANES. 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. 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 do not know whether this is a gauntlet or not, but let me have the floor for a few minutes to just talk a little.

I quote LEON PANETTA, chairman of the Budget Committee of the U.S. House:

The Clinton plan does not, frankly, confront the issue of how we reduce the budget deficit. I do not see how he can take the level of revenues he's talking about or the spending cuts he's targeted and simply pump all that into added spending.

Mr. President, a lot has been said here about the last 4 years, the last 12 years, the last 30 years, maybe even the last 40 years. Frankly, so much has been discussed. I hope the American people are listening because, obviously, it is not for the Senate and not for the few people up there, but it is for C-SPAN and perhaps for a few press upstairs that might be interested. I hope they understand that you can do almost anything you want with statistics, and if you want to go back and look through economic history, you can produce almost any picture you would like.

I can vividly remember at least two of the three Senators on the other side who have been down here for an hour and a half or two looking at the last 4 Reagan years. Do you know those were not even good years, according to them? They were down here complaining about the kind of jobs that were produced, not by Ronald Reagan but by the economy of the United States, the small businesses, the medium-size businesses, the exporters, the research companies. They were down here saying those are all McDonald's jobs. Now, they almost hold up that 4 years and they want to forget that it has been part of the last 12 years. They would not even dare come down here and put a chart up that says, "Well, when was the last time you had all Democratic control?" Why do we not put that up there? When is the last time the Democrats controlled the Senate, the House, and the Presidency? Do not forget, that happened once not too long ago. Very nice, wonderful man in the Presidency.

He had the Congress of his party. They could not get along, but that produced some marvelous economics, wonderful. Would not the American people like to have that back, a Democrat in the White House, Democrats in the Senate, Democrats in the House? They cannot have them anymore in the House. They have 102 votes more than the Republicans, and if you put the Socialist in, the one guy who is Socialist, he votes with them, so it is 103.

Tell me they could not do anything they wanted. Tell me the U.S. House could not pass anything they wanted. And if they want to talk about vetoes, bring the vetoes down here. We will see what bills he vetoed and whether they did anything for jobs in America. Motor-voter registration, correct the Hatch Act, all those things they wanted to pass did not add 14 jobs to the American economy, probably cost a few. But that is the last time. Let us just talk about that.

We think we have had unemployment. It was over 10.5 percent.

We think we have had interest rates. Some time ago when we had high interest rates, they had interest rates 22 percent, inflation 15 percent.

Think of that. Over 10.5 unemployment, 15 percent inflation. Think of that. Over 22 percent interest rates.

So let us do that again. Let us have not only two Houses of Congress, but let us also give all three to them. Why not put that up there, what happened during that period of time?

Now, Mr. President, I opened with a quote from LEON PANETTA, chairman of the House Budget Committee. Just in case somebody does not remember, he is a Democrat. In case you do not know, when the Democrats control things by having one more than the majority, all the chairmen are Democrats. Sometimes the people out there ask how does it happen. That is how it happens.

What he was saying does not have anything to do with 10 years ago. It has to do with right now. Almost every sensible person says beware of the deficit because it is going to affect your future. Almost every reasonable person says, move toward a balanced budget; do so as quickly as you can; get the economy going and then do not fool anyone. Take on the tough thing and get the deficit under control.

President Bush suggests that we adopt a constitutional amendment for a balanced budget. What do we get from the other side? Somebody says Governor Clinton balanced the budget 11 times in his State. The same people say we do not need a constitutional amendment. What do we want that for?

Governor Clinton balanced the budget 11 times because the law of his State, the Constitution, requires it. If it works there, why would it not work here? If you are going to brag about balancing it there, why not give the

President the chance to have the balanced budget a mandate of law here? Then you put them on par.

The truth of the matter is the Democratic 22-page economic plan for America's future does nothing for the deficit. One hundred fifty billion dollars in new taxes, fellow Americans. You have heard a lot today about that is the upper 2 percent and we just want everyone to know we want to tax those people who have a lot of money and that distinguishes us from the other side. That is great policy.

Well, I will give you a couple of examples. Great policy. We want to put a tax on yachts. That is the last time we had the economic summit. I was there. We have to do something to show the American people, said the other side. We want to tax rich people. So tax pleasure yachts. Put a surtax on them, luxury tax.

Do you know who it hurt? Hundreds and hundreds of working men and women. The places that built yachts closed up all over America. The very States that voted "aye" are here quietly saying repeal that tax on the rich people. In fact, the first bill through here is going to have that on it. Do you think it is going to be Republicans alone for that? It is going to be Democrats, too.

Now, this 2 percent of the American-rich-people tax in the Clinton package, let me tell those who are listening what I think the tax package is. First of all, if you read it, it does not say who it purports to tax. It says "wealthy," or some such words. But it does not say \$200,000 income. It just has dollars in new taxes.

We think it is exactly the same numbers that came out of the Finance Committee and came over here to the Senate floor, and guess what it is? It is \$150,000 of income for a single taxpayer and \$175,000 for two.

Now, that is interesting in terms of rich. Do you want to produce jobs? Who produces jobs in America? Not Governor Clinton, not President Bush, not President Reagan. American business produces jobs. If American business is not growing, you do not have permanent jobs.

You can spend taxpayers' money and create jobs. Some are saying spend taxpayers' money and put people to work in Government. My friends, we have already \$350 billion of extra Government spending, pump-priming spending. That is the deficit each year. That is money thrown in to try to get people to go to work, put them on certain kind of Government jobs.

The truth of the matter is that if you tax Americans who are earning over \$150,000, that is a tax on new jobs. Let us set it straight. It is a tax on new jobs.

Why? Because somewhere between 62 and 77 percent of those filing tax returns with \$150,000 income, single tax-

payer; \$175,000, two, are small businesses, small corporations that elect to be taxed as partners.

What you are doing is taking the earned profits out of hundreds of thousands of American small business and thus taking the engine right out of the job-producing part of America. So do it with some idea about redistributing wealth. But what you are really doing is redistributing jobs and you are taking jobs away from working men and women in America.

If you want to stymie a recovery, put a tax on small business. If you want America to grow, give small business an incentive. Put an investment tax allowance on like President Bush asked for, which he did not get, of 15 percent so they can go out and buy things to improve their productivity. In buying, they produce jobs. In improving the equipment, they compete better. And that is the fire in the engine for jobs for America.

So I come to the floor today to say that anyone who wants to see a real comparison of what Governor Clinton is for for the next 4 years and what President Bush is for for the next 4 years has two blueprints. One is the blueprint that Governor Clinton gave us, however many pages it is, and the other is the midsession review document exceeding 420 pages by the President of the United States. He has gone back and looked at the last 4 years; what he asked for that Congress did not give him; what the deficit will look like for the next 4 years if his policies are followed.

Do you want a plan that gets the deficit under control, puts money in education, puts money in job training, puts money in research and development, continues to fund things like the highway program, which is a major public works program in America, and yet in 4 years reduces the deficit dramatically—in fact, has it down to \$130 billion and only 4 years later close to balanced, or do you want a budget that with \$150 billion in new taxes spends so much that all savings on defense, all the new taxes imposed are all eaten and the deficit as advertised is \$175 billion.

But I will tell you the real deficit, not the as advertised—that is in the Clinton plan—but the real one when you take out such things, or add back such things, as pay for the middle-income tax cut that you give, it is not paid for in that plan. We just lower the taxes and assume, maybe we assume supply-side economics. But in any event, you do not pay for it, no arithmetic there. And a number of the asterisks, kind of smoke and mirrors. The real deficit is \$292 billion 4 years hence. A huge tax has been proposed, the largest 4-year tax in the history of the Republic. And the only thing we will get for it is a bigger deficit.

But I will suggest that there is great optimism on their side. President Bush

will put in his midyear, midsession review, 4.5 percent growth in the economy; say that is what we are going to get because things are going to be so great. They would be down here saying: Come on, Mr. President, be real. We do not need any phony things. We do not need any smoke and mirrors. How do you get 4.5 percent growth when it is only 2.5 now?

But those deficits I just described for the Democrat plan, those huge taxes that go in and get spent, \$60 billion more in defense cuts that gets some way or another used up, there is going to be 4.5 percent growth that plan says, and even with that, the deficits are just what I described.

So there is a lot to talk about on both sides. And there is a lot of blame to go around.

I want to close, since people have been watching well over an hour of discussion about what President Bush has not done, to remind everyone President Bush had a U.S. House that was Democrat. There were 102 more of them than his party. And add in the fellow from up in northeast that ran as a socialist, they would have 103. That is a lot. They could have done anything they wanted. But I will tell you what they did. They did not let President Bush have anything he wanted.

Then look over here. They control the Senate. Clearly they control it enough to give him little or nothing that he asked for.

Let me just take one of them. Some comment was made on the other side about the education President. Now listen well. The President of the United States proposed a 7-point education plan. Governors of 36 States have begun adopting parts of it without this Congress. They think it is good enough.

Let me tell you how you can turn a President who has a good education plan into a President that did nothing in education. Let me tell you how.

Do you have a guess? Just have a Congress that will give him not one of them, not two, not three, but zero.

Where is your education plan, Mr. President? We have been waiting for it. And then pass not one single provision of what he asked for. Of course that is a self-fulfilling prophecy.

The environment: We will have an opportunity. We cannot do all of these, but we will explain what this President did on the environment.

The Clean Air Act of the United States that passed under this President's leadership is already forgotten because for some it does not matter how much you do on the environment; it is not enough. That is a masterpiece that puts the marketplace into cleaning up air pollution for the first time. And it actually does more than anybody thought we could ever do to clean up ambient type pollutants.

That is about enough for today. But if there is a concern about laying down

the gambit, let me suggest if we choose to talk a little bit—that is all it has been in the last week, a little bit—about the Clinton plan, we will never catch up with the hours on end that this floor has been used to take on the President of the United States.

So we will do our share. We will try to be careful. We will try to be honest. We will try to be forthright. And we will try to be educational. But no one need worry that we do not have plenty to talk about. We might even start talking about what the Democratic House and Senate proposed item-by-item over the last 4 years to help American business produce jobs for the American people. I repeat—American business produces jobs. American business large and small needs occasionally incentives to get out of the doldrums.

And maybe the next round we will take a look not at Governor Clinton, but at what has happened up here for the last 4 years.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. SIMON. Mr. President, there are a few things that my friend from New Mexico in his very partisan speech said that I agree with, like the need for a balanced budget amendment. But let me just add that there were a number of things I disagreed with. And one of the comments he made about the failure of the President to get what he wants in the field of education is very interesting that in the field of education we had an education summit where the President met with the Governors in Charlottesville, VA, and there was a great deal of publicity about it.

We have after 4 years of this Presidency yet to have an educational summit right here in Washington, DC, where the President gets together with Republicans and Democrats who are interested in doing something about education here. That is what we need.

Where we have been able to make progress, there are two significant things in the field of education in this Congress. One was the literacy bill that the White House first said they were going to veto, then it passed 99 to nothing in the Senate. And the President decided that he would sign the bill.

The second was the higher education bill, which the President signed yesterday. We had \$500 million in there on a direct loan program that some of the banks did not like, and the Sallie Mae did not like. But that clearly was a help to schools and students and taxpayers.

Finally the President had a visit with some House Republican Members who went to the President and said, this thing makes sense. Do not veto it.

And the President yesterday signed the bill.

I am pleased he signed it but it is hardly an indication of strong leadership.

But let me mention one other thing, and this is my reason for coming over to the floor. Tomorrow is the first anniversary of the passage of the National Literacy Act. My friend from Maryland, Senator SARBANES, voted for it. My friend from Tennessee, Senator SASSER, voted for it. My friend, the Presiding Officer, Senator AKAKA, voted for it, as did all Members from both sides—99 Members voted for it. Many of the things that it called for have been voted for in appropriations, and we are making some progress.

But that bill set up a National Institute for Literacy to coordinate Federal literacy efforts and to provide national leadership among other things on research. Within 180 days of the passage of that bill we were supposed to have 10 names submitted to the Senate to function as the board for the National Institute for Literacy. Within 180 days. It is now 364 days, and we still do not have it.

In February we were told 10 names would be submitted in March. Well, March has come and gone. On June 3, I wrote a letter to the President, and I asked unanimous consent to have it printed in the RECORD.

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

U.S. SENATE,
Washington, DC, June 3, 1992.

Hon. GEORGE BUSH,
The White House, Washington, DC.

DEAR PRESIDENT BUSH: The one-year anniversary of the passage of the National Literacy Act is just a few weeks away. Unfortunately, a crucial piece of the bill is not yet in place. The Act calls for a Presidentially-appointed Board of literacy experts and providers to oversee the National Institute for Literacy. It is my understanding that the nominees were selected months ago, but that the names have been stuck in the bureaucracy.

I am writing to urge you to make your nominations to the National Institute Board immediately. If the nominations are not made soon, there simply may not be enough time to clear them through the process in the Senate before Congress recesses this Fall.

Thank you for your urgent attention to this matter.

My best wishes,
Cordially,

PAUL SIMON,
U.S. Senator.

THE WHITE HOUSE,
Washington, June 15, 1992.

Hon. PAUL SIMON,
U.S. Senate, Washington, DC.

DEAR SENATOR SIMON: Thank you for your recent letter to the President regarding the nomination of individuals to the National Institute Board for the National Institute for Literacy.

We appreciate being advised of your interest in this matter. I have shared your letter with the appropriate White House officials for their review.

Thank you again for writing.

With best regards,
Sincerely,

NICHOLAS E. CALIO,
Assistant to the President for Legislative
Affairs.

Mr. SIMON. On June 3, I wrote a letter to the President urging that he submit nominations immediately. On June 5, I received one of these innocuous letters that says nothing. And tomorrow, we celebrate the first anniversary of the signing of that bill into law, but we do not have the 10 names so that we can have the National Institute for Literacy.

We need to get going on this problem. We do not need public relations, photo opportunities in schools. What we need is action.

I hope we can get some action to have these people appointed for the National Institute for Literacy.

Clearly, somebody in the White House is falling down on the job, and I hope that somehow someone gets the message that I am delivering here today and that we get a little leadership in this area. That, frankly, is really lacking.

Mr. SARBANES. If the Senator will yield, the point is extremely important. This is not the only instance in which this has happened.

Mr. SIMON. Not by a long shot.

Mr. SARBANES. This administration is simply not governing. First of all, they oppose a lot of the legislation. When they finally accept it, they then do not implement it. If they seek to implement it, they try to do so by undercutting it.

Of course, as the Senator pointed out, this legislation was passed, and the President signed it. He will not appoint the Literacy Council provided for in the legislation.

The Senator from New Mexico earlier made the point about the President and the environment and the Clean Air Act. I want to say—because we have to have debate that at least tries to approximate the facts—the President did support trying to pass a Clean Air Act through the Congress, and, in fact, the support of the administration, was important to enacting the Clean Air Act. Fine.

We get the Clean Air Act on the books, the President signs it. He has a big photo opportunity, and then what happens? The Vice President, with his council, proceeds to undercut and to subvert the Clean Air Act by doing in the regulations that are necessary in order to implement it.

So then they say, we want to portray this President and administration as an environmental President. They cite the Clean Air Act. That is the first step. Then what happened? When they got it into law, they tried to undercut and subvert it. The American people are on to that. They know what the Vice President has been doing with that Competitiveness Council. Actu-

ally, he does these things without any public hearings, without anything on the record, with no opportunity, as generally happens, when the Departments develop regulations, to hear both sides and have an appreciation of what the arguments are. This is a secret door operation. They go through the secret door and make their complaints, and the Vice President undercuts the act.

So that is what has been going on. I think the American people have come to perceive it and understand it.

Mr. SIMON. My colleague from Maryland is absolutely right in this.

I might add, in this area of environmental control, it was not very many years ago when the United States produced 100 percent of the pollution control devices. We were out there, and this Competitiveness Council that the Vice President heads wants us to keep pulling back.

Today, we produce 30 percent of the pollution control devices. We are losing in all of these areas.

This National Institute for Literacy, when we passed the National Literacy Act, originally in the rough draft—I forget, I had 60 or 90 days for the President to make these 10-member appointments. Somebody said let us make sure the President has time. We gave the President 180 days. I thought we were bending over backwards. Now it is 364 days, and we still do not have those 10 appointments.

Mr. SARBANES. If the Senator will yield for a question. Why have they not made these appointments?

Mr. SIMON. That is a great mystery to me, other than, first of all, it has to reflect indifference, at best, and maybe hostility. I cannot figure out which one it is.

Clearly, if you do not have the board that can get this national institute going, we are not going to get the action that we had when the President signed it in front of all kinds of television cameras. I have to say that I was one of those who immodestly was there in front of the television cameras, too—

Mr. SASSER. If my friend will yield, I remember the Senator from Illinois standing there beaming in that instance, and I thought he made a magnificent television appearance, and I am astonished that nothing came of all of this. You mean this was just a photo opportunity, and you had been invited over there by the President, and this was just a photo opportunity?

Mr. SARBANES. Was this down at the White House?

Mr. SIMON. I was down at the White House and, obviously, my friend had good judgment when he said I made an outstanding appearance.

Mr. SARBANES. The President does not do a public White House signing ceremony for every bill. A lot of bills go down to the White House, and the

President signs them in a routine fashion. Occasionally, he does a public ceremony, and that is usually legislation to which you attach a particular importance and significance. I understand that is what took place in this instance.

Mr. SIMON. We had the full ceremony—the television cameras and reporters and every one. Frankly, to get these 10 members and get going, I do not care if we have a ceremony, or if the President wants to sneak the names in or what we do. Let us get going.

Mr. SARBANES. The fact of the matter is that the President made a big to do about this bill and about signing this bill. Do I understand that the Senator has been in constant contact with them about making the appointments; is that correct? Has the Senator let it slide for all this period?

Mr. SIMON. We have made six or seven calls, at least, to the White House urging that something happen. On June 3, I sent a letter again reminding him. Tomorrow is the 1-year anniversary of the signing ceremony. We still do not have 10 people named. The law says they should be named.

Mr. SARBANES. Have any of them been named?

Mr. SIMON. None of them have been named. We have to approve them. So we are stymied.

Mr. SARBANES. How can the purpose of this legislation be carried forward if none of the members of the council have been named?

Mr. SIMON. Well, on that particular portion, nothing clearly can happen. There are other things where we have appropriated money and where some things are happening. But the problem of illiteracy in our country is a major problem, and we ought to be coordinating Federal efforts. That is not happening, because we do not have this institute going.

Mr. SARBANES. I know of the Senator's longstanding concern about the illiteracy problem and the leadership which he has exercised. As I recall, even when he was a Member of the House, and then also since he has come here to the Senate—he has been a leader on this issue. In fact this is a very serious problem and people have looked at the competitiveness question between the United States and Japan and the advanced industrial European countries, and have always noted the fact that those societies are at about 99 percent literacy.

Mr. SIMON. That is correct.

Mr. SARBANES. Our failure to address this illiteracy problem is a significant handicap in the economic competition.

I just hope there is not some plan afoot at the White House to do in the council indirectly, as it were, to subvert it, as they have done with some other measures.

Mr. SIMON. Let me say real candidly to my friend from Maryland, my guess is that there is no plan afoot. It is simply another case of the White House floundering.

What we clearly need is some strong leadership that is going to move ahead. It may be that there is hostility there and the plan is do not appoint them, and we will not spend the money for this. My guess is that it is one of these things that seems unimportant, and they are floundering down there.

Mr. SASSER. If the Senator will yield, the Senator from Illinois makes a good case. This is just another example of the kind of caretaker attitude on the part of the administration, not really moving forward with any initiatives to deal with the problems of the day.

My great friend from New Mexico, just a moment ago, a Senator for whom I have the highest regard and respect—he is the ranking member of the Budget Committee, which I have the honor to chair, and I value his opinions highly on many things. But my friend from New Mexico indicated that he found fault with the economic plan of Governor Clinton, because it did not go far enough with regard to deficit reduction and indicated that the administration had some vigorous deficit reduction proposals that frankly had not been put into effect here by the Congress.

I just call my colleague's attention to a chart here.

Mr. SIMON. Mr. President, I am going to yield the floor to my colleague from Tennessee here.

Mr. SASSER. I thank my friend from Illinois. I think he renders a valuable service in coming to the floor today and pointing out the inactivity of the administration with regard to moving ahead in this very vital area of literacy.

Mr. SIMON. I thank my colleague from Tennessee and my colleague from Maryland.

The PRESIDING OFFICER. The Chair recognizes the Senator from Tennessee.

Mr. SASSER. I thank the Chair.

Mr. President, with regard to the President's deficit reduction measures, the Congressional Budget Office has done a study here. Bear in mind, this is the nonpartisan Congressional Budget Office, that I think all of us on both sides of the aisle—indeed, economists, and statisticians and others all across the country—have the highest regard for. We asked them to do a comparison of the President's deficit reduction efforts if his budgets were enacted as submitted from 1992 through 1997 and contrast that with a situation where nothing was done, where we just let current policy run on out.

The CBO found that if we did nothing, if the Congress and the President did nothing and just let the machinery of Government move ahead as it is

now, there would only be a \$3 billion difference between that and if we enacted the President's 5-year budget plan. In other words, over 5 years, if we enacted the Bush administrations' deficit reduction program or their budget, we would have only \$3 billion in savings over what we would realize if we simply did nothing.

Mr. President, that would amount to less than one-one hundredth of 1 percent of actual savings. So you see, there is really no effort there to deal with the problem of the deficit.

With regard to the Congress defeating the President's proposals for economic growth, as I pointed out earlier, after first denying a recession and then floundering around for over 18 months, during which time an additional 2½ million Americans lost their jobs and joined the ranks of the unemployed, the President did propose an economic growth package.

That economic growth package consisted of seven elements. Of those seven elements the Congress passed six of them. We passed his request for penalty-free IRA withdrawals. We passed his request for real estate investment by pension funds. We passed his request for passive loss relief for the real estate markets. We passed the request here for a cut in the gains tax rate. We passed his request for an investment tax allowance. We passed his request for simplified depreciation rules. We in the Senate passed the first-time home buyers tax credit. Somehow that fell out in the conference. But we had six of the seven elements that he requested in his economic growth package.

It was the President who vetoed that economic growth package that had six of the seven elements that he requested. And just 2 days ago the Chairman of the Federal Reserve Board, Dr. Al Greenspan, testified that if the investment tax credit or allowance had been in effect we would have been realizing, in his view, greater capital spending than we are now.

One final point. The point was made, Mr. President, that Members of my party controlled both the House and the Senate and have for 4 years. That is true. But those who are familiar with the operation of American Government know that a President can exercise a significant effect on legislation both in its formulation and a President can certainly defeat legislation by use of the veto. This President has enacted the veto some 31 times. And the Congress has been unable to override that veto a single time. What we have had here is government by veto.

Just let me share with my colleagues some of the measures that the President has exercised his veto to defeat.

Mr. SARBANES. Mr. President, will the Senator yield?

Mr. SASSER. I am pleased to yield to my friend from Maryland.

Mr. SARBANES. Mr. President, this is basic American Government, but it

is very important to understand that to pass a bill we need only a bare majority in both Houses; in other words, we can pass a bill here in the Senate 51 to 49 and the bill is passed.

To override a veto you need a two-thirds vote in each House; you need a two-thirds vote in the Senate and a two-thirds vote in the House. And in both the Senate and the House, the President's party, the Republicans, are clearly more than one-third. In this body of 100 Members there are 43 Republican Senators. They only need 34 to sustain a veto. So when we tried to override the veto of the unemployment insurance bill, the vote to override was 65 for the bill, 35 against the bill; 65 to 35. That is a very significant majority, but it was not enough to override the veto, because the President, using tremendous pressure, held on to 35 of the Members on the other side of the aisle. Actually, 8 of them voted to override, but they held on to 35 and that was enough to sustain the President's veto.

So when my colleague from New Mexico talks about the majority which the Democrats have in the Senate and in the House, that is a majority to pass the bill, but it is not anywhere near a sufficient number in order to override the veto of the President.

President Bush has vetoed important legislation, legislation in my judgment badly needed for the country, and then has been sustained on his veto either on the House side or on the Senate side, primarily by his Republican colleagues. And that is the simple fact of the matter; the President has used his veto or the threat of his veto numerous times during his administration.

Mr. SASSER. Mr. President, the Senator from Maryland is entirely right, and the American people I think have become frustrated with Government by gridlock or indeed the absence of Government and Government initiatives as a result of gridlock.

To give some examples of the vetoes that the President has exercised, or legislation that he has vetoed over the past few years: He vetoed the fair labor standards minimum wage, the so-called minimum wage bill, in 1989, legislation that in that year would have raised the minimum wage for workers to keep them at least level with the inflation that had taken place since the last raise of the minimum wage. The veto of that minimum wage bill was damaging to literally millions of minimum wage workers all across this country.

In 1990 he vetoed the family and medical leave bill, legislation which the distinguished senior Senator from Connecticut [Mr. DODD], had worked so long and so hard for. And all the family and medical leave bill did was simply to recognize the fact that we have an enormous number of women who are now in the work force, and this would simply have given these women—or men, as the case may be—the oppor-

tunity to take unpaid leave in the event of pregnancy, or in the event of a serious illness of a child or in the event of serious illness of a member of the family.

This bill was essentially a bill to try to strengthen the diminishing family bonds that have bound families together in this country. We have traditionally recognized the fact that the women in our society have been the principal care givers, for which we are all so enormously grateful. But they have been unable to give the care that they would wish to give to their infant children, the care they would give to a newborn baby, the care they would give to a sick child or a sick relative, because of the danger of losing their job in the work force if they took, unpaid leave to give such care. We passed legislation, the family and medical leave bill, to give unpaid leave, a minimum amount of unpaid leave to those who experience these family crises.

Well, the President vetoed that bill. We did not have the necessary two-thirds to override his veto. Then we passed the civil rights bill in 1990. Really, the civil rights bill plowed no new ground. It simply returned the status quo to civil rights legislation as it had been prior to a certain Supreme Court ruling. The President overruled that by way of veto; defeated it.

The Senator from Maryland is very familiar with the bill that he vetoed on China, the most-favored-nation bill.

Mr. SARBANES. Will the Senator yield on the civil rights bill?

Mr. SASSER. Yes.

Mr. SARBANES. Mr. President, I just want to point out, the effort to override that bill in the Senate had 66 Senators out of 100 in favor of the bill; 66 Senators out of 100 favored the bill even after the President vetoed it. In other words, it came back for a veto override, and 66 Members of the Senate wanted the bill to become law; 34 voted the other way. That is the bare minimum to sustain a veto.

But what I want to underscore, Mr. President, is the margin—66 to 34. That is an overwhelming margin, when you think about it. But it is not enough to overcome a veto. The President has used his veto power to thwart and to negate the making of public policy, and to cast the operations of the Government into an impasse and into a logjam.

Mr. SASSER. No question about it.

Take, for example, Mr. President, the campaign finance reform bill, a bill passed by both the House and the Senate by a substantial margin to try to do something about the exorbitant amount of money that is spent in campaigns across this country; to do something about the enormous amount of special-interest money that flows into campaigns in the House and Senate from all across this Nation every year, by the tens of millions of dollars. It

passed on the floor of the Senate; it passed on the floor of the House. But when this campaign finance reform bill was sent to the President, he vetoed it—defeated it.

The list goes on and on. The Orphan Drug Act, the tax fairness bill, a bill to relieve the Mississippi Sioux Indians—something even that minor—was vetoed by the President.

So we must make the point here that even though the Members of my party might be in the majority in both Houses, our efforts many times are frustrated because of the exercise of the Presidential veto and our inability to muster the two-thirds votes to override it.

Mr. SARBANES. Mr. President, just a few months ago, we passed legislation in the Congress to condition the most-favored-nation status for China. China has been abusing the trade relationship, and manipulating it to their advantage.

In 1986, we had a trade balance with China; imports and exports were in balance. Now we have a \$15 billion negative trade balance situation. Even the administration itself in one of its reports, has conceded that the Chinese are manipulating this trading arrangement in order to gain the benefit of it. We tried to do something about it.

The Chinese have also had an abysmal human rights record. And they have also been involved in the proliferation of missiles around the world, and all the dangers associated with that. Both Houses passed legislation to try to address that problem. The President vetoed it. The House voted first to override, and they did it by a very substantial margin, 357 to 61. It then came to the Senate. We were not able to do it. We lost the veto override, 60 to 38 in the Senate.

So again and again, as my colleague from Tennessee has pointed out, the President has used this veto in order to negate congressional action.

Now, we are just citing the instances in which the veto actually took place. There have also been many instances in which the President has threatened a veto in order to preclude action from moving forward in the Congress. The health care reform is one clear example of that. The President has put out a proposal which virtually everyone regards as inadequate. And yet he has indicated, that if any of the other proposals that are pending move along, he intends to use his veto against it.

Mr. SASSER. If my friend will yield, Mr. President, that is a classic example of Government by gridlock. And that is the problem that we are confronting.

In other words, everybody, I think, of fair mind, would concede that one of the greatest problems—if not the greatest problem—in the short term facing this country is what is to be done about guaranteeing affordable, quality health care to the American people.

We have seen a virtual explosion in health care costs. And we see the explosion in health care costs driving Medicaid and Medicare costs up through the roof, threatening to bankrupt the Medicaid system in the space of the next 2 or 3 years.

We know that over 35 million Americans have no health insurance whatever. And the tragedy of it is that most of these Americans have jobs and are working, but they still do not have enough health insurance.

Now we, here in the Congress, as we seek to grapple and deal with that problem, are handed an ultimatum by the President: Either you take my proposal—which we know is all form and no substance; which does not address the problem at all—or you take nothing. Because if you pass something, I am going to veto it, and you do not have the votes to override my veto.

That is a classic example of Government by gridlock. And that is precisely what has got this country into such serious straits over the past 4 years.

Mr. SARBANES. Mr. President, I say to my friend that I think one of the strongest arguments for electing Governor Clinton to be President is that he is committed to address this issue.

And I am confident that, if he were President, he would come to the Congress with a significant plan to address the health care issue; to address its affordability, its availability; to make it more preventive; to anticipate illness, rather than to try to make people well after they have become sick; to try to control the costs connected with health care; and to address the problem of the millions of Americans who have no health care.

And I think he would then be prepared, able, willing, and very successful in working with the Congress to that goal.

Mr. SASSER. Indeed, he would. My friend from Maryland is familiar with the new buzzword we are hearing now, that we have to do something about controlling entitlements. Everybody says we have to do something about controlling entitlements.

When you look down the list of entitlements—and I have them here: Medicaid, food stamps, veterans pensions, unemployment compensation, farm price supports, Federal civilian/military retirement, the whole list—what you find is that 85 percent of the growth in entitlements excluding Social Security comes from two programs: Medicaid and Medicare. It is the explosion in health care costs that are driving the so-called entitlement expenses through the roof. Make no mistake about it, when we talk about controlling entitlements, if you want to reduce entitlement expenditures, the only way to do it is try to reduce the expenditure for medical or medical-related services in some way. And that can only be done through a coordi-

nated, comprehensive, and well-orchestrated approach. I think that is the type of approach that Governor Clinton and Senator GORE will be advancing in the event that they are given the opportunity to do so in a new administration.

Mr. SARBANES. I expect they are going to say, "Here is the challenge. We have to solve it together. We are prepared to look at your ideas, advance our ideas, and try to come up with a consensus."

What we have now is the President puts forward something; everyone looks at it and says, "That is inadequate. That is just papering over the edges. That will not really address the problem." Yet, the President is unwilling to look at the ideas that others have which would more successfully address the problem.

Mr. President, if my colleague will yield to me for just a moment, I want to address just one point my friend, the Senator from New Mexico, made when he was on the floor. That is this notion about how do you create jobs. Who creates jobs? His notion is the more money you give to the very wealthy, the more jobs they will create. In other words, it is just the very wealthy who create jobs. If you put an extra tax burden on the very rich, you are, in effect, taxing their capacity to create jobs.

Mr. President, who is going to buy the products that will be produced by the companies that are owned by the very wealthy, or indeed by others in the country, if you do not have a reasonable income distribution? You are not going to have a working class and a middle class that can buy these products produced by these companies owned by the people that they are talking about.

Henry Ford recognized that after World War I. He started paying his people a wage that shocked everyone at the time. But Henry Ford realized he was creating a working class with the purchasing ability to buy the very products that they were engaged in making. If you want to look at societies where all the tax benefits are given to the very wealthy and the same argument is made that this will now create jobs, look at some of the Third World countries with these gross disparities in income. There is plenty of money in the hands of the very rich. But they are not able to create jobs because there is no purchasing power in the broad base of the population.

We have created prosperity in this country from Franklin Roosevelt forward because we have advanced the proposition that you create economic prosperity by a percolate-up theory, not by a trickle-down theory. If the broad mass of the people has a reasonable degree of purchasing power you are going to create prosperity for them and for the people up the scale. The people at the top will share in that

prosperity by definition. That is the way you do it.

The trickle-down theory, this notion that you are going to concentrate all of the wealth and income at the top of the income scale and then somehow it is going to trickle down to all the rest of the American people, it does not happen. Who is going to buy the products if working people and middle-income people do not have reasonable incomes with which to do it?

The Senator from Tennessee showed us charts earlier that show that working people in this country, middle-income people, are being squeezed down. In fact, hourly real wages have dropped under President Bush. Disposable income has dropped under President Bush. This means the great mass of the people who have been the engine of American prosperity has been shrunk down.

Governor Clinton understands that. That is why he is making the point that the incomes at the very top have gone up, their taxes have gone down; whereas the incomes of middle-income people have gone down and their taxes have gone up, and if you continue that process, you will turn us into a Third World country. It is beginning to happen. We have millions of people in this country with skills and talents that are unemployed, and we are concentrating wealth and income at the upper levels in a way that has not been seen since the 1920's.

Mr. SASSER. If the Senator will just yield on that point? You are quite right. We are concentrating wealth in the upper-income areas in a way that has not been seen since the 1920's. The partial consequence of that in the 1920's was the resultant recession and Great Depression that lasted throughout the early period of the 1930's. One theory given for that is that the wealth of the country was concentrated in too few hands. That is the reason Franklin Delano Roosevelt came to the Presidency saying, what we need is a new deal. We have to take these cards and reshuffle them and deal them out once again.

Yes, we are in danger of becoming a low-wage country. You see it all around you. Just a few weeks ago, BMW, the German automobile manufacturer, announced it was opening a plant in South Carolina. Why are they opening a plant in South Carolina? For the same reason Honda opened one in Ohio; for the same reason Michelin, the French tire company, opened a plant in South Carolina: Wages in the United States are cheaper and lower than they are in Germany.

One of the principals of the Michelin Tire & Rubber Co. that has a large French tire plant in South Carolina told me that some of their largest profits come from that plant because wages there are so much lower than they are in France.

Why is Honda building automobiles in Ohio and shipping some of them back to Japan and many of them all over Southeast Asia? Because their overall labor cost, building automobiles in Ohio, is lower than it is in Japan. The United States is becoming a low-wage country when you compare it to Germany, when you compare it with France, certainly when you compare it with Switzerland, Belgium, the countries of the European Common Market. And it is becoming a low-wage country when compared to some of the countries like Japan in Asia. That is what is happening to us.

Mr. SARBANES. What these other countries are doing some may say is a good thing, we will get the jobs and they will not have them. But these countries have an economic strategy to be a high-skill, high-wage country. So they are staying out there at the frontier of technology in order to ensure that their people actually can reap a high wage.

First of all, they do not have such gross disparities in their income distribution. They make the kinds of investments Governor Clinton has been talking about that we have not been making. Let me give just one example.

This chart shows nondefense research and development as a percent of your GNP. In other words, as a percent of your gross national product, how much are you putting in to nondefense research and development? What it shows is a great disparity between the United States and Germany and Japan. This line here is the United States, and these high lines up here are Japan and West Germany.

So you can see the difference, the gap that exists here between the United States in terms of our investment in nondefense research and development and what is being done by West Germany and Japan.

Mr. SASSER. According to that chart, if I may interrupt my friend from Maryland, in other words, Germany and Japan are investing twice as much of their gross national product in nondefense research and development as we are in the United States.

Mr. SARBANES. Almost, not quite twice as much.

Mr. SASSER. No wonder Mercedes Benz and BMW automobiles and Sony televisions work so well, if they are continuing to invest that much of their nondefense research and development in developing new techniques and new products.

Mr. SARBANES. The Senator is right. And let me just add to that problem or that challenge, it—it is a challenge—these things can be addressed, they can be dealt with. We need a President prepared to work with the Congress in order to do it. We are not so deep in the box we cannot come out of it. And Governor Clinton is right to have a basic optimism about America,

and hope for the future and what we can do. But we need to unleash America's potential. We are being underled when we have a President who vetoes legislation after legislation and who pretends there is no recession.

This chart, Mr. President, shows the relationship between growth and productivity and public investment. You need public investment and you need private investment. But you need public investment in a transportation network, in a communications network, in education, in worker training, all of the things that build up our physical and human assets in order to be more effective economic actors.

This scale shows the percent of domestic product of public investment, and this scale shows productivity growth.

What this shows is the United States, which is low on the scale in public investment and low on the scale of productivity growth. And Japan, which is high in public investment, is also high in terms of productivity.

Mr. SASSER. So what the Senator is demonstrating with this chart is there is a direct correlation between public investment and growth in productivity, is that what this chart says?

Mr. SARBANES. I want to be careful because I do not assert that the only reason for this productivity growth is the public investment. There are other reasons as well, but there is obviously a correlation that exists here.

We are lagging on both counts and you can see that as countries increase their public investment, their productivity growth increases—and Governor Clinton, to his credit, is talking right to this subject. An essential part of his economic package is an investment strategy for America. He has an economic strategy for America to move us out of this situation, to address bringing down the deficit, to building our economic strength for the future, to restoring the incomes of our working families in America, for gaining greater equity in the workings of our economy and to move the Nation forward.

I heard my colleague over there talk about growth projections. It is one thing to talk about 4½-percent growth with the Bush economic plan, or lack thereof, and it is another thing to talk about 4½-percent growth with the kind of program that Governor Clinton is putting forward before the Nation. That is the challenge that is before us, and the American people have to ask those kinds of tough questions because we are now into the season of diversion and distortion and deception, and they have to see through these things. The other side has taken the floor every day this week. I ask my friend, this is the first time we have come to the floor this week to address this?

Mr. SASSER. First day.

Mr. SARBANES. That is right. They have been out here every day this week

trying to tarnish Clinton and GORE, pour it on them, heap it on them. The American people have to see through that. The Vice President is running around saying everybody is going to put taxes on you.

That is not what Governor Clinton has said. In fact, he has been very clear on that very point. He is out to reduce the tax burden on middle-income Americans. And then they say, how are you going to pay for it?

He says, very simply, the ones at the top who have scored such great gains over the last decade are now going to be called upon to make a fair contribution—a fair contribution—by instituting a surtax on millionaires.

What is wrong with that? Why should the middle-income people be carrying a burden or the elderly who come in here?

The Senator from Wyoming wants to cut the cost-of-living for the elderly, and he wants to put that right up front, first and foremost. It is shocking. Before you ever put that up front why are not recovering some of the vast amounts that have gone to the very wealthy, the ones who had this party over the last decade? They ought to come in and pay a fair share. And then we can look around at how we have to continue to address our economic problems.

So I think Governor Clinton is offering a hope for the Nation. As my colleague from Tennessee said, it is almost laughable for the crew who has been in charge now for 12 years to claim they are for change. George Bush has been Vice President for 8 years and President for 4 years. And if he goes to the American people and is able to portray himself as Mr. Change, then we ought to be selling a lot of Brooklyn Bridges around this country.

I do not think he is going to be able to do it. I think they are underestimating the intelligence of the American people, and the American people know what is happening out there across the country. That is why tens of thousands of people are showing up in small towns in southern Illinois in order to see Governor Clinton and Senator GORE. Sometimes they are coming out and standing at the roadside hundreds deep, not to hear them, because there is no scheduled stop there, just to see the buses go through on to the next scheduled stop because they know that that bus caravan and the two men on it represent hope for America and represent their chance for the future. And, in fact, Governor Clinton and Senator GORE ordered the buses stopped in one small town in Illinois where they were not scheduled to stop, because of a large crowd that had assembled at the roadside with just a general store and a filling station. Hundreds of people standing out there. They waited 2 hours, at night in Vandalia, IL, for this caravan to come because they know it

represents hope; hope for them and for their children and for our country.

Mr. President, I yield the floor.

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

The PRESIDING OFFICER (Mr. SARBANES). Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 579, Linda Gillespie Stuntz to be Deputy Secretary of Energy.

I further ask unanimous consent that the nominee be confirmed; that any statements appear in the RECORD as if read; that the motion to reconsider be laid upon the table; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

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

The nomination considered and confirmed is as follows:

DEPARTMENT OF ENERGY

Linda Gillespie Stuntz, of Virginia, to be Deputy Secretary of Energy.

STATEMENT ON THE NOMINATION OF LINDA G. STUNTZ

Mr. WALLOP. Mr. President, on May 13, 1992, the Committee on Energy and Natural Resources favorably reported the nomination of Linda Stuntz to be Deputy Secretary of Energy by a vote of 19 to 0.

Ms. Stuntz is well qualified for the position to which she has been nominated. She has held numerous high-level positions at the Department of Energy, and is currently serving as Acting Deputy Secretary. Prior to joining the Department of Energy in May of 1989, she practiced energy regulatory and legislative law. From 1981 to 1987, Ms. Stuntz was a member of the staff of the House Committee on Energy and Commerce, serving as minority counsel and staff director from 1986 to 1987.

Ms. Stuntz holds a bachelor's degree in political science from Wittenberg University and earned her J.D. from Harvard Law School.

Ms. Stuntz played an integral role in the development of the national energy strategy now pending before Congress. She is familiar with the complex challenges facing the Department of Energy; and her background and experience have prepared her well to meet the responsibilities of this new posi-

tion. She has earned the respect and confidence of Secretary of Energy Watkins and is held in high esteem by her colleagues.

Mr. President, I urge my colleagues to join me in supporting the nomination of Linda Stuntz to be Deputy Secretary of Energy.

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

THE WAR IN BOSNIA RAGES ON

Mr. DOLE. Mr. President, this week I met with the foreign minister of Bosnia-Herzegovina, Haris Silajdzic. This was our second meeting. When we first met—a few weeks after Serbia attacked Bosnia—the foreign minister prophetically warned that if the international community did not take strong, decisive action, the war against Bosnia would intensify, tens of thousands of people would die, and hundreds of thousands of civilians would flee their homes.

Tragically, he was right. Today, Bosnia is in its 14th week of war. Minister Silajdzic told me that more than 50,000 people are dead. More than 1.5 million people are homeless. And, all but a fraction of Bosnia's territory is under occupation by Belgrade-led forces.

The hallmark of this occupation is ethnic cleansing. Non-Serbs are forced out of their homes; if they are lucky they are able to make it to the border with Croatia and on to refugee camps there or in neighboring Italy, Austria, or Hungary. If they are not so fortunate, they find themselves in concentration camps. Serb extremists have set up 42 concentration camps in Bosnia and Serbia—an estimated 58,000 people are being held in those camps, most of them Muslims.

Last weekend, the New York Times carried an article which described the brutal war Serbia is waging against the civilians of Bosnia-Herzegovina—Muslims, Croats, and Serbs. I ask unanimous consent that this article be placed in the RECORD.

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

[From the New York Times, July 18, 1992]

A WAR ON CIVILIANS

(By Michael T. Kaufman)

ZAGREB, CROATIA, July 17.—Beyond the confusions of the war raging on many fronts in Bosnia and Herzegovina, and regardless of whether the armed factions abide by yet another cease-fire agreement that they signed in London today, what has been going on is fundamentally a Serbian war of aggression waged largely against civilians.

After six weeks of travels in Serbia, Montenegro, Croatia and Bosnia and Herzegovina, a visitor gets the overriding impression that whatever old scores are being settled, it is guns and ammunition supplied by Belgrade that are killing civilians in areas beyond the borders of Serbia. Most of

the refugees fleeing battle are running from Serbs.

Serbian forces call themselves by different names in different regions, but everywhere they have resorted to the same tactic of sustained artillery shelling of cities, towns and villages. They have destroyed or damaged the hearts of metropolitan areas and have besieged populations of Croats and Muslims, trying to force them to leave so the territory can be given to serbs.

That is what happened in Vukovar, in Croatia, last year. That is what is now going on in Sarajevo, Mostar and Gorazde, in Bosnia and Herzegovina, and may be part of the reason for the renewed Serbian shelling of Dubrovnik, Croatia.

Cyrus Shahkhalili, director of the office of the United Nations High Commission for Refugees in Split, Croatia, said what characterizes this conflict is the willingness of armies to attack civilians as the main form of warfare.

AN IRANIAN IS AMAZED

"In my experience I have not seen anything like this, neither among the Kurds with whom I worked nor during the war in Afghanistan," said Mr. Shahkhalili, who is Iranian. He added that the policy had originated "with a small group of people in Belgrade in pursuit of what they call ethnic cleansing."

Almost every day brings credible accounts of attacks by Serbian units on civilians in places that have not been visited by foreign journalists. On Wednesday, artillery shells fired from Serbian positions in Bosnia killed at least 12 people and wounded 20 when they landed in a soccer field in the Croatian city of Slavonki Brod, where about 4,000 Bosnian Muslim refugees had been staying.

On Thursday, United Nations officials expressed grave fear for the almost entirely Muslim population of Bihac, a city of about 100,000 in northwestern Bosnia. They said they had received reports that people there were being rounded up and taken to a sports stadium to hear harangues intended to intimidate them and induce them to flee.

Since the fighting started a year ago, not a single part of Serbia or its allied state of Montenegro has come under attack from a Croatian or Muslim force, though Serbs living in Croatia and in Bosnia have been attacked and intimidated, and hundreds of thousands of them have fled to Serbia.

In Belgrade, the Serbian Government of President Slobodan Milosevic has sought to portray the Yugoslav warfare as several distinct conflicts involving different sets of adversaries.

In this view, which Mr. Milosevic has sought to spread abroad, civil wars broke out first in Croatia and then in Bosnia and Herzegovina as Serbs rose up to establish political control of their areas, rather than accept life in newly independent states where they, the largest and most powerful of the peoples of old Yugoslavia, would be minorities.

Mr. Milosevic has insisted that he lacked the muscle to rein in ethnic Serbs outside the borders of his republic. But such assertions are derided by diplomats and by his increasingly vocal political opponents.

WESTERN RETICENCE CONCEDED

One such opponent, Vuk Draskovic, who has led mass protests calling for Mr. Milosevic to resign, charged in an interview last month that the President had "from the beginning orchestrated the war by demagogically using television to play on the fears of Serbs and inflame passions for a greater Serbia."

Mr. Draskovic said Mr. Milosevic was doing this not because he believed in the idea but because, "as a former Communist, he is wrapping himself in the banner of Serbian nationalism simply to stay in power."

A Western diplomat, who was recalled after United Nations sanctions were imposed, lamented: "We never really said it as clearly as we should have. But from the start it was clear that the operating principle for the Milosevic Government was that whatever happened, Serbs could not live under or with any other people, though other people would have to live under Serbs."

This brutal war has brought repressed ethnic hatred to the surface. Accounts of atrocities circulate on all sides, both spontaneously and with the help of official propaganda. Some of the stories of rape, execution and torture, again involving all sides, are believable.

Throughout the area where fighting has taken place, Serbian Orthodox churches have been damaged or destroyed, presumably by Croats, and Roman Catholic churches have been shelled, presumably by Serbs.

FIREPOWER AND SHOCK EFFECT

It is hard for those who have witnessed the rage and fury to imagine that the hostilities will come to a halt because of a document signed in London. There have been other agreements, and none of them has stopped the guns for long.

But the greatest evidence of brutality lies in the rubble of heavy-weapons fire. Why the Serbs are using so much firepower to destroy their targets is something that baffles visitors to places like Mostar or to the razed and gutted Croatian resort town of Slano or, most particularly, to Vukovar.

Vukovar, a city of 40,000 to 50,000, was destroyed last year, house by house, during three months of bombardment by artillery, tanks and planes. Today, eight months after the city fell, roses climb through the ruins and trees bear fruit, but the city remains virtually dead.

One explanation sometimes offered is that those who organized the attacks wanted fear and memories to linger for a very long time. Others like Petar Poljanic, the Mayor of Dubrovnik, explained the shelling of his famous old town by saying, "I think they want to destroy what they cannot have."

Mr. DOLE. So the slaughter goes on, while the international community engages in debates, an entire country is in the process of being wiped off the map of Europe while world leaders tinker with diplomacy—pleading for cooperation from the aggressors, and engaging the victims in endless rounds of negotiations which, ironically, seem to lead the people of Bosnia further and further from peace.

Mr. President, the time is long overdue for the world community to take concrete steps toward bringing peace to Bosnia.

The sanctions are working, but too slowly. If we wait for sanctions alone to force a change in Serbian President Milosevic's policies, there won't be a Bosnia-Herzegovina by the end of the year.

Despite the recent success of humanitarian flights into Sarajevo, many other towns have not yet received any relief. The people of Gorazde and Bihac are being starved while Serb forces shell them with increasing ferocity.

But, even the operation into Sarajevo is threatened. The shelling there has intensified. Today, two CNN journalists were wounded, one very seriously.

Yet, the U.N. Secretary General is unwilling to allow U.N. peacekeepers in Bosnia to take on the critical task of securing heavy weapons under U.N. control—so who will.

Well, as I have said for some time now, only NATO can stop Milosevic and his forces. The bottom line is: NATO has the experience, political clout, and military power to take on this mission.

I understand the complexities involved, both politically and militarily. I understand we would be breaking some new ground and taking some risks. But I also understand that thousands of people are dying, and in the eyes of the world no one seems to be doing much about it.

So, once again I say, this is a job for NATO. In over four decades, NATO has never failed to meet a challenge.

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 \$3,984,028,758,799.30, as of the close of business on Wednesday, July 22, 1992.

On a per capita basis, every man, woman, and child owes \$15,510.57—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.

INTERNATIONAL AFFAIRS AND POSTSECONDARY EDUCATION

Mr. PELL. Mr. President, the Congress has overwhelmingly passed and the President has signed the Higher Education Act, landmark legislation that makes the dream of educational opportunity a reality for our Nation's youth. My colleagues and I on the Education subcommittee have worked long and hard on this bill, and I am most proud of what we have achieved.

At this time, I find it especially appropriate to bring to your attention a recent speech by Dr. John Brademas, president emeritus of New York University and former United States Rep-

resentative. This address, which he presented at the University of Michigan in May, focuses on two subjects that have always been of central concern to me and that are highlighted in the Higher Education Act reauthorization: international affairs and postsecondary education.

Dr. Brademas eloquently highlights our need to educate international experts, both to define our foreign policy objectives and to maintain our economic competitiveness in this time of unprecedented global change. He also stresses the interrelationship between domestic and foreign affairs, and the ways that we might bring nations together to address issues which concern us all, such as health care and the environment. Most important, Dr. Brademas underlines the leading role which our colleges and universities must play in promoting international expertise and in responding to world events.

The Higher Education Act contains a variety of international education programs, which promote the objectives outlined by Dr. Brademas. In this legislation, we provide assistance to colleges and universities to improve their international and area studies programs, to centers for international business education to promote the internationalization of business curricula, and to American overseas research centers to assist American scholars abroad in gaining access to research materials.

Mr. President, I would commend Dr. Brademas' address to my colleagues and urge that they give careful consideration to his insightful remarks. I ask that the full text of his address be reprinted in the RECORD at this time.

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

(University of Michigan, Ann Arbor, MI, May 8, 1992)

ADDRESS OF DR. JOHN BRADEMAS, PRESIDENT EMERITUS, NEW YORK UNIVERSITY

"INTERNATIONALIZING HIGHER EDUCATION"

I am honored to have been invited to take part in a symposium that joins two near life-long preoccupations of mine, higher education and international affairs.

That I am the child of a Greek immigrant father and a Hoosier schoolteacher mother impressed upon me from my earliest years both the importance of countries other than the one in which I was born and the indispensability to one's life of education.

From my school days, I had a keen interest in Latin America which as a college student took me to Mexico one summer to work with Axtec Indians and led me to write a thesis on a Mexican peasant movement and, still later, a Ph.D. on anarchosyndicalism in Spain.

Although during yet another summer as a student intern at the United Nations, I considered becoming an international civil servant, I decided, for reasons I shall not inflict upon you here, to pursue a career in politics and ran for Congress, from my home district in South Bend, Indiana.

First elected in 1958, I was a Member of Congress for twenty-two years, serving on

the committee of the House of Representatives, Education and Labor, with chief responsibility for education, and there took part in writing nearly every major law enacted during that time to help schools, colleges and universities as well as the arts and humanities, libraries and museums and provide services for the elderly and the disabled.

While in Congress I made a number of trips abroad to learn of other educational systems and to talk about ours. I went to Argentina to study the role of universities in President Kennedy's Alliance for Progress and visited child day care centers, schools, technical institutes and universities in Israel, Poland, Norway, the People's Republic of China and the Soviet Union—and I authored legislation, of which I shall shortly speak, to assist American universities in the international field.

For over ten years, from 1981 to 1991, I served as president of New York University, the largest private university in our country and worked, as I shall explain, to strengthen its programs of international studies.

Beyond these political and academic careers, I have been and continue to be deeply engaged in a variety of activities with direct or indirect international dimensions. I serve on a number of boards, corporate and pro bono, with significant activities and programs abroad.

Right now, for example, I am one of two dozen members of the Carnegie Endowment National Commission on America and the New World. All of us, from former secretaries of defense to ex-ambassadors and White House staffers, former Senators and Representatives, have at one point or another held positions in the Federal government with some responsibility in foreign affairs. Our mission? To articulate a new rationale for U.S. foreign policy following the collapse of Communism.

You will, I hope, forgive these personal allusions but I trust they will better enable you to understand my long and intense interest in the subject of this symposium—universities and the increasing internationalization of what peoples and nations do.

Let me start by speaking of the international environment in the spring of 1992. It is a far, far different world than it was even a year ago.

In the former Soviet Union, the cascade of events has been dizzying—the crumbling of the Communist system, the disintegration of seventy years of totalitarian governments and command economies and the beginnings of reform of the old, inhuman and ultimately unworkable structures.

Last fall I was in Moscow, a city I had first visited over thirty years ago, and so I've seen with my own eyes something of the extraordinary changes during those three decades. Last summer I welcomed to New York University, nine days after his election as the first president of the Russian Republic, Boris Yeltsin, and what Yeltsin said then would have been unthinkable even three years ago. He endorsed human rights, a market economy, freedom for the Baltic states and the teachings of the Gospel.

In the Middle East, ancient enemies are flirting fitfully with the prospect of genuine dialogue about how to find a lasting peace.

In Central and Eastern Europe, nations formally under Communist rule now have elected governments and are working to strengthen democratic processes and develop mixed economies.

In Afghanistan, as Soviet power fades away, rebel forces are moving in.

Authors of the agreement that merged the European Community and the European Free

Trade Association seek economic and other benefits for 380 million people in 19 nations. The North American Free Trade Agreement signed by the United States, Canada and Mexico promises a market of nearly as many consumers with a combined economic output of \$6 trillion.

Alongside these generally positive development, however, are continuing Communist dictatorships in China and North Korea, violent ethnic struggles in Yugoslavia and some of the new republics of the former Soviet Union and ongoing strife in Kashmir and Cambodia.

Standing on the sidelines, as it were, with the bulk of the world's population and the least of its comforts, are the developing countries of Africa, Asia and Latin America.

Meanwhile, in Iraq, Saddam Hussein is still in charge, thumbing his nose at the U.S. and the U.N. and refusing to implement the agreement that ended the Gulf War.

And what about the situation in our own country?

Racial prejudice, a century and a quarter after the Civil War, is still with us. The events in Los Angeles are a tragic reminder that relations among the races, especially in the cities, are still a divisive, corrosive, unresolved dilemma of America life.

Unemployment has jumped to a 7-year high and, as the people of Michigan certainly know, the nation's economy stagnates in recession.

The gap between rich and poor in the United States is now greater than at any time since the end of World War II. The youngest suffer most. In some American cities, infant mortality rates are worse than in Third World countries while a walk down the streets of any city in the land shows how far we are from solving the problems of the homeless.

One certainty in American life is the continuing rise in health care costs, 11 percent of GNP today and headed for 15 percent by the year 2000. Yet more than 35 million Americans have no health insurance at all.

Despite the conviction of Manuel Noriega, the United States still has no effective policy for coping with illegal drugs, and in many communities, crime, often drug-related, stretches police, courts and prisons to the breaking point.

Pollution of the air, land and water remains a threat to our quality of life. The country's deteriorating roads, bridges, tunnels, railways and airports—all indispensable to a vibrant economy—require an estimated \$2 trillion to be restored to acceptable standards.

Yet I remember how Ronald Reagan, campaigning in 1980, promised the nation a balanced budget by 1984. Today, after nearly a dozen years of his and his successor's policies, the Federal deficit has soared to nearly \$400 billion, over \$1 billion a day, a development with profoundly crippling consequences for the American people and our strength at home and in the wider world.

It is my own deeply held conviction that in order to deal with every one of these challenges, both in our own country and abroad, we need all the knowledge, intelligence and imagination we can muster. Although it will in the best of circumstances be difficult to cope successfully with such formidable problems, it will be impossible without a cadre of highly educated men and women.

And to prepare a generation equipped to understand and handle issues, domestic and international, of such immense complexity will be the task of America's colleges and universities—and the responsibility of the American people.

Consider for a moment the impact of two major events of recent months—the demise of the Soviet Union and the Persian Gulf War. Both these developments leave no doubt that the United States is now the world's only military superpower.

But the American people are more and more coming to realize that the most crucial ingredient of global leadership today and for the years ahead is not military but economic.

"After the Cold War," reads a headline in a recent column in London's respected *Financial Times* (March 16, 1992), "Economics is King."

Is the United States ready to compete with Japan and a German-led Europe? Study after study in recent months warns that by allowing its investment in education to lapse, the United States is in danger of losing its lead in many of the key industries of the next few decades. In crucial areas of high technology, we are told, the United States is losing badly to foreign competitors. Where America a decade ago had a commanding lead, our companies are either no longer a factor in world markets or are expected to fall hopelessly behind over the next five years.

How well in this new, far more competitive international economy, are we in the United States performing in terms of education?

Well, you and I know that we have allowed our elementary and secondary schools to be weakened, dangerously eroding the capacity of the nation's work force. At the college and university level, on the other hand, America is still the world's leader. No other country can match the quality of our institutions of higher learning or the access of our citizens to them.

But when it comes to the subject of this symposium—how well we in the United States are doing to understand other nations, other peoples, other cultures, in a world that will never be narrow again—the picture is decidedly more mixed.

The litany of our shortcomings in international education—reiterated in a wave of reports over the last decade—includes: a scandalous incompetence in foreign languages on the part of American high school and college students; serious shortcomings in students' knowledge of geography; inadequate investment in research, instruction and advanced study of foreign languages and cultures.

Here I note a report issued in 1983 produced by a group I chaired, a panel of the National Commission on Student Financial Assistance, created by Congress, which deplored our deficiencies as a nation in advanced international studies. Entitled, *Signs of Trouble and Erosion: A Report on Graduate Education in America*, our study pointed to the dramatic fall-off over the preceding decade in general expenditures for university-based international studies. Our Commission identified a serious lack of American experts on the cultures, economies and foreign policies of the nations of Asia, Sub-Saharan Africa, the Middle East, Eastern Europe and the Soviet Union. Surveys by other organizations have paralleled these findings.

I am glad to say that many universities, including my own New York University, have reinstated foreign language and other international studies requirements.

Indeed, when I came to NYU just over a decade ago, I said that one of my major commitments would be to strengthen international studies and research—and my colleagues and I have done so.

I knew that New York University already had one of the finest programs in the country in French culture and civilization.

Because as a Member of Congress, I represented the district where Studebaker automobiles and Bendix brakes were made, I was highly sensitive to the economic and political impact of Japan on my native Midwest. So once at NYU, I was determined to create a center in our graduate school of business for teaching and research on the entire spectrum of economic relations between the United States and Japan, and we have done so.

Given my Greek roots, you will not be surprised that I take particular pride in the establishment at New York University five years ago of the Alexander S. Onassis Center for Hellenic Studies.

In the presence of Italy's Prime Minister Giulio Andreotti two years ago, we dedicated our Casa Italiana, financed by a gift from NYU trustee Baroness Mariuccia Zerilli-Marimò.

Lewis Glucksman, another trustee, and his wife Loretta enabled NYU to establish an Ireland House while more than one foundation has contributed to the Skirball Department of Hebrew and Judaic Studies, largest of its kind in the United States.

We have had for some years the Hagop Kevorkian Center for Near Eastern Studies as well as a Deutsches Haus for our German program. My chief priority for New York University, in this Quincentenary year, is to establish a Center for Spanish Studies.

Nearly all of these foreign studies centers are part of our Faculty of Arts and Science but there are international dimensions to offerings at other NYU schools as well such as, most notably, Business and Law.

I am glad to say that my successor as president of New York University, L. Jay Oliva, an Irish-Italian, Gaelic-speaking Russian historian, shares my enthusiasm for such international offerings.

I have cited just a few examples of what we at NYU are doing but I am well aware that colleges and universities all over the United States are, in a wide variety of ways, responding to the increasing internationalization of human activities—economic, political, environment, cultural.

How to pay for such programs must, of course, be a fundamental concern of university leaders. My view, not surprisingly, is that we must seek funds for international studies from the diversity of sources that presently support higher education—individuals, business and industry, private foundations and governments. And I certainly do not confine myself in any of these respects to approaching benefactors in the United States. In our search for resources, we must not hesitate to look abroad. I'm of the Willy Sutton school of fundraisers.

I have nonetheless long believed that our own Federal government should be doing far more than it now does to support international studies. In fact, it was twenty-six years ago that as a fourth term Congressman, I authored the International Education Act, signed into law in 1966 by President Lyndon B. Johnson. This measure aimed at helping colleges and universities in the United States—it was not a foreign aid bill—promote, at both the undergraduate and graduate levels, teaching and research on other lands and cultures and on issues in international affairs.

All these years later I still believe the International Education Act was a first-class statute but unfortunately neither Presidents nor Congresses proved willing to press for or vote the money to carry out its purposes.

Although I am always suspect of simplistic cause-and-effect correlations, I am convinced

that had we as a nation invested seriously in this effort to learn more about other countries and societies, the United States might have avoided some of the most wrenching problems we have suffered in recent years—in Vietnam, Central America, Iran and Iraq.

Here I recall that 25 years ago, Harvard's great authority on China, John King Fairbank, observed at an International Congress of Orientalists that there were no experts on Vietnam in attendance. Fairbank warned then that there were probably no more than eight full-fledged scholars in the United States pursuing research on Vietnam—this at a time when Vietnam was the overriding problem in U.S. foreign relations!

Consider more recently that when Iraq invaded Kuwait two summers ago, the U.S. military found only 18 of 3 million American active-duty and reserve troops fluent in the Arabic dialect spoken in Iraq.

The fact is that in instance after instance, American policymakers have proved disgracefully ignorant of the political, social, economic and religious backgrounds of countries involvement with which has cost our nation dearly in human life, treasure and national prestige.

It is obvious, for example, that the United States was caught unprepared for the breakup of the Communist empire and that even now we lack sufficient depth of personnel who know the languages, cultures and economies of most of the new republics of the former Soviet Union.

If you think education is expensive, someone once observed, try ignorance.

Well, what ought we now to be doing, those of us who assert that American colleges and universities must far more aggressively than we have been doing invest in international studies and research?

Here are some suggestions of mine.

First, we must, as Lincoln said, think anew. We must give serious, substantial, systematic intellectual attention to the new world of which we are a part, a leading part, to be sure, but no longer the commanding part.

This thinking must be done by scholars in the university, in think tanks and foundations, by leaders of business and industry, labor and the professions, and in government.

What are some of the questions we must ask?

To begin with, how is the new world different from the old?

Well, President Bush has spoken of what he calls the "the New World Order." But this is a phrase he does not understand and cannot define because there is no "new world order."

Despite the report last March of the "Pentagon Paper" advocating, as a long-term strategy, maintaining America's position as the world's only superpower, a nation's power cannot be calculated in military terms alone. The United States obviously possesses the strongest armed forces on the planet. Neither Europe nor Japan has the capacity of the U.S. to reach throughout the globe both militarily and politically. But the United States has not for over two decades enjoyed equivalent economic hegemony. Europe today matches the United States in both population and economic strength while Japan challenges us economically as well.

As former Secretary of State George Shultz said last fall, "In a time when people are talking about a New World Order, it is shortsighted indeed to focus our concern on things having to do with security and political relations and to essentially ignore economics."

In my view, the relative decline in American economic weight—and this is the subject of another speech!—is in no small part the result of policies adopted during the last dozen years in Washington, D.C., by the highest officials of the land, policies of borrow—now, pay later—of consuming lots and investing little, of wanting to fight wars but not to pay for them. Whatever the reasons, the American economic dominance that characterized the 20th century is waning.

If the global balance of economic forces has changed, so, too, have the ways in which one country relates to another. Capital and communications, trade and transportation, information and immigration—all these activities, rapidly expanding across national borders—mean that international relations can no longer be defined solely in terms of relations between and among sovereign states and their governments. Much more of the world's business, commercial and non-profit, will be conducted outside the framework of governments. Indeed, in today's globalized economy, manufacturing, communications and finance are worldwide enterprises, often completely detached from governments, and in competition with one another, not with national units.

The internationalization of communications, capital, technology and trade has several consequences.

So far I have emphasized how the world has changed because of powerful changes in economic factors.

But in the post-Cold War world, we are compelled to acknowledge as increasingly potent two other pressures, better say in some cases, explosions—nationalism, on the one hand, and, on the other, the drive for democratic participation. And I need not insist that nationalism and democracy do not necessarily go hand in hand.

I cite yet another issue that has emerged on the international scene in recent years—human rights.

I was present when President Jimmy Carter, early in his presidency, spoke at the University of Notre Dame, in my home Congressional district, and declared that encouraging respect for human rights in other countries would be a hallmark of his foreign policy. It was, and now no leader of any nation can expect to avoid criticism if he demonstrates insensitivity to human rights abuses. George Bush will hear more this year about Tiananmen Square than he wants to.

Another fundamental question we must ask: How, in the post-Cold War era, do we define our national interests and, accordingly, determine the objectives of our foreign policy and our defense policy?

That we can no longer think of national security exclusively in military terms does not mean that we should not carefully consider our defense needs and provide the resources to meet them. Here I applaud the contribution of Congressman Les Aspin, of Wisconsin, chairman of the House Armed Services Committee, who has been doing just the kind of hard thinking for which I am calling. Chairman Aspin has produced a series of "Working papers" in which he proposes a new "threat-based" method for shaping and sizing the military forces the United States requires for a world in which the Soviet threat has basically disappeared.

In the old world, Aspin observes, there was only one threat but in the new one, there will be diverse threats and we have to learn what they are. In the old world, he continues, the policy of deterrence reduced the prospect of nuclear war but in the new world, deterrence will not always stop an adversary from threatening American interests.

Just ten years ago, in the first commencement at NYU at which I presided, I urged that American research universities give more scholarly attention to understanding the process of making national security policy, of determining our vital interests and how to defend them and deciding how much to spend to do so.

Now that we are in the post-Containment world, I believe American higher education has even more responsibility for scholarship and teaching on how American foreign policy and defense policy are in fact made, what current policies are and what in the future they ought to be. Certainly we must incorporate into these equations, in ways we have never done before, economic considerations.

Thinking anew, it must be evident, involves not only learning about other countries and cultures and studying foreign languages and literatures. To do all this effectively would itself be a monumental achievement but is still not enough.

Indeed, I must here interject that we cannot intelligently or realistically discuss America's role in the world without considering our domestic situation. The United States cannot effectively carry out a foreign policy that contributes to a decent world order if it refuses to get its own house in order.

I speak here both of making real for our own people the values we espouse on the international scene and of managing our Federal budget in responsible, adult fashion. If we fail on either count, we shall pay a high price abroad as well as at home.

I have said that we must focus more than we have ever done before on America's economic position in the new, competitive world. It is obvious that Japan and Europe are now, with the United States, the other great economic powers.

It is also clear that with the Cold War behind us, the threat of nuclear conflict has diminished. But we realize, too, that nuclear proliferation is a danger we have not yet surmounted.

We know as well that the developing countries, not without reason, are concerned that Western preoccupation with the former Communist world can marginalize them.

Although international trade is crucial, I think it evident that there will be much more emphasis on non-commercial issues that cut across national borders, issues of the environment, health, migration, narcotics, population.

In all these fields the transnational factors will mean increasing resort to multilateral institutions rather than action by individual nation-states. For example, despite the horrendous costs, there will be rising demands for international peacekeeping forces.

The implications of everything I've been saying are, I believe, profound for American government, American business, American science and technology and for American high education.

Reflecting on what America's foreign policy objectives ought now to be is a task not only of the Carnegie Endowment National Commission on America and the New World. Such groups are the Council on Foreign Relations and The Heritage Foundation are also studying the question. From what I gather, the Department of State and the National Security Council have not yet got around to reexamining such fundamental matters.

Here are some of the factors to which I suggest American colleges and universities must now attend, beyond the foreign policy, national security and economic questions I have cited.

How many American universities are prepared for research on and teaching about the new Europe, both the European Community and the former Communist states of Eastern Europe, the new Russia, new Ukraine and the other new republics?

How many American universities are ready to teach, in informed and sophisticated fashion, about the United Nations and other multinational organizations?

How prepared are we with first-class scholarship on the whole range of such problems as the environment, health and immigration responses to each of which almost by definition spill over national borders?

Now I am well aware that I have not exhausted the litany of challenges that confront American higher education in preparing students for what is more accurately called the "New World Disorder." I have said little, for example, about the implications—political, social and economic—of the increasing internationalization of culture.

I realize, too, that the range of subjects to which the internationalizing of human activities now summons colleges and universities, in the United States and in other countries, goes beyond history and economics, languages and literature, to embrace anthropology and the arts, sociology and the natural sciences, communications and public administration.

The breadth and depth of teaching and research on the international dimensions of all these subjects mean that it would be impossible for every university to attempt to cover all of them. No nation, including ours, has enough resources, human and financial.

That is why I am sure we shall see American universities paying much more attention, in an era of limits, both to specializing in certain fields and to cooperating more closely with each other, for example, sharing professors, libraries and even students.

I believe, nonetheless, that every college and university that pretends to be a serious center of teaching should be able to give instruction on the basic factors that define the New World scene and to do so at the undergraduate as well as graduate level. Every student who takes his or her baccalaureate degree should have a rudimentary knowledge of the world beyond his or her own borders and be able, as an educated person, even if such knowledge is not essential to his or her particular profession, to think intelligently about that world.

That concern with our deficiencies in international education is finding some resonance in Congress is demonstrated by legislation enacted late last year on the initiative of Senator David Boren, the Oklahoma Democrat who chairs the Senate Select Committee on Intelligence.

Senator Boren's National Security Education Act, signed into law last fall by the President, represents a major new effort to improve foreign language and international studies programs.

The law authorizes \$150 million in new money, that is, beyond funds currently expended for international education. I understand that \$35 million is to be released in fiscal 1992 and that \$115 million will be fed into an interest-bearing trust fund to help finance the program in future years.

The Boren measure has three components: Twelve million dollars will be earmarked for undergraduate scholarships for study abroad, with priority to students going to countries not emphasized in other such U.S. programs.

Twelve million dollars will be provided for graduate fellowships in foreign language and

international studies, with priority for areas of weakness in U.S. focus. The fellows would be required for each year of fellowship aid to teach or work for government agencies for one to three years. I note that \$12 million represents a 100 percent increase over present levels of Federal support for such fellowships.

And twelve million dollars will be granted to universities to develop curricula for foreign language, international and area studies.

These new monies would add to the current Title VI Department of Education and State Department funds for similar programs.

Although there are still some problems to be worked out before the Boren Act program gets off the ground, some observers believe it the most promising advance for international education since the National Defense Education Act of 1958.

As I have said, there are important aspects of international studies I have not today attempted to discuss. I have sought to be illustrative rather than exhaustive.

At the start of my remarks, I said I would approach this subject from my experience as legislator and university president. It must be obvious that I am a vigorous advocate of substantially increased investment in what we commonly think of as foreign language and areas studies. The NDEA and the Peace Corps are, with the Fulbright exchanges, examples of our most enlightened government policies. They have served the national interest, enhanced the lives of the individual participants and strengthened the fields with which they become associated.

There are, however, certain issues I want to cite as worthy of careful attention. Let me say a few words about them.

We need a major expansion of international scholarly exchanges, of both students and professors.

We should give particular attention to bringing people from the former Communist world to the United States. I speak not only of full-time students and teachers but of managers who could come for relatively short stays to learn how a business works through a combination of both formal classes in American business schools or continuing education programs and internships in the companies.

My friend, James H. Billington, the Librarian of Congress and eminent authority on Russian history, has called for "the international mobilization of scientific and business talent for the large-scale conversion of industrial from military to peaceful uses." Conversion of the former Soviet defense machine to civilian purposes is profoundly in the interest of the West as well as the peoples of the East. Prodded on one side by Richard Nixon and the other by Bill Clinton, even George Bush finally acknowledged that it was imperative that the United States help Russia, the Ukraine and the other republics reform their economies and build democratic political institutions.

I reiterate that there are significant roles here for American colleges and universities. Leaders of American higher education should certainly, both individually and through our several institutional associations, do what they can to encourage in Eastern Europe and the Commonwealth of Independent States the development of free and open technical institutes, academies and universities.

At least some American universities should create programs or centers to study the European Community, in all its aspects, political, economic, military and cultural.

I have urged attention to systematic teaching and research on multilateral insti-

tutions and I include here not only the United Nations, the World Bank and IMF but also international nongovernmental organizations such as the Red Cross, international philanthropic foundations and educational, health and scientific associations.

Earlier this year, the Carnegie Commission on Science, Technology and Government issued a report, *Science and Technology in U.S. International Affairs*, which called for "sharply improved incorporation of scientific and technological insight into the nation's international policies." The report notes how "science and technology transform foreign relations and usher in new choices, risks and benefits that societies around the world must confront individually and in common. Greenhouse gases, the AIDS virus, agricultural biotechnology, advanced energy systems, new pharmaceuticals, information technologies . . . shape global competition and cooperation. The research base itself, supported by each nation, also needs cooperation if it is to grow and prosper."

Another subject that universities in the West and especially the United States must not neglect is the developed world of Asia, Africa and Latin America. The desperate needs of those continents will for many years to come pose political, economic and moral challenges to the industrial democracies. Despite the necessity of paying more attention to the former Communist empire, scholars must not abandon the poorer nations of the South.

Allow me now to make a broader point. As I reflect on what I've been trying to say to you about American universities and the post-Containment world, I believe the time has come for a reconsideration of the entire process of foreign policymaking by the government of the United States. I know that my friend and colleague, Dr. Madeleine Albright, president of The Center for National Policy in Washington, D.C., who served during the Carter Administration on the staff of the National Security Council, is convinced that in light of the enormous changes in the world since passage of the National Security Act in 1947, this is an especially apt moment for such a review.

On Capitol Hill, four of the nation's most respected legislators, Representatives Lee Hamilton, Indiana Democrat, and Willis Gradison, Ohio Republican, and Senators Boren and Pete Domenici, New Mexico Republican, are now pushing for an in-depth look at how Congress is organized to do its job and to recommend reforms. Certainly the role of Congress in shaping U.S. foreign policy must be on any agenda of reform.

Having spoken of Congress and foreign policy, I want to conclude this address with an observation that may appear to you partisan, especially in a presidential campaign year.

But you should not be surprised if someone who was fourteen times a candidate for Congress continues to have strong feelings about the course of our country and the policies of our national government.

My view on who should be elected in November is not, however, the reason I end my remarks on how U.S. universities should pursue international studies with the following plea. I believe the time is here for a searching reexamination of the principles on which the Founding Fathers based the Constitution of the United States and the American Republic and how those principles have been and are being applied in the field of foreign policy.

In our own lifetime, the threat to our physical security, first from Hitler and the Axis

powers, next from the Soviet Union, led in the first instance to U.S. engagement in World War II; in the second, through the policy of Containment to American leadership of the West during the period of the Cold War.

Even, as I have said, several groups are now reassessing the assumptions on which U.S. foreign policy is premised, so, too, I believe, most scholars at the nation's universities undertake this effort. Central to any such reevaluation must be an examination of the roles of the Department of State and the National Security Council, of U.S. military forces and intelligence agencies, and, of course, of the responsibilities, in foreign affairs, of the President of the United States and the executive branch in general.

But we need a careful, hardheaded review not only of the President's obligations in the shaping and conduct of American foreign policy but of the duties of Congress as well.

To cite only recent events, I refer to the Iran-Contra scandal, U.S. intervention in both Panama and the Gulf War and reports over the last few months of how both the Reagan and Bush Administrations acted to strengthen the military and economic power of Saddam Hussein. All these developments, to one degree or another, are the subjects of three new books I have been reading—Mr. Bush's War, by Stephen R. Graubard; George Bush's War, by Jean Edward Smith; and *The Imperial Temptation: The New World and America's Purpose*, by Robert W. Tucker and David C. Hendrickson—and two articles in the latest (Spring 1992) issue of *Foreign Affairs*, one by Hendrickson and the other, "What New World Order?" by Joseph S. Nye, Jr.

Running through all these analyses is the blunt assertion that the present Administration in particular has, in the conduct of the nation's foreign affairs, in effect betrayed the fundamental ideals on which our country was founded.

This is a searing indictment. Indeed, I am sure this issue will be part of the presidential campaign this year, as it should be. Foreign policy, after all, is for any nation a life-or-death matter.

Based on my experience of twenty-two years in Congress, and having served with, not under, six Presidents—three of each party—and having closely observed the two since I left Washington, D.C., I must tell you that I have become increasingly disturbed by what I believe is a widening gap between the principles at the core of the American Republic and the activities of American Presidents in foreign affairs. I am as well, I must acknowledge, increasingly critical of the failure of Congress, which for most of the years since my first election, in 1958, has been controlled in both bodies by my party, to carry out the responsibilities in foreign policy assigned to it by the Constitution.

If what I have said is controversial, so be it. With the end of the Cold War, with neither Democratic nor Republican political leaders, neither President Bush nor Congress, standing high in public esteem, now may be the time, whoever wins in November, for the Nation's scholars to go back to first principles, re-read the Constitution, seriously analyze the history of the postwar years, carefully assess the new post-Cold War world and to do so in light of the internationalizing developments of which I have been speaking.

In my view, the American people need a vigorous debate about these matters. Such a debate on such fundamental questions is the very stuff of a free society, the life's blood of a lively, energetic democracy.

And where should such discussion of America's values and America's place in the world begin if not in America's colleges and universities?

UNEMPLOYMENT IN RHODE ISLAND

Mr. PELL. Mr. President, it was announced yesterday that the unemployment rate in the State of Rhode Island increased once again in the month of June to 9.7 percent—the highest jobless rate in the State in 9 years.

There are now 49,300 Rhode Islanders who want and need work but who cannot find jobs. That means that nearly 1 out of every 10 Rhode Islanders who wants a job is jobless. And that is not just bad economic news, it is a personal economic tragedy for each of those willing but jobless workers and for their families.

In Rhode Island, as in so much of our Nation, things are not getting better; things are getting worse. This is another strong signal that we must have a change in the direction of our country and in our national economic policy.

Hoping that the economy will improve is not enough. Action is required to make the economy better. Among other things, we should tear down the artificial budget walls, and make it possible to use the savings in defense and military spending to increase spending on needed public works, public facilities, job training, and defense conversion.

What is most important is that the administration and the Congress break the deadlock caused by actual Presidential vetoes and by threatened vetoes and act with a new sense of urgency to restore economic growth, create jobs and rebuild public confidence in the future of our country. I ask that an article on the increase in unemployment in Rhode Island from the Providence Journal of today be printed at this point in the RECORD.

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

[From the Providence Journal, July 24, 1992]
JOBLESS RATE IN RHODE ISLAND HITS 9-YEAR HIGH AT 9.7 PERCENT—LONGER WORKWEEK A HOPEFUL SIGN

(By William J. Donovan)

Rhode Island's seasonally adjusted unemployment rate continued to climb in June, reaching 9.7 percent, the state's highest level in nine years.

Rhode Island has a higher unemployment level than the 11 largest industrialized states had in June. The federal government's survey of those 11 states is the only national survey reported on a monthly basis.

However, there was a glimmer of good news in the report from the state Department of Employment and Training. The average hours worked per week grew in June, suggesting that business is improving and local employers are paying more overtime to meet demand.

Leonard Lardaro, an economist with the University of Rhode Island, believes the June

report indicates the economy is firming for a slow recovery. He noted that the workweek averaged nearly 41 hours last month, up 0.4 of an hour from May and 1 hour from a year ago.

Typically, employers will pay workers additional overtime at the start of a recovery, until they are certain the upturn will last.

"Almost 41 hours per week is high historically," said Lardaro. "I think we're at the point now where a number of manufacturing firms are going to have to resume hiring because they can't sustain the overtime."

But June's basic unemployment news was bad.

According to the Department of Employment and Training, the jobless level rose 0.4 of a percentage point from May's 9.3 percent and is well above the 8.5 percent rate of June 1991.

In terms of numbers, unemployment reached 49,300 in June, up from 48,900 in May and 42,300 in June 1991. There were 472,800 Rhode Islanders holding a job, up from 469,500 in May and 472,000 in June 1991.

The state's labor force also grew for the fifth consecutive month, to 522,100, from 518,300 in May. In June 1991 the labor force was 514,400.

Nationally, unemployment stood at 7.8 percent in June, up from May's 7.5 percent.

"We still have below-average unemployment increases," said Robert Langlais, supervisor of research with the Department of Employment and Training. "There are more people looking for work, but the jobs just aren't being created yet to absorb them."

WORST JOBLESSNESS SINCE 1983

The last time Rhode Island's jobless rate reached 9.7 percent was in February 1983, when the state was feeling the lingering effects of the recession of the early 1980s and beginning a decline in the unemployment rate that bottomed out at 2.8 percent in December 1988.

Among the 11 largest industrial states tracked by the federal government, only California's rate of 9.5 percent was close to Rhode Island's, New York was next at 9.2 percent, and Massachusetts was tied for fourth with Michigan at 8.8 percent.

As has been the case in recent months, job growth in June was below its average of recent years. During the past 15 years, the total number of jobs in the state has increased by about 2,900 from May to June. This year, the number of jobs remained unchanged at roughly 418,000.

Two areas in particular were disappointing. Manufacturing has averaged an increase of 1,000 jobs in June during the past 10 years, but grew by only 400 jobs this time. The wholesale and retail trade, which has averaged 1,900 new jobs during the same period, added 700 jobs this June.

Those gains were offset by a drop of 2,100 in services, where the decline was caused primarily by a dropoff in education employment. Teachers, cafeteria workers and other school workers who are taken off payrolls in the summer cause the job count to decline.

Lardaro, the URI economist, was encouraged by the fact that the level of jobs was constant. This, he said, "could be a signal that we're finally not going down anymore and that June might be the beginning of a sustained upward trend for the state."

But Lardaro was most impressed by the increase in the work week.

In Pawtucket, Norman Adams, president of Jenkes Machine Co., which makes forms for the latex industry, said the company recently had its first backlog before its annual vacation shutdown in five years. As a result

he's been authorizing more overtime to meet the work.

However, Adams doesn't expect to add to his staff of about 15 full-time workers.

"You can't add people until you have more of an indication of long-term purchase orders," said Adams. "(The orders) just aren't there yet."

TRIBUTE TO THE SEVEN AMERICANS WHO DIED IN THE CRASH OF THE V-22 "OSPREY"

Mr. SPECTER. Mr. President, today I would like to pay tribute to the seven Americans who lost their lives in the tragic crash of a prototype of the V-22 *Osprey* at Quantico, VA, Marine Corps Air Station. The crash occurred as the aircraft was completing a 700-mile non-stop flight from Eglin Air Force Base, on Monday, July 20, 1992.

The deceased include civilians Tony Stecyk, crew chief, 36, of Lester, PA; Pat Sullivan, pilot, 43, of Aston, PA; Bob Rayburn, test director, 34, of Newark, DE, and Gerry Mayan, instrumentation engineer, 30, of Smyrna, DE. The marines were Maj. Brian J. James, copilot, 34, of Baltimore County, MD; Master Gunnery Sgt. Gary Leader, maintenance chief, 40, of Milwaukee; and Gunnery Sgt. Sean P. Joyce, 32, of San Francisco.

Mr. President, I would like to extend my condolences to each of the families and all the friends of the deceased, in particular the colleagues of Tony Stecyk, who are employed at the Boeing plant in Ridley Township, PA.

There is no greater service an American can provide to his or her country than to give their life in the line of duty and for the betterment of our Armed Forces. The marines and Boeing employees who lost their lives on Monday were all dedicated to the task of proving the military effectiveness of the V-22 *Osprey*, an aircraft employing a revolutionary tilt-rotor flight technology. Because of the bravery and sacrifice of these great Americans, future generations of American soldiers will have the benefit of a fully tested state-of-the-art system which has not been spared any developmental task as it has been introduced to our Armed Forces.

TRIBUTE TO AMBASSADOR JUERGEN RUHFUS ON THE OCCASION OF HIS RETIREMENT FROM THE GERMAN FOREIGN SERVICE

Mr. JOHNSTON. Mr. President, on behalf of all my colleagues, I extend a reluctant farewell to Ambassador Juergen Ruhfus upon the occasion of his retirement from the German Foreign Service—a man who, during his tenure, I am very proud to say has been an excellent representative of Germany, an ardent supporter of United States interests globally and a close personal friend.

Ambassador Ruhfus' retirement from the Foreign Service marks the end of

37 years of illustrious service for the Republic of Germany. He studied law and economics at the Universities of Munich and Muenster, during which time he received the prestigious Fulbright Scholarship and studied at the University of Denver/Colorado. After receiving a doctorate of law at the University of Muenster, he entered the Foreign Service and received assignments in Geneva, Dakar, and Athens.

He later was head of the Political Directorate for the Western Hemisphere, adviser to the Federal Chancellor on Foreign Affairs and Security matters, Ambassador to the United Kingdom of Great Britain and Northern Ireland, head of the Political Directorate-General for Third World countries, State Secretary of the Federal Foreign Office, and finally, from 1987 to present Ambassador to the United States of America.

The fall of the iron curtain, the reunification of Germany, the collapse of communism—these events were largely unforeseen and unanticipated and yet Ambassador Ruhfus responded to each with a great deal of wisdom and vision.

Speaking to a meeting of the Board of Governors of B'nai B'rith, the world's largest Jewish organization, he sought to ease the fears that the prospect of a reunified Germany posed for the Jews and indeed many people around the world. "A democratic Germany will pose no threat to anyone," Ruhfus said, emphasizing that Germany would remain firmly anchored in the West—that it would not be neutralist—and would continue its commitment to NATO as a political alliance.

Ambassador Ruhfus strived to ensure that during the often difficult process of reunification, the interests of the United States were always fully represented while maintaining a tireless dedication to his own country as well. He has earned the enduring respect of the citizens of Germany and of people throughout the world whose lives have been touched and enriched by his service to his fellow man.

Mr. President, the sweet sadness of the Ambassador's retirement is made especially acute by the fact that he will be accompanied in his departure by his wife, Karen. The Ruhfuses were truly a team in much of the official diplomacy of the German Embassy. In this regard, Mrs. Ruhfus had few peers in the diplomatic world. She will leave a huge vacuum in the lives of so many in this city who love her and who will miss her warmth, her sense of humor, and her zest for life.

INTERPRETING THE PRESSLER AMENDMENT: PART II

Mr. PRESSLER. Mr. President, on March 19, I addressed the Senate regarding the U.S. Department of State's interpretation of the so-called Pressler amendment. The amendment, which

became law as part of the 1986 Foreign Assistance Act, was designed to curtail the Government of Pakistan's development of a nuclear weapon.

In 1990, when the President was unable to certify that Pakistan did not possess a nuclear weapon, all foreign assistance to that country was terminated. However, earlier this year, it came to my attention that the State Department was continuing to allow the licensing of arms exports to Pakistan pursuant to private sales.

As I explained in my statement of March 19, I asked the State Department for a copy of the memorandum of law it used to reach the policy decision that the Pressler amendment could be construed to allow for continued licensing of private, commercial sales of military parts, and technology. I was provided an unsigned paper purporting to outline the State Department's rationale for its interpretation of the amendment.

In a letter to Secretary of State Baker dated March 12, 1992, I explained the paper failed to answer how the State Department, as a matter of law, could permit the licensing of private sales to continue in light of what appears to be a straightforward statutory ban on the sale or transfer of any military equipment or technology to Pakistan. Part of my reasoning is based on the fact that during my tenure as a lawyer at the Department of State, departmental interpretations of legislation were based on memoranda of law written in a specific format and signed by the lawyer responsible for providing the opinion—not unsigned papers created in response to a congressional inquiry. I again asked for a copy of such a legal memorandum.

I received a response dated April 21, 1992, indicating "the paper was drafted by the staff on the Legal Adviser's Office and personally approved by the Legal Adviser as the legal opinion of that office on the interpretation of the amendment. You may treat it as such." Frankly, I found this approach to answering my question rather strange.

Last month, I again contacted Secretary Baker. The core of my concern continues to be that the unsigned paper appears to have been written to respond to my concerns rather than to be used to direct those responsible for policy decisions at the State Department. I asked again for a copy of the memorandum of law written at the time the Pressler amendment became law or, at the very least, at the time it was implemented. I would ask unanimous consent that the exchange of correspondence between the State Department and me be included in the RECORD following my remarks.

Mr. President, Senator PELL, chairman of the Senate Foreign Relations Committee, shares my interest in this issue. I am grateful to him for his help

in scheduling a hearing of the Foreign Relations Committee to consider this matter more fully. That hearing is scheduled to be held next week. I hope that it will help to resolve the entire issue of the licensing of private, commercial sales of military parts, and technology to Pakistan.

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

U.S. SENATE,

Washington, DC, March 12, 1992.

Hon. JAMES A. BAKER III,
Secretary of State, Washington, DC.

DEAR MR. SECRETARY: I have reviewed the paper your staff prepared in response to the exchange you and I had during a Senate Foreign Relations Committee hearing on February 5, 1992, regarding application of the "Pressler Amendment" as it concerns assistance and military sales to Pakistan.

While I appreciate your efforts in responding to my concerns, the paper does not fully address the question I raised during that hearing. Specifically, you indicated in your answer that "[w]e reviewed the legislative history, and as a legal matter we do not believe it applies to commercial sales or exports controlled by the Department of Commerce * * *" (emphasis added). The paper provided by your staff provides "a recapitulation of the reasons why a suspension of such licensing was not legally required by the Pressler Amendment." However, it does not constitute a memorandum of law.

During my tenure as a lawyer at the Department of State, departmental interpretations of legislation were based on memoranda of law written in a specific format and signed by the lawyer responsible for providing the opinion. I understood from our discussion during the hearing that you were referring to that type of document when you stated that "as a legal matter it is the view of our lawyers that [the Pressler Amendment] does not apply to commercial arms sales or exports."

It is such a memorandum of law I am requesting to review. Thank you for your continued attention to this matter. I look forward to hearing from you in the near future.

Sincerely,

LARRY PRESSLER,
U.S. Senator.

U.S. DEPARTMENT OF STATE,
Washington, DC, April 21, 1992.

Hon. LARRY PRESSLER,
U.S. Senate.

DEAR SENATOR PRESSLER: I am responding to your letter of March 12 to Secretary Baker concerning the application of the Pressler Amendment to commercial arms exports to Pakistan.

As your letter indicates, we earlier provided you with a paper stating the reasons why, in our view, a suspension of the licensing of such commercial arms exports was not legally required by the Amendment. The paper was drafted by the staff of the Legal Adviser's Office and personally approved by the Legal Adviser as the legal opinion of that office on the interpretation of the Amendment. You may treat it as such.

Without trying to revisit the legal issues dealt with in that paper, I would like to make several points which have been obscured or misstated in press reports on this subject. First, the Department's interpretation of the Amendment is identical to the way in which statutory provisions of this type have been consistently interpreted over

the years. No special exception was made for Pakistan.

Second, the Department took care from the beginning to inform Congress of our interpretation of the Amendment, as well as the limits which the Department placed as a matter of policy on export licenses to Pakistan to preclude its acquisition of new military capabilities. In particular, our intention to continue granting licenses for limited types of commercial arms exports was clearly indicated in each of the unclassified quarterly reports to Congress under section 36(a) of the Arms Export Control Act, each of the Congressional Presentation Documents provided to Congress under section 25 of the Act, and the January 1991 issue of the Department's Defense Trade News (which was provided to your office and a number of the other members and staff of the Foreign Relations Committee).

Third, the Office of the Department's Inspector General has not expressed or taken any different view of the interpretation of the Amendment. In response to inaccurate media reports to the contrary, the Inspector General issued press guidance on March 3, 1992, which stated that: "The inspector General has not found any basis to object to the Legal Adviser's opinion, and has made no statement nor issued any report which would suggest otherwise."

Finally, the Department has not sought to find "loopholes" in the Amendment to ease its impact on Pakistan. The Department is carrying out all the requirements of the amendment. All FMS sales and deliveries of military equipment to Pakistan, all government-to-government transfers of military equipment or technology, and all forms of assistance (except law from such prohibitions), have been suspended. Private arms exports have been significantly restricted—above and beyond what we believe is required by law—to preclude the acquisition of new military capabilities by Pakistan. The United States has made its concerns about Pakistan's unsafeguarded nuclear program known to the Pakistani Government at all levels and continues to stress the absolute necessity for taking the required steps before assistance and FMS sales can be resumed.

I hope this helps to put in better perspective our application of the Pressler Amendment. We would, of course, be happy to consult further with you on these matters at your convenience.

Sincerely,

JANET G. MULLINS,
Assistant Secretary,
Legislative Affairs.

U.S. SENATE,
Washington, DC, June 29, 1992.

Hon. JAMES A. BAKER III,
Secretary of State, Washington, DC.

DEAR MR. SECRETARY: I am writing in response to a letter I received from Janet G. Mullins, Assistant Secretary for Legislative Affairs, responding to my letter to you of March 12, 1992, regarding application of the "Pressler Amendment" to commercial arms exports to Pakistan. Ms. Mullins' letter was dated April 21, 1992.

As I prepare for a Senate Foreign Relations Committee hearing on this issue, scheduled for the end of July, I would like to pursue this matter with you further. In referring to the paper prepared by the State Department on this issue, Ms. Mullins' letter indicates that, "The paper was drafted by the staff of the Legal Adviser's Office and personally approved by the Legal Adviser as the legal opinion of that office on the inter-

pretation of the Amendment. You may treat it as such."

Mr. Secretary, I find this approach to answering my questions rather strange. As I pointed out in my letter of March 12th, during my tenure as a lawyer at the Department of State, departmental interpretations of legislation were based on memoranda of law written in a specific format and signed by the lawyer responsible for providing the opinion. Yet, the unsigned paper appears to have been written to respond to my concerns rather than to be used to direct those responsible for policy decisions at the State Department. I am interested in reviewing the memorandum of law written at the time the Pressler Amendment became law or, at the very least, at the time it was implemented. I remain hopeful that you can provide such a document.

I also would like to direct your attention to the enclosed memorandum of law addressing the issues raised in your paper. The memorandum was drafted by an attorney with the Congressional Research Service at my request. I would be very interested in receiving the comments of your Legal Adviser on this analysis of the State Department position.

Again, Mr. Secretary, thank you for your attention to this matter. I look forward to hearing from you in the near future.

Sincerely,

LARRY PRESSLER,
U.S. Senator.

A TRAGIC LOSS

Mr. SIMON. Mr. President, on Monday, July 21, we had a tragedy in Chicago, and today we mourn the loss of two dedicated Federal law enforcement officers from Chicago. Deputy U.S. Marshals Roy Frakes and Harry Belluomini were slain by a suspected bank robber who slipped out of his handcuffs while being transported from the Dirksen Federal Office Building in Chicago where he was standing trial. The prisoner grabbed a handgun from one of his guards and then shot and fatally wounded his other guard, Deputy Frakes. A moment later, Officer Belluomini arrived on the scene, but he was slain after fatally wounding the fleeing prisoner. The prisoner then fired upon himself.

Harry Belluomini had served as a law enforcement officer in Chicago for 35 years. Harry's expertise and careful methodology were recognized by his fellow officers; he personally trained many young Chicago police officers and received numerous commendations from his superiors. Harry Belluomini is survived by his wife and three children, including a daughter who has also chosen to serve the public as a Chicago police officer.

Deputy Roy Frakes was a relative newcomer to the U.S. Marshal Service. He was a young, educated and dedicated law enforcement officer, who should have been able to serve the United States for years to come. He leaves behind a new bride.

These families have suffered a terrible loss and so has the public that these dedicated officers protected.

Monday's catastrophe underscores the dangers and risks that our federal law enforcement officers face daily. We must study this fatal incident and learn from it, so that in the future we can better protect our officers, our marshals, our judges and our citizens. Courthouse violence in 1992 has claimed too many lives. We must not allow this type of tragedy to occur again.

MAGLEV TRANSPORTATION: WHAT IS THE ADMINISTRATION POSITION?

Mr. MOYNIHAN. Mr. President, as many of my colleagues know we have been at work on magnetic levitation transportation here in the Senate since at least 1987. Maglev, as we call it.

We have spoken many times of the importance of transportation to industrial societies. Transportation defines development. And in our history no transportation mode has developed without help from the Government. Transportation is in most cases a public good, naturally requiring public resources. Whether it was the canal system—starting with the Erie Canal in New York—the railroad system, automotive transport or aviation, the technology and infrastructure were developed with public support.

Maglev is one of those stories that seem to more and more frustrate us. We invent the technology and the Japanese and Europeans market it. Maglev was patented by two Brookhaven National Laboratory scientists in the 1960's. A few million dollars in Federal support were provided. But all of a sudden OMB cut off the money in 1975. All work stopped here. In the meantime, the Japanese and Germans went roaring ahead and are coming close to commercialization. Some say, that's fine, let's just buy it from them. And that is an option. But how will we see ourselves when the next mode of transportation is all imported. It will be as if we had no Boeing Co. in the aviation industry. Or no automakers at all. We will be a very different nation in the world.

And we reached a bipartisan conclusion here in the Congress. That, yes, it is worth our effort to compete in this industry. The Surface Transportation Act of last December put in statute a program to build a U.S. prototype. Some \$500 million in highway contract authority and an additional authorization of \$225 million from the general fund. It is to be a competitive program. And private industry would have to cost share to show their commitment. No free research money. Four teams are already in place. More want to participate.

Enthusiasm has been generated. Companies had finally come forward. Organized and ready to go. Of a sudden, the administration said "No." Having

signed the maglev program into law in December, a month later in January the President sent the Congress a budget which on page Appendix One-740 proposed taking all the money out for the maglev program. Fund some more studies. But don't move ahead on a prototype program. To quote, "The Intermodal Surface Transportation Efficiency Act [ISTEA] of 1991, section 1036, establishes a national magnetic levitation prototype development program. An obligation limitation of \$0 is requested for this program." Translation: no money to build maglev.

We on the Environment and Public Works Committee, on a bipartisan basis, were stunned. We asked Secretary Card to explain how the President could sign the bill in 1 month, and then the very next ask for a new law not to fund it. Further, the ISTEA bill also included a major high-speed rail initiative. Again, the President requested no funding. We just could not believe it. But there it was. And all those companies who have been energized have now been forced to temporize pending this year's appropriations bill.

Thus to my surprise, I read this week in the New York Times that the Bush administration is critical of Governor Clinton for including in his economic strategy, "Putting People First," high-speed ground transportation.

Let me quote from the article on Tuesday, July 21, by Michael Wines, "Bush Attacks Clinton Economic Plan as Big Mistake."

Other Administration officials expressed anger at Mr. Stephanopoulos's challenge to compare the Bush and Clinton program, noting that many elements of the Clinton plan are identical with Mr. Bush's proposals. They include proposals for a national integrated computer network, investments in magnetically levitated trains and "smart highways". * * *

I am a bit puzzled. Isn't this the same Bush administration that proposed not to fund magnetically levitated trains. And has prevented both the Department of Transportation and the Corps of Engineers from taking any actions to implement the maglev prototype law? Perhaps it is not. Perhaps those who seem intent on killing the maglev program passed by the Congress, are not acting with the support of the President. I hope it so. Maybe they have had their minds changed. I hope it so.

But until we hear something different from the President—and I hope we do—I find it more than a little curious that administration officials would express anger at Governor Clinton and Senator GORE for supporting maglev. Indeed, in his most important book, "Earth in the Balance," Senator GORE writes on page 326, "New and improved forms of mass transit, like the magnetically levitated trains in Japan * * * should be enthusiastically encouraged." That's just what the 1991

ISTEA did. And that is just what the President's budget does not want to do.

How then can administration officials criticize Governor Clinton for somehow appropriating the administration's agenda, when Governor Clinton says he wants to do something the Bush administration has said it does not want to? It does not seem fair for the administration to take all sides of an issue. What is the administration position? The future of maglev in this Nation depends on knowing.

I ask unanimous consent that the article from the New York Times be included in the RECORD.

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

[From the New York Times, July 21, 1992]
BUSH ATTACKS CLINTON ECONOMIC PLAN AS
"BIG MISTAKE"

(By Michael Wines)

WASHINGTON.—President Bush today delivered his strongest attack to date on the Democratic Presidential candidacy of Bill Clinton, calling the Arkansas Governor's economic proposals "smoke and mirrors" and "a big mistake" that will increase the Federal deficit.

Mr. Bush said a 27-page economic plan Mr. Clinton issued in June would damage the economy by raising taxes and the deficit. He also said Mr. Clinton's proposals to save money by streamlining programs and reducing "overhead" were illusory.

"What I see is a program that does not address itself to the deficit," Mr. Bush said in a Rose Garden talk with members of Boys Nation, an American Legion civics program. "I think we've got to get the deficit down. I don't think you need to go raise taxes on people right now. I think that's a big mistake. I think it's counterproductive."

BUSH IS TRAILING IN POLLS

The comments came as Mr. Bush's advisers gave him a mid-year report on the nation's economy, which most economists agree is stumbling partly under the weight of the Federal budget deficit that has doubled, to almost \$400 billion a year, during Mr. Bush's tenure.

Mr. Bush's economic adviser, Michael Boskin, told the President that economic growth had declined in the second quarter from the 2.7 percent rate of the first three months of 1992, said one official who spoke on the condition of anonymity.

The President's remarks appeared to signal the opening of a tougher and more personal campaign style by Mr. Bush, who trails Mr. Clinton in public opinion polls by 20 points or more. Until now, Mr. Bush has left it to his aides and other Republican surrogates to mount direct attacks on Mr. Clinton and his running mate, Senator Al Gore of Tennessee.

'WORST ECONOMIC RECORD'

Mr. Bush has long said he would refrain from attacking his opponents directly until after the Republican convention next month, a pledge his press secretary, Marlin Fitzwater, repeated today. On Saturday morning, Mr. Bush stood off stage at a rally in Provo, Utah, as that state's retiring Senator, Jake Garn, criticized Mr. Clinton and Mr. Gore as "pretty boys" who had never held private jobs, and assailed Mr. Clinton's efforts to avoid the military draft during the Vietnam War.

Mr. Clinton's spokesman, George Stephanopoulos, ridiculed Mr. Bush's state-

ment today, saying the Clinton campaign would match its economic proposals "up against his any day of the week."

"George Bush has the worst economic record of any President since Herbert Hoover," Mr. Stephanopoulos said. "If he wants to debate it, we're ready."

Mr. Clinton's economic plan proposes \$220 billion in spending on new public works programs, education and tax cuts for families by 1996, to be offset by almost \$300 billion in spending cuts.

The combination of spending cuts, improved productivity and higher economic growth would cut the Federal deficit by \$150 billion over that four-year period, the document argues.

In his comments, the President said that he and Mr. Clinton "have a big difference on the economic approach" that the White House plans to highlight in the fall campaign. But the two Clinton proposals that drew much of Mr. Bush's fire today, commitments to reduce Government waste and to raise taxes on the wealthy, are as notable for their political significance as any money they would produce.

Merely making unspecified administrative changes, Mr. Clinton argues, would save \$22 billion by 1996 and streamlining the Pentagon's inventory would save another \$9.8 billion. Mr. Stephanopoulos said today that the savings would be produced by applying private business practices to the Federal Government and imposing a 2 percent cut in Federal spending on items other than pay-rolls.

The claim recalls Ronald Reagan's pledge, as a Presidential candidate in 1980, to reduce 2 percent of all nonmilitary Federal spending by cutting "waste, extravagance, abuse and out-right fraud." Many critics accused Mr. Reagan of engaging in sophistry at the time, and Mr. Bush said the same of Mr. Clinton today.

"When you analyze the program, they have this expression around here—'smoke and mirrors,'" Mr. Bush said of Mr. Clinton's savings plan. "You're going to save it all by eliminating overhead, eliminating waste, and there's billions of dollars that is earmarked to do that, and I just don't think that's practical."

The President also attacked Mr. Clinton's proposal to raise \$83 billion over four years, primarily by raising the tax rate for the top 2 percent of wage earners and placing a sur-tax on \$1-million-plus incomes.

'SPENDING TOO MUCH'

"I think the Government is spending too much," he said. "I don't think people are taxed too little. I mean, I don't think that's the problem." The President called tax increases "a big mistake" that would prove "counterproductive," a reflection of the Administration's belief that tax increases reduce money for investment and stifle economic growth.

Mr. Stephanopoulos agreed today that the Clinton plan calls for more taxes on the wealthy, but he said some of that money would be returned to the middle class through a tax cut or a tax credit for children.

Other Administration officials expressed anger at Mr. Stephanopoulos's challenge to compare the Bush and Clinton programs, noting that many elements of the Clinton plan are identical with Mr. Bush's proposals. They include proposals for a national integrated computer network, investments in magnetically levitated trains and "smart" highways monitored by computers, tax credits for research and development, urban en-

terprise zones and incentives to convert defense industries to civilian uses.

"The one huge, screaming difference is that Clinton's is financed by a \$150 billion tax increase, and ours is financed by cuts in entitlement spending and nondefense spending," said one senior Administration official who spoke on the condition of anonymity.

The group to which Mr. Bush spoke today, Boys Nation, teaches the tenets of democracy and politics by staging mock elections and legislatures, and by exposing young people to leading public figures. One person who got his first taste of politics at Boys Nation was Mr. Clinton, who still boasts a photograph of himself shaking the hand of President John F. Kennedy at a 1963 meeting of the group.

THE HIGHER EDUCATION BILL

Mr. SIMPSON. Mr. President, I listened intently yesterday to my fellow colleagues praise the President for not vetoing the higher education bill. There was no mention of the hard work of the President and his fine Secretary Alexander in formulating this bill.

The President's priorities in the higher education bill were access, excellence, and accountability. The bill was signed by the President because it included those key elements. The administration and many of my colleagues were adamantly opposed to the direct lending provision in the bill.

I supported the Presidents position on direct lending, due to my strongly held position that a full blown program would increase the Federal deficit, eliminate the limited amount of risk-sharing that exists in the current system, and give many schools and institutions with little or no experience in matters of high finance new banking and financing responsibilities.

The conferees settled on a \$500 million demonstration program opting not to dedicate themselves to restructuring the current guaranteed student loan system but rather deciding to create a brandnew system.

We all know the old adage, "If it ain't broke don't fix it." The Democratic Congress decided to impose their will anyway by jettisoning the old system. Only time will tell if this new system will be sufficient to make loans more universally available to all who wish to advance their educational opportunities.

I commend the President for placing special emphasis on the education legislation. Just as he showed leadership in pushing for a new Clean Air Act, he also provided the impetus for Congress to enact education reform in a timely manner.

Secretary Alexander's tireless devotion and zeal for turning this country's education system around should be greatly applauded. His vision and insight into this country's education needs have truly been a great asset for advancing the President's education goals.

MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED

At 12:15 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bills and joint resolutions:

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

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;

S. 2938. An act to authorize the Architect of the Capitol to acquire certain property; and

S.J. Res. 295. A joint resolution designating September 10, 1992, as "National D.A.R.E. Day."

The enrolled bills and joint resolutions were subsequently signed by the President pro tempore [Mr. BYRD].

The President pro tempore (Mr. BYRD) announced that on today, July 24, 1992, he had signed the following enrolled bill previously signed by the Speaker of the House:

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.

ENROLLED BILLS PRESENTED

The Secretary of the Senate announced that on today, July 24, 1992, he had presented to the President of the United States the following enrolled 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;

S. 2938. An Act to authorize the Architect of the Capitol to acquire certain property; and

S.J. Res. 295. A joint resolution designating September 10, 1992, as "National D.A.R.E. Day".

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-3655. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled the "Mid-Session Review" pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986; referred jointly to the Committee on Appropriations, and the Committee on the Budget.

EC-3656. A communication from the Acting General Counsel, transmitting a draft of proposed legislation to amend title 10, United

States Code, to enhance the ability of the Department of Defense to provide counterdrug-related support in response to certain specific types of requests from law enforcement agencies; to the Committee on Armed Services.

EC-3657. A communication from the Chief of Legislative Affairs, Department of the Navy, transmitting, pursuant to law, notice that the Navy intends to offer for transfer, through the Director, Defense Security Assistance Agency, certain vessels to the Republic of China; to the Committee on Armed Services.

EC-3658. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a biannual report on Monetary Policy; to the Committee on Banking, Housing and Urban Affairs.

EC-3659. A communication from the President of the United States, transmitting a draft of proposed legislation entitled "Oregon Public Lands Wilderness Act"; to the Committee on Energy and Natural Resources.

EC-3660. A communication from the Assistant Secretary of State (Legal Adviser for Treaty Affairs), transmitting pursuant to law, a report on international agreements other than treaties; to the Committee on Foreign Relations.

EC-3661. A communication from the District of Columbia Auditor, transmitting, pursuant to law, the annual report on the D.C. Depository Act for fiscal year 1990 and fiscal year 1991; to the Committee on Governmental Affairs.

EC-3662. A communication from the Chairman, Vice Chairman, and Member of the U.S. Merit System Protection Board, transmitting, pursuant to law, a report entitled "Workforce Quality and Federal Procurement: An Assessment"; to the Committee on Governmental Affairs.

EC-3663. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-239 adopted by the Council on July 7, 1992; to the Committee on Governmental Affairs.

EC-3664. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-240 adopted by the Council on July 7, 1992; to the Committee on Governmental Affairs.

EC-3665. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-241 adopted by the Council on July 7, 1992; to the Committee on Governmental Affairs.

EC-3666. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-242 adopted by the Council on July 7, 1992; to the Committee on Governmental Affairs.

EC-3667. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-243 adopted by the Council on July 7, 1992; to the Committee on Governmental Affairs.

EC-3668. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-244 adopted by the Council on July 7, 1992; to the Committee on Governmental Affairs.

EC-3669. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of

D.C. Act 9-245 adopted by the Council on July 7, 1992; to the Committee on Governmental Affairs.

EC-3670. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-246 adopted by the Council on July 7, 1992; to the Committee on Governmental Affairs.

EC-3671. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-247 adopted by the Council on July 7, 1992; to the Committee on Governmental Affairs.

EC-3672. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-248 adopted by the Council on July 7, 1992; to the Committee on Governmental Affairs.

EC-3673. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-249 adopted by the Council on July 7, 1992; to the Committee on Governmental Affairs.

EC-3674. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-250 adopted by the Council on July 7, 1992; to the Committee on Governmental Affairs.

EC-3675. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-251 adopted by the Council on July 7, 1992; to the Committee on Governmental Affairs.

EC-3676. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-252 adopted by the Council on July 7, 1992; to the Committee on Governmental Affairs.

EC-3677. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-253 adopted by the Council on July 7, 1992; to the Committee on Governmental Affairs.

EC-3678. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-254 adopted by the Council on July 7, 1992; to the Committee on Governmental Affairs.

EC-3679. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-255 adopted by the Council on July 7, 1992; to the Committee on Governmental Affairs.

EC-3680. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-256 adopted by the Council on July 7, 1992; to the Committee on Governmental Affairs.

EC-3681. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-257 adopted by the Council on July 7, 1992; to the Committee on Governmental Affairs.

EC-3682. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-258 adopted by the Council on July 7, 1992; to the Committee on Governmental Affairs.

EC-3683. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of

D.C. Act 9-259 adopted by the Council on July 7, 1992; to the Committee on Governmental Affairs.

EC-3684. A communication from the Secretary of Education, transmitting, pursuant to law, a report entitled "Notice of Final Funding Priorities—Research in Education of Individuals with Disabilities Program"; to the Committee on Labor and Human Resources.

EC-3685. A communication from the Secretary of Education, transmitting, pursuant to law, a report entitled "Notice of Final Priority for Fiscal Year 1993—Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Individuals with Severe Handicaps—Hearing Research Center"; to the Committee on Labor and Human Resources.

EC-3686. A communication from the Chairman of the John F. Kennedy Center for the Performing Arts, transmitting, pursuant to law, the annual report of operations for the John F. Kennedy Center for the Performing Arts and National Symphony Orchestra for calendar year 1991; to the Committee on Rules and Administration.

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. BENTSEN:

S. 3054. A bill to provide temporary duty-free treatment for certain digital processing units; to the Committee on Finance.

By Mr. METZENBAUM:

S. 3055. A bill to provide duty-free treatment of certain entries of shoes used by Shoes For Kids, Inc., a nonprofit organization; to the Committee on Finance.

By Mr. SHELBY:

S. 3056. A bill to suspend until January 1, 1995, the duty on 2-(2H-benzotriazol-2-yl)-6-dodecyl-4-methylphenol, branched and linear; to the Committee on Finance.

S. 3057. A bill to suspend until January 1, 1995, the duty on certain chemicals; to the Committee on Finance.

By Mr. DIXON:

S. 3058. A bill to suspend until January 1, 1995, the duty on Calan IR and Calan SR; to the Committee on Finance.

S. 3059. A bill to suspend until January 1, 1995, the duty on TFA and DM-8; to the Committee on Finance.

By Mr. GRAHAM (for himself and Mr. MACK):

S. 3060. A bill to extend until January 1, 1996, the existing suspension of duty on copper acetate monohydrate; to the Committee on Finance.

By Mr. COCHRAN (for himself and Mr. LOTT):

S. 3061. A bill to provide increased duties on imported Axminster floor coverings; to the Committee on Finance.

By Mr. NUNN:

S. 3062. A bill to extend through December 31, 1994, the temporary suspension of duty on certain disposable surgical gowns and drapes; to the Committee on Finance.

By Mr. D'AMATO (for himself and Mr. MOYNIHAN):

S. 3063. A bill relating to the prevention of circumvention or diversion of antidumping and countervailing duty orders; to the Committee on Finance.

By Mr. MACK:

S. 3064. A bill to permit refund of customs duties on certain drawback entries upon

presentation of certificates of delivery; to the Committee on Finance.

By Mr. HARKIN (for himself, Mr. DURENBERGER, Mr. KENNEDY, Mr. HATCH, Mr. DOLE, Mr. SIMON, Mr. JEFFORDS, Mr. ADAMS, Mrs. KASSEBAUM, Mr. BINGAMAN, Mr. DODD, Mr. PELL, Mr. WELLSTONE, and Mr. METZENBAUM):

S. 3065. A bill to revise and extend the Rehabilitation Act of 1973, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. D'AMATO:

S. 3066. A bill to amend the Controlled Substances Act and the Controlled Substances Import and Export Act with respect to the drug fentanyl; to the Committee on the Judiciary.

By Mr. SANFORD:

S. 3067. A bill to suspend until January 1, 1995, the duty on 1,8-Dichloroanthraquinone; to the Committee on Finance.

By Mr. KENNEDY:

S. 3068. A bill to amend the Harmonized Tariff Schedules of the United States; to the Committee on Finance.

By Mr. BREAUX:

S. 3069. A bill to amend the Tariff Act of 1930 to clarify and extend the provisions relating to foreign repair of vessels; to the Committee on Finance.

S. 3070. A bill to amend the Harmonized Tariff Schedule of the United States with respect to the tariff treatment of 1,6-hexamethylene diisocyanate; to the Committee on Finance.

S. 3071. A bill to amend the Harmonized Tariff Schedule of the United States to clarify the rate of duty for certain jewelry boxes, and for other purposes; to the Committee on Finance.

S. 3072. A bill to suspend temporarily the duty on certain fine fabrics of synthetic filament yarn; to the Committee on Finance.

By Mr. SIMON:

S. 3073. A bill to suspend temporarily the duty on Tacrolimus (FK506) in bulk or measured dose form subject to approval by the Food and Drug Administration; to the Committee on Finance.

By Mr. ROTH:

S. 3074. A bill to suspend until January 1, 1995, the duty on Pigment Red 254; to the Committee on Finance.

S. 3075. A bill to suspend temporarily the duty on PCMX; to the Committee on Finance.

S. 3076. A bill to suspend until January 1, 1995, the duty on Pigment Blue 60; to the Committee on Finance.

By Mr. SYMMS:

S. 3077. A bill to provide for the duty-free liquidation or reliquidation of, and the refund of customs duties for, certain entries of tissue paper products; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BENTSEN:

S. 3054. A bill to provide temporary duty-free treatment for certain digital processing units; to the Committee on Finance.

TEMPORARY SUSPENSION OF CERTAIN DUTIES

Mr. BENTSEN. Mr. President, I introduce legislation to provide temporary duty-free status for digital processing units commonly known as motherboards. This measure would sus-

pend the current 3.9-percent duty through December 31, 1994. For reasons stated below, the suspension would apply retroactively, back to January 1, 1991. A substantially similar bill, H.R. 1499, was introduced in the House during the first session of this Congress by Mr. ARCHER.

The original tariff suspension for motherboards was included in the Omnibus Trade and Competitiveness Act of 1988. This suspension complemented another provision in this bill which provided the administration with specific negotiating authority to permanently reduce the tariff on motherboards through an international agreement. Since this negotiating authority was not utilized before its expiration date, the duty suspension on motherboards lapsed on December 31, 1990. It was hoped that negotiations in the Uruguay round would eliminate or reduce the tariff on motherboards, making a legislative extension of the duty suspension unnecessary. As you know, the Uruguay round has not progressed nearly as quickly as was anticipated, and therefore it is now appropriate to bridge the gap between the end of the lapsed suspension and possible future negotiations by passing this bill.

There appears to be no domestic market which would be harmed by this measure. No adverse comments have been received on Congressman ARCHER's bill.

There appears to be no domestic market which would be harmed by this measure. No adverse comments have been received on Congressman ARCHER's bill since he introduced it in March 1991. Accordingly, I urge my colleagues to support this bill and ask unanimous consent that a copy of the bill be printed in the RECORD, as follows:

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

S. 3054

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

SECTION 1. CERTAIN DIGITAL PROCESSING UNITS.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

*9902.84.71 Digital processing units not classifiable under subheading 9903.41.20 or 9903.41.25 for automatic data processing machines, unmounted, consisting of a printed circuit (single or multiple) with one or more electronic integrated circuits or other semiconductor devices mounted directly thereon, certified as units designed for use other than in an automatic data processing machine (provided for in subheading 8471.20.00 and in subheading 8471.51.00) Free No change No change On or before 12/30/94

SEC. 2. EFFECTIVE DATE; RETROACTIVE APPLICABILITY.

(a) **EFFECTIVE DATE.**—Except as provided in subsection (b), the amendment made by section 1 applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(b) **RELIQUIDATION.**—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon a proper request filed with the appropriate customs officer before the date that is 180 days after the date of the enactment of this Act, any entry or withdrawal from warehouse for consumption of an article described in heading 9902.84.71 of the Harmonized Tariff Schedule of the United States (as added by this Act) which was made—

- (1) after December 31, 1990, and
 - (2) before the 15th day after the date of the enactment of this Act,
- shall be liquidated or reliquidated as though such entry occurred on the date that is 15 days after such date of enactment.

By Mr. DIXON:

S. 3058. A bill to suspend until January 1, 1995, the duty on Calan IR and Calan SR; to the Committee on Finance.

S. 3059. A bill to suspend until January 1, 1995, the duty on TFA and DM-8; to the Committee on Finance.

TEMPORARY SUSPENSION OF CERTAIN DUTIES

Mr. DIXON. Mr. President, I am introducing two bills today to temporarily suspend the duty on the following chemicals: 2,3,4-trifluoroaniline (TFA); Ethyl-ethyl-6,7,8-trifluoro-1,4-dihydro-4-oxo-quinolinecarboxylate (DM-8); and Calan IR and Calan SR. TFA and DM-8 are used in the production of a quinolone class anti-infective agent. Calan IR and Calan SR are used in the production of hypertension drugs.

These bills are very simple and merely level the playing field among U.S. pharmaceutical companies. G.D. Searle & Co., an Illinois company, came to us with this reasonable request. Several U.S. pharmaceutical manufacturers have pending legislation, which would suspend the duty on products or extend duty suspension on products that compete directly with Searle's products. These bills only seek the same benefits that are provided for other U.S. competitors.

If customs duties are suspended for the products of U.S. pharmaceutical

companies that directly compete with Searle's products, Searle will be at a distinct disadvantage. This would create great financial hardship for Searle, which only recently was restored to profitability. Searle is striving to remain competitive through significant investments in the research, development, and introduction of new products. Giving certain U.S. pharmaceutical companies a duty suspension advantage without giving Searle a similar duty suspension would not be fair.

I understand that the Finance Committee is considering putting together another miscellaneous trade and tariff bill; I strongly believe these provisions should be included in that measure.

Mr. President, these are meritorious bills, and I look forward to working with my colleagues to ensure their prompt enactment.

Mr. President, I ask unanimous consent that a copy of the two bills be printed in the RECORD.

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

S. 3058

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

SECTION 1. CALAN IR AND CALAN SR.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

*9902.31.12 Calan IR and Calan SR (provided for in subheading 3004.90.50) Free No change No change On or before 12/31/94

SEC. 2. EFFECTIVE DATE.

The amendment made by section 1 applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

S. 3059

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

SECTION 1. TFA AND DM-8.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new headings:

*9902.31.12 2,3,4-Trifluoroaniline (TFA) (provided for in subheading 2921.42.30) Free No change No change On or before 12/31/94

9902.31.13 Ethyl-ethyl-6,7,8-trifluoro-1,4-dihydro-4-oxo-quinolinecarboxylate (provided for in subheading 2953.40.45) Free No change No change On or before 12/31/94

SEC. 2. EFFECTIVE DATE.

The amendment made by section 1 applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

By Mr. GRAHAM (for himself and Mr. MACK):

S. 3060. A bill to extend until January 1, 1996, the existing suspension of duty on copper acetate monohydrate; to the Committee on Finance.

TEMPORARY SUSPENSION OF CERTAIN DUTIES

Mr. GRAHAM. Mr. President, I am introducing legislation, along with my colleague Senator MACK, that would suspend the duty on copper acetate monohydrate through December 31, 1995.

Mr. President, we originally sought an exemption in 1990 when the Commerce Department determined that there were no U.S. producers of this product. The exemption was granted.

Today, the situation remains the same as it was in 1990. There still are no U.S. producers of consequence. There also are no imports of any size: 1 million pounds per year or less. We are therefore seeking a duty suspension extension through 1995.

By Mr. D'AMATO (for himself and Mr. MOYNIHAN):

S. 3063. A bill entitled "Prevention of Circumvention or Diversion of Antidumping and Countervailing Duty Orders"; to the Committee on Finance.

PREVENTION OF CIRCUMVENTION OR DIVERSION OF ANTIDUMPING AND COUNTERVAILING DUTY ORDERS ACT

Mr. D'AMATO. Mr. President, I rise to introduce legislation that deserves the urgent attention of this body. It should be coined the Smith Corona got dumped legislation. Without action on this legislation and without strong enforcement of our U.S. fair trade laws, companies and workers from all across this Nation will end up like Smith Corona—out on the street.

This legislation would eliminate the loophole whereby foreign companies found guilty of practicing unfair trade in the United States avoid paying penalties and continue business as usual by setting up temporary "screwdriver" assembly plants in third-party countries by applying a test that measures the "historic" suppliers used by the assembly plant operation.

This legislation will strengthen U.S. companies ability to compete in a fair marketplace. This legislation should be passed as a free-standing bill. It is too important to get weighted down. This legislation is cosponsored by my colleague Senator MOYNIHAN. Yesterday, the Banking Committee held a hearing on U.S. competitiveness. The hearing highlighted a true tragedy in our attempt to be not only globally, but domestically, competitive.

It is the story of the Smith Corona Corp. and the last American factory of the last American manufacturer of consumer typewriters. It is also a story, not so uncommon, about how we fail to provide a competitive environment right here in our own back yard it is not about investment in capital or research. It is about weak enforcement of U.S. trade laws and a weak commit-

ment to U.S. industries and U.S. workers. It is about the revolving door syndrome whereby many, if not all, of our trade officials are more worried about paving their way to their next job-serving a foreign master—than with what is best for America.

It is also about fairness. Too often our trade officials take on the free trade cause without regard for its fairness. While I support free trade goals and believe they are admirable, they must be balanced with the realities of the overall trade environment. Just a few of the recent flagrant examples of this ineptitude include the willingness of our USTR to sell our domestic machine tool industry short, if not out, and allowing importers the courtesy of manipulating our tariff laws so that they can import multipurpose vehicles at 2.5-percent tariff rather than 25-percent tariff. The losers in both of these cases are American workers.

Smith Corona is led by G. Lee Thompson, chairman and CEO. Mr. Thompson announced on Tuesday of this week that the Smith Corona, Cortland, NY facility, home to 1,250 workers would be relocating to Mexico. Over the next 14 months, 875 people will be put out of work in central New York. Only 375 people will remain employed in Cortland and 50 will move with the plant to Mexico. This is a disastrous blow to the central New York economy and a continuation of the decline of the U.S. manufacturing base.

How did this happen? What is it that has left 875 people without a job? Predatory pricing by foreign competition, that is the beginning of the story. Wimpy enforcement of U.S. trade laws, that is the end of the story. And, the end of a century long commitment to the United States by a U.S. company.

Smith Corona has attempted for more than a decade to utilize U.S. fair trade laws to protect themselves from foreign companies who import to the United States and sell well below product cost—a practice known as dumping. We all know that in a free-market, companies cannot sell below cost and survive over the long run. Smith Corona, operating in the realities of a free-market economy, has been forced to bring eight separate antidumping cases before the U.S. Government. They won all eight cases. Their main Japanese competitor, Brother, Inc. was found to be selling well below product cost. For example in 1980, the Commerce Department found that Brother was selling portables below cost and called for duties of 48.7 percent. Last August, Commerce again found that Brother was guilty of dumping and imposed duties of close to 60 percent. Those are not insignificant violations of U.S. fair trade laws. They are obscene and outrageous. But, foreign importers have found a way to avoid paying them.

The 1988 trade bill created a new anticircumvention law to prohibit

foreign manufacturers from avoiding duties by setting up U.S. plants. But, the Commerce Department interpreted the law so that duties only applied to the original country of import, not to third party countries from which parts can be imported. This narrow reading of the 1988 law created a huge loophole.

By setting up an assembly operation in the United States and importing from a third party country, they can totally avoid paying the anti-dumping duties. Importers can then afford to continue pricing their products below fair market value and drive competitive American manufacturers from our own, free, market. In the end, we've traded manufacturing jobs for often temporary assembly jobs. Thus, we weaken our economic base further.

In the case of Brother Typewriters, the dumping order directed that duties would apply to imports from Japan. Brother changed its distribution process by setting up an assembly plant—also known as a "phantom factory" or "screwdriver plant"—in the United States and importing its parts from Singapore and Malaysia. Despite the fact that the United States-assembled product was identical to the imported product, the fact that the routing skipped Japan meant that the importer skipped the duties.

While we work every day to level the playing field and open markets abroad, our own trade officials undercut our competitive position right here in our own back yard. While Mr. Thompson has stated that it is too late for Smith Corona, it is not too late for other U.S. companies who are preyed upon by foreign competition.

This legislation will close this loophole. Companion language is included in the House trade bill, H.R. 5100. We should endorse and pass this provision before we have another Smith Corona tragedy. American companies and American workers deserve this action.

We must not delay this action to correct the inadequate response of our U.S. trade officials to look out for the best interest of U.S. industry and U.S. jobs. Our U.S. industries should be investing in research, development, and capital, not in court battles. We must strengthen the law in order to ensure that our companies don't continue to be undercut by unfair trade practices.

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. 3063

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

(a) MERCHANDISE COMPLETED OR ASSEMBLED IN THE UNITED STATES.—Section 781(a) of the Tariff Act of 1930 (19 U.S.C. 1677j(a)) is amended to read as follows:

“(a) MERCHANDISE COMPLETED OR ASSEMBLED IN THE UNITED STATES.—

“(1) IN GENERAL.—In determining whether imported parts or components are circumventing an antidumping or countervailing duty order or finding and whether to include such parts or components in that order or finding, the administering authority shall consider—

“(A) the pattern of trade,

“(B) the value and sources of supply of parts or components historically used in completion or assembly of the merchandise subject to an antidumping or countervailing duty order.

“(C) whether the manufacturer or exporter of the parts or components is related to the person who assembles or completes the merchandise sold in the United States from the parts or components produced in the foreign country with respect to which the order or finding described in paragraph (2) applies, and

“(D) whether imports into the United States of the parts or components produced in such foreign country have increased after the issuance of such order or finding.

“(2) MERCHANDISE THAT MAY BE INCLUDED IN ORDER OR FINDING.—If—

“(A) merchandise sold in the United States is of the same class or kind as any other merchandise that is the subject of—

“(i) an antidumping duty order issued under section 736,

“(ii) a finding issued under the Anti-dumping Act, 1921, or

“(iii) a countervailing duty order issued under section 706 or 303.

“(B)(i) such merchandise sold in the United States is completed or assembled in the United States from parts or components supplied by the exporter or producer with respect to which such order or finding applies, from suppliers that have historically supplied the parts or components to that exporter or producer, or from any party in the exporting country supplying parts or components on behalf of such an exporter or producer, and

“(ii) the value of the imported parts and components referred to in clause (i), whether considered individually or collectively, is significant in relation to the total value of all parts and components used in the assembly or completion operation, excluding packing, of the imported merchandise covered by the order or finding, or

“(C) consideration of the factors set forth in paragraph (1) otherwise establishes a pattern of circumvention with the effect of evading an anti-dumping or countervailing duty order or finding, the administering authority, after taking into account any advice provided by the Commission under subsection (e), may include within the scope of such order or finding the imported parts or components referred to in subparagraph (B) that are used in the completion or assembly of the merchandise in the United States at any time such order or finding is in effect.”.

(b) MERCHANDISE COMPLETED OR ASSEMBLED IN OTHER FOREIGN COUNTRIES.—Section 781(b) of the Tariff Act of 1930 (19 U.S.C. 1677j(b)) is amended to read as follows:

“(b) MERCHANDISE COMPLETED OR ASSEMBLED IN OTHER FOREIGN COUNTRIES.—

“(1) IN GENERAL.—In determining whether merchandise completed or assembled in a foreign country is circumventing an anti-dumping or countervailing duty order or finding and whether to include such merchandise in that order or finding, the administering authority shall consider—

“(A) the pattern of trade,

“(B) the value and sources of supply of parts or components historically used in

completion or assembly of the merchandise subject to an antidumping or countervailing duty order.

"(C) whether the manufacturer or exporter of the merchandise described in paragraph (2)(B) is related to the person who uses the merchandise described in paragraph (2)(B) to assemble or complete in the foreign country the merchandise that is subsequently imported into the United States, and

"(D) whether imports into the foreign country of the merchandise described in paragraph (2)(B) have increased after the issuance of such order or finding.

"(2) MERCHANDISE THAT MAY BE INCLUDED IN ORDER OR FINDING.—If—

"(A) merchandise imported into the United States is either of the same class or kind or incorporates an essential component that is of the same class or kind as merchandise produced in a foreign country that is the subject of—

"(i) an antidumping duty order issued under section 736,

"(ii) a finding issued under the Antidumping Act, 1921, or

"(iii) a countervailing duty order issued under section 706 or section 303; and

"(B)(i)(I) before importation into the United States, such imported merchandise is completed or assembled in another foreign country from merchandise which is subject to such order or finding, is produced in the foreign country with respect to which such order or finding applies, or is supplied by the exporter or producer with respect to which such order or finding applies, or by suppliers that have historically supplied the parts or components to that exporter or producer, and

"(II) the merchandise referred to in subclause (I) which is used in the assembly or completion of the imported merchandise has a value that is significant in relation to the total value of all parts or components used in the assembly or completion operation, excluding packaging, or

"(ii) consideration of the factors set forth in paragraph (1) otherwise establishes a pattern of circumvention with the effect of evading a countervailing or antidumping duty order or finding, and

"(C) the administering authority determines that action is appropriate under this paragraph to prevent evasion of such order or finding,

the administering authority, after taking into account any advice provided by the Commission under subsection (e), may include such imported merchandise within the scope of such order or finding at any time such order or finding is in effect."

(c) *Construction Provision.*—Section 781 of the Tariff Act of 1930 (19 U.S.C. 1677j) is amended by adding at the end the following new subsection:

"(f) *Construction Provision.*—Nothing in this title shall be deemed to limit the authority of the administering authority to include provisions in any final order issued pursuant to—

"(1) an antidumping duty order issued under section 736,

"(2) a finding issued under the Antidumping Act, 1921, or

"(3) a countervailing duty order issued under section 706 or section 303,

the purpose of which is to prevent the evasion of any remedy provided for in such finding or order or to otherwise safeguard the integrity of such finding or order."

Mr. MOYNIHAN. Mr. President, I join today with my colleague Senator

D'AMATO to introduce a bill to strengthen the U.S. antidumping and countervailing duty laws.

This continues an effort I have made on behalf of the workers of Smith Corona over many years.

Smith Corona fought one of the longest and most costly battles to get relief from unfair trade practices. They just didn't get the help they needed. In part, the law didn't keep up with the ability of foreign producers to evade it. Mostly, however, the administration refused to enforce those laws that were passed.

In 1979, Smith Corona first won an antidumping duty order on typewriters from Japan. Not long after, the Japanese producers began to evade the dumping duties by adding modest memory and calculator functions to change the United States tariff classification of the typewriters. Incomprehensibly, our Commerce Department then refused to collect dumping duties on those identical typewriters, now having a dollar or two in new components. In the 1988 Trade Act, I finally got enacted a change to the antidumping law that required the Commerce Department to apply antidumping duties to those "later developed" typewriters, with the small memory or calculator function.

And so the story went. Case after case, lawsuit after lawsuit. Until the cold and shocking decision announced this week to move all manufacturing operations to Mexico—875 jobs gone. Like that. Not a word in advance it seems.

The intent of the bill today is to make it more difficult for foreign producers who have been determined to be dumping or selling subsidized products in the U.S. market, to circumvent U.S. penalty duties by shifting the location of their production to another country or by assembling the final product in the United States with the components imported from the foreign country.

If we enact this bill, I hope we can keep those jobs in Cortland. But we need to hear from the management of Smith Corona on this. And it won't change the way in which the workers of Smith Corona were treated. Dismissal with no more notice than the minimum the law requires. More, with the Mexico free trade agreement moving on the fast track, and the administration adamant in its refusal to take account on the needs of American workers in the negotiations, I doubt it will stop the continued job losses to Mexico. Shame. Shame. Shame.

By Mr. HARKIN (for himself, Mr. DURENBERGER, Mr. KENNEDY, Mr. HATCH, Mr. DOLE, Mr. SIMON, Mr. JEFFORDS, Mr. ADAMS, Mrs. KASSEBAUM, Mr. BINGAMAN, Mr. DODD, Mr. PELL, and Mr. WELLSTONE):

S. 3065. A bill to revise and extend the Rehabilitation Act of 1973, and for

other purposes; to the Committee on Labor and Human Resources.

REHABILITATION ACT AMENDMENTS

Mr. HARKIN. Mr. President, I rise today on behalf of myself, Senators DURENBERGER, KENNEDY, HATCH, DOLE, SIMON, JEFFORDS, ADAMS, KASSEBAUM, BINGAMAN, DODD, PELL, and WELLSTONE to introduce the Rehabilitation Act Amendments of 1992.

Mr. President, as you can tell by the list of cosponsors, this truly is a bipartisan bill. The process we used to reach consensus was marked by a commitment to positive, constructive discussion on the part of all parties.

I particularly want to acknowledge Senator DURENBERGER for his wisdom and counsel during this process. Senator DURENBERGER and his staff have worked long and hard on this bill and they deserve credit for their commitment to the consensus building process. In addition, we enjoyed input from a number of our distinguished colleagues here in the Senate from both sides of the aisle.

We also enjoyed the support and constructive guidance of the staff of the Department of Education. The subcommittee staff and the administration's staff met numerous times over the past many months to work out the details of the charges that are being made by the bill. Nell Carney, Commissioner of the Rehabilitation Services Administration, described this interaction in her testimony before the Subcommittee on Disability Policy and specifically applauded "the excellent spirit of cooperation between our staffs that has characterized the development of your bill."

As we worked on the reauthorization of this legislation, we had the assistance of many organizations, groups, and individuals. In particular, I want to express my gratitude to the Employment and Training Task Force of the Consortium for Citizens with Disabilities, the Council of State Administrators of Vocational Rehabilitation, the various national, regional, and local independent living organizations, organizations representing rehabilitation service providers and professionals, numerous State agency officials and private citizens whose thoughtful commentary and ideas have been so helpful in this process.

We have worked with the various groups interested in this legislation to develop a consensus bill that would incorporate the philosophy of integration and inclusion into the Rehabilitation Act. Paul Marchand, Director of the Arc, described the commitment made by the groups to this process in his testimony before the Subcommittee on Disability Policy:

[We] have devoted literally thousands of hours, thousands of people hours, meeting many, many times over the course of over a year-and-a-half actually, to attempt to achieve the kind of consensus that we do be-

lieve is necessary as we move forward in this era of the Rehabilitation Act.

He summed up the feelings of those involved in the development of the bill:

[M]ost of us acknowledge that this bill, if enacted, represents real progress. It is a bill which we strongly support and which Congress ought to enact with pride. . . . [I]t represents sound public policy, and moves the field forward in a rational manner.

The Rehabilitation Act of 1973, Public Law 93-112, provides grants to States for the provision of comprehensive vocational rehabilitation services to individuals with disabilities with the primary goal of competitive employment.

The 1979 amendments to the Rehabilitation Act added a new title, Comprehensive Services for Independent Living. Those amendments authorized the provision of independent living services and established centers for independent living.

When the Rehabilitation Act was reauthorized in 1986, Congress expanded the services available to persons with severe disabilities and specified that supported employment was an acceptable employment outcome under the Federal-State Vocational Rehabilitation Program. In addition, a separate program of State allotments for supported employment was authorized and discretionary supported employment projects were added. Congress also acknowledged the role technology can play in expanding the opportunities available to individuals with severe disabilities and required that the States describe how technology would be made available and used in the rehabilitation process.

I am especially pleased to sponsor the Rehabilitation Act Amendments of 1992 authorizing the continuation of these vital programs for persons with disabilities. With the current state of the economy and the high unemployment rate among persons with disabilities, we simply must continue our commitment to meeting the vocational rehabilitation and independent living needs of these individuals.

The subcommittee heard the stories of persons who have received services from the Vocational Rehabilitation Program. Randy Wagoner of Wilder, VT, who has restricted mobility due to refractory rickets, testified about his experience with vocational rehabilitation upon graduation from high school.

When I couldn't find employment, my guidance counselor at school suggested I contact Charlie Post, a counselor with the Division of Vocational Rehabilitation. Charlie helped me to take a realistic look at my own abilities and the local job market. He allowed me to make my own decisions about potential jobs. For example, he found a possible job at the Post Office. We went to look at the job and talk to the supervisor. I realized that it just wasn't for me.

Charlie respected my opinion and we worked together to find other alternatives. I wanted the possibility for advancement and a career. We eventually found an oppor-

tunity with the Hartford Police Department as a dispatcher. Charlie was instrumental in opening this door for me. A key service that Charlie arranged and paid for was transportation. Vermont is a very rural state and at that time there was no public transportation in the area.

Charles Harles, executive director of the Inter-National Association of Business, Industry, and Rehabilitation, related how Projects with Industry programs can make a difference in the lives of persons with disabilities when he told the story of Major Holley who received services at Job Path, a Project with Industry Program in New York:

The benefit of Job Path's training programs are illustrated by the story of Major Holley. He is a 31 year old resident of Brooklyn. When he came to Job Path in 1988, he had spent the previous six years in a day treatment program . . . He had an IQ of 49, no reading ability, no math skills, and had never learned to travel on his own. Although he was eager to "better himself" as he put it, he was also extremely dependent, fearful of the movement from a comfortable day treatment environment . . . almost to the point of paralysis, and extremely shy with very poor socialization skills.

Through Job Path's PWI program . . . Major Holley has been working at Canteen Corporation for over three years, since July 1989 [where] he earns a salary of \$11,700 with full benefits.

Unfortunately, all clients have not enjoyed the same positive experiences. The subcommittee heard the testimony of Dan Klint from Coon Rapids, MN. Mr. Klint testified that during his undergraduate studies, he had a limited number of contacts with his rehabilitation counselor centered primarily on completing the necessary paperwork for reimbursement for services. He testified that "[t]here was very little discussion, if any, regarding my personal career goals or a plan to achieve those goals." Later, when he wanted to go on to law school, his counselor discouraged him. Mr. Klint related to the subcommittee:

[T]he counselor . . . attempt[ed] to talk me out of going to law school. . . . I felt belittled, that I was talked down to, and that because of my disability, my long-term ambition of attending law school and practicing law was unrealistic. . . . At no time . . . did we discuss how I could make the necessary accommodations presented by my disability so that I could attend law school and practice law. Rather, the distinct impression that I received was that my expectations were too high and that it was foolish for me to believe that a person with a severe disability such as I have could successfully attend law school and practice law.

Mr. President, is it my heart-felt hope that this bill will enhance the likelihood that all clients receive the same quality of services that were provided to Randy Wagoner and Major Holley. Vocational rehabilitation programs can provide persons with disabilities with the tools necessary to become employed and to be fully involved as equal participants in the activities in their communities.

Two principles guided us in the development of this legislation:

First, unity. The groups interested in legislation regarding individuals with disabilities have learned that when they work together and stay together they can bring about greater change in the system to the greater benefit of all persons with disabilities. Remembering this lesson throughout the reauthorization process kept the groups together and working with us toward the goal of developing a consensus bill.

Second, everyone agreed that the changes made in the Rehabilitation Act should reflect the principles of respect for individual dignity, personal responsibility, self-determination, inclusion, integration, and full participation of individuals with disabilities; and support for individual and systemic advocacy and community involvement.

This bill reauthorizes the Rehabilitation Act of 1973, as amended, and the Helen Keller National Center Act and amends both to improve the operation of the programs and services provided. There are seven basic purposes for this legislation. They are:

To ensure that the philosophy of integration and inclusion of individuals with disabilities is incorporated into the Rehabilitation Act;

To improve the functioning of the vocational rehabilitation system by streamlining access, ensuring appropriate access for those individuals with the most severe disabilities, improving interagency working relationships and cooperation, improving relationships with business, industry, and labor, and providing for a comprehensive system of personnel development;

To promote a philosophy of independent living in order to maximize the leadership, empowerment, independence, and productivity of individuals with disabilities by supporting statewide networks of centers for independent living and assisting States to provide, expand, and improve the provision of independent living services;

To increase consumer choice and involvement at the individual and the system level;

To increase accountability and quality of services provided;

To ensure that the basic formula grant programs remain state of the art by ensuring that the discretionary programs of research, demonstrations, and training respond to identified needs; and

To update terminology.

I will briefly describe the major provisions of the bill related to each of the purposes I have just outlined.

Provisions incorporating the philosophy of integration and inclusion of individuals with disabilities:

The bill includes several changes to the act to specifically incorporate the values that the groups agreed should be reflected in the act. The bill includes an overall declaration of purpose that comports with these principles and

other purpose statements in the act are amended to reflect these values as well. Throughout the bill, changes are made to incorporate the philosophy of inclusion and integration, full participation, and self-determination.

Provisions improving the Vocational Rehabilitation Program:

Several changes were made to improve and fine tune the functioning of the basic State grant programs. The bill includes provisions to streamline the eligibility process by requiring greater use of existing data and information provided by other agencies and by the individuals with disabilities and their families. The bill requires that eligibility determinations be made within 60 days from the date of application, except under exceptional and unforeseen circumstances.

The bill clarifies that, in general, an individual is eligible for services under the basic State grant program if he or she is an individual with a disability and requires vocational rehabilitation services to prepare for, enter, engage in, or retain gainful employment.

The bill includes that an individual who has a disability or is blind as determined under title II or XVI of the Social Security Act shall be considered to have a physical or mental impairment in meeting the first prong of the definition of an individual with a disability.

The bill specifies that an individual with a disability is presumed to be capable of benefiting from vocational rehabilitation services unless the State agency can demonstrate by clear and convincing evidence that the individual cannot benefit. Further, if the severity of the disability is the reason for a determination of ineligibility, the State must first undertake an extended evaluation.

The bill amends a State plan provision to require the States to develop a comprehensive system of personnel development, including providing training in the provisions of this bill, for professionals and paraprofessionals to ensure that State agency personnel are appropriately and adequately prepared and trained. The bill includes personnel qualification standards similar to those set forth in the Individuals with Disabilities Education Act.

The bill amends a State plan provision to require the States to provide for interagency cooperation including, if appropriate, establishing interagency working groups and entering into formal interagency cooperative agreements that identify areas that can be coordinated among the agencies and identify available resources.

The bill clarifies that vocational rehabilitation services available under the basic State grant include personal assistance services, transition services, and supported employment services.

The bill specifies that the State agency must ensure coordination be-

tween school systems and vocational rehabilitation through establishing policies and methods to facilitate the development and accomplishment of vocational rehabilitation and independent living goals included in the student's individual education plan. The bill requires that the State agency facilitate the smooth transition from school to the Vocational Rehabilitation Program for those individuals who need these services upon graduation.

The bill includes several changes to fine tune the supported employment program provided under title VI, part C. The bill clarifies that those eligible for services under this title are individuals with the most severe disabilities as defined by the State plan and who, because of the nature and severity of their disability, need intensive supported employment services to enter or retain competitive employment.

The bill clarifies that title VI, part C is intended as a supplement to the basic State grant under title I and that individuals served under this part should receive a comprehensive assessment to determine rehabilitation needs and postemployment services under title I.

The bill allows supported employment services to be provided to individuals prior to the identification of the extended service provider, if there is a reasonable expectation that such services will be available. In addition, the bill clarifies that there is not a specific number of hours per week required for a successful supported employment placement, but rather placements should be for the maximum number of hours possible based on the unique strengths, resources, interests, concerns, abilities, and capabilities of the individual.

Provisions promoting the philosophy of independent living:

The bill includes several changes to title VII of the act which authorizes independent living services and independent living centers.

The bill provides that the State agencies may continue to receive funds for independent living services, but must expend these funds consistent with the State plan for independent living which is jointly developed by the independent living council and the State agency.

The bill converts the independent living center program from a competitive grant to a formula grant.

The bill defines an independent living center as a consumer-controlled, community-based, cross-disability, non-residential, private, nonprofit agency that is designed and operated within a local community by individuals with disabilities and provides an array of independent living services.

The bill generally provides that, after a 1 year transition period, only nonprofit agencies may apply independent living center funds and the applicants for these funds must address

the needs of all persons with disabilities.

The bill establishes a two-tiered system of administration of independent living centers. In those States in which the amount of Federal funds for centers exceeds the amount of State funds, nonprofits apply directly to the Commissioner of the rehabilitation Services Administration. The bill ensures that existing centers will continue to receive support if they meet certain standards and assurances.

For those States in which the amount of State money for centers exceeds the amount of Federal money, the State may, at its discretion, serve as the grantor—on behalf of the Commissioner—subject to the following provisos. First, if the State takes an adverse action against a center, the center may appeal to the Commissioner. Second, when the State monitors a center, the review team has to include a nonagency person proposed by the consumer council. Third, if there are funds available to support a new center in a State, a peer review committee jointly appointed by the State and the council must review applications and the State must accept the recommendation of the peer review committee, if the committee did not violate any Federal or State law.

Provisions increasing consumer choice and involvement:

The bill makes several changes to increase consumer choice and consumer involvement both at the individual and the policy development level.

The bill makes several changes to the individual written rehabilitation plan to ensure that the desires of the individual is taken into account during the rehabilitation process. The bill requires that the individual and the vocational rehabilitation counselor jointly develop, agree, and sign the individual written rehabilitation plan.

The bill requires that the rehabilitation plan be consistent with the strengths, priorities, concerns, and abilities of the individual and include a statement by the individual, in his or her own words, on how he or she was involved in the process of choosing among the alternative goals, objectives, services, providers, and methods used to provide or procure such services.

The bill also addresses the need to have individuals with disabilities included in the development of policy on the part of the programs authorized by this act in several ways.

The bill establishes a State Rehabilitation Advisory Council for the basic grant program a majority of whose members shall be persons with disabilities. The functions of the council are advisory in nature and include advice to the State agency in the areas of eligibility for services, including order of selection; the extent, scope, and effectiveness of the services provided; and the development of the State plan.

The bill establishes a State Independent Living Council, which as I previously explained, has joint authority with the State to sign off on the State plan for independent living.

The bill establishes the Rehabilitation Research Advisory Council within the Department of Education to advise the Director of the National Institute on Disability and Rehabilitation Research with respect to research priorities and the development and revision of the long-range plan. The majority of the members of the advisory council must be persons with disabilities or their family members. The bill applies this same membership requirement to the National Council on Disability.

The bill establishes authority for the Commissioner to fund projects to demonstrate ways to increase client choice in the rehabilitation process. The bill directs the Secretary of Education to promulgate regulations regarding the scope, quality, and cost of vocational services procured directly by the client.

Provisions increasing accountability and quality of services:

The bill makes changes to improve the accountability and quality of the programs provided under the act.

The bill provides for the development of a strategic plan for expanding and improving vocational rehabilitation services on a statewide basis and authorizes innovation and expansion grants for implementing this plan.

The bill provides that a State must develop an accountability system that facilitates the accomplishment of the goals of the legislation, including serving, among others, persons with the most severe disabilities. In addition, the bill requires that the State assure that the accountability system in no way impedes the accomplishment of the goals of the legislation.

The bill directs the Commissioner to issue performance standards and indicators for the Vocational Rehabilitation Program. The bill provides that if a State fails to meet the performance standards and indicators, the Commissioner and the State must jointly develop a program improvement plan. In addition, the bill includes specific policies for on-site monitoring of the basic State grant programs.

The bill directs the Commissioner to undertake a comprehensive review of the current system for collecting and reporting data under the act in order to develop recommendations for improvements in the data collection and reporting system.

Provisions ensuring that support programs respond to the needs of the formula grant programs:

The bill makes certain changes to ensure that the programs of research, demonstrations, and training respond to the needs of the vocational rehabilitation, supported employment, and independent living programs.

The bill directs the National Institute on Disability and Rehabilitation Research to place emphasis on research designed to improve the effectiveness of services authorized under the act.

The bill expands the responsibility of NIDRR to disseminate its findings to ensure the widespread dissemination of information generated by its activities to all interested parties including to providers of services authorized under the act and persons with disabilities.

The bill includes a requirement that research and training centers funded by NIDRR are of sufficient size, scope, and quality to carry out the required activities in an efficient manner consistent with appropriate State and Federal laws.

The bill retains the focus in current of the rehabilitation engineering centers on research and demonstrations and includes, to the extent consistent with the nature and type of research being conducted, the training of individuals and their families and training of researchers by the centers. The bill includes areas of focus for research or demonstrations by these centers in a specified list of life areas and an illustrative list of areas of function. The bill requires the centers to have an advisory committee, the majority of whose members are individuals with disabilities and their families. The bill changes the name of the centers to Rehabilitation Technology Research and Resource Centers to conform with the updated language changes made by the bill.

The bill authorizes the development of model systems of comprehensive services delivery similar to the spinal cord injury program and model personal assistance services systems and other innovative services systems.

The bill deletes the construction authority for rehabilitation facilities from title III and the title is reorganized to emphasize the importance of personnel training.

The bill includes a 20-percent set-aside of funds appropriated for training for inservice training of personnel, if this can be done without defunding currently funded projects. The set-aside is to fund training on these amendments to the act and for projects to recruit and retain qualified personnel, to provide for succession planning, and to provide for leadership development and capacity building.

The bill includes a new section authorizing special training initiatives to address unmet or emerging training needs, including the training needs of supported employment program personnel, client assistance program personnel, independent living center personnel, and rehabilitation technology personnel, the training needs of impartial hearing officers, and the training needs of individuals and their families.

The bill includes additional authority for demonstrations in the areas of

client choice, alternatives to case closure, transition from medical facilities to community living, and improvement of vocational rehabilitation management and service delivery systems.

The bill moves the independent living program for older individuals who are blind to title III from title VII, part C.

Provisions updating terminology: The bill updates the terminology used throughout the act. The bill changes all references to "individuals with handicaps" to "individuals with disabilities." In addition, the term "rehabilitation facility" is replaced by "community rehabilitation program" and the term "rehabilitation engineering" is replaced by "rehabilitation technology" and it is clarified that the term includes "assistive technology devices and assistive technology services."

Mr. DURENBERGER. Mr. President, I rise today with great pride, as the chief Republican cosponsor of the Rehabilitation Act Amendments of 1992.

As the ranking minority member of the Subcommittee on Disabilities, I have had the great honor to work closely with Senator HARKIN over many important disability bills, and this reauthorization process has continued the tradition. I would venture to say that more than any other subcommittee in the Senate, the Subcommittee on Disabilities truly represents a continuous bipartisan effort. That bipartisanship is due in no small part to Senator HARKIN's fine leadership, and to the tremendously talented subcommittee staff that he has gathered.

I also want to thank the other members of the subcommittee and their staffs for their input, including Senators JEFFORDS, Senator HATCH, and Senator METZENBAUM. We have assembled a broad bipartisan group of cosponsors from the Labor Committee, which is indicative of the strength of the bill.

The bill we are introducing today is a reflection of an extremely long and thoughtful process Senator HARKIN and I have carried out over the past year. We and our staffs have spent countless hours trying to build a consensus of opinion over the general and specific direction this reauthorization should be taking. This bill represents just that, a consensus.

There is no doubt that many people in the disability community have argued, and will continue to advocate for, more radical change than we have been able to achieve in this reauthorization, and as most of my colleagues already know, my sympathies are squarely with these advocates.

But like many of the dreamers of this world, what we can effect at any given point is subject to some harsh realities. Considering the financial restraints that this program and we as legislators

are bound by, I believe this bill represents serious progress.

The major accomplishments of the bill include:

A revision of the act that ensures the concepts of empowerment for individuals with disabilities will be followed including respect for individual dignity, self-determination, inclusion, integration, and full participation of individuals with disabilities.

A streamlining of access to services for individuals with disabilities by shifting the burden of proof of eligibility to the State. A person will be assumed eligible, unless a State can prove otherwise.

Increased consumer involvement and choice by requiring a joint sign off between consumer and counselor in the Individualized Written Rehabilitation Program, by the creation of consumer councils, and by a choice demonstration project which gives States broad authority to implement choice programs.

Increased accountability and quality. These changes are not token. They are important, and people in the disability community, providers and consumers alike, are counting on them.

I have the very great privilege of representing the State of Minnesota in the Senate. And Mr. President, I have the even greater privilege of representing Minnesotans.

Minnesotans, as a community, are extremely progressive. They seem to have an unlimited supply of new and creative ideas to address the more vexing problems in our Nation's approach to social programs. One of the things that I have worked hard on as a member of the Labor Committee, is making a Minnesota mark on the legislation which is considered and adopted by the committee. It is my job to make sure that the rest of this country is able to benefit from the special way that Minnesota administers its social programs, and in reauthorizing the Rehabilitation Act I consulted closely with the people in my State.

Two months ago, I had the honor of meeting and talking with some 40 members of the disability community in my Minneapolis office. And I must say, listening to this group of people, most of whom had disabilities themselves, was an extraordinary experience for me. The people in that room were intelligent, thoughtful, and honest; they were parents of people with disabilities, they were advocates of people with disabilities, they were consumers. They told their stories with clarity and feeling and I felt blessed to have heard them.

A representative of that room was able to come and testify at the hearing that the subcommittee held on the reauthorization of the Rehabilitation Act, on Tuesday June 30. Dan Klint's testimony was remarkable. He told in beautiful and brave words of how he

had wanted to be a lawyer but was told by his rehab counselor that he should not consider law school because a person in a wheelchair would not be able to carry around the books he would need to study.

It was important that Dan come and testify. It was important that everyone in that room hear his story. I want to thank Dan for giving the time and having the courage to tell his story and I would like to ask that his testimony be placed in the RECORD.

Dan's experience with the rehabilitation system was unfortunate, but we should keep in mind that this particular encounter took place in 1981. Since then, the Minnesota State Rehabilitation Program has made great progress, and there is no better sign of the seriousness with which the Minnesota State Rehab Program approaches its commitment to quality care than the fact that they paid for Dan to testify at that hearing.

I want to thank the many other people in Minnesota that have provided crucial information and recommendations for this reauthorization including: Coleen Wieck, the director of the Governor's Council on Developmental Disabilities; Mary Shorthall, the director of the State Vocational Rehabilitation process; Paula Goldberg, and the other parent advocates in the group called Pacer; Jerry Krueger, Jay Johnson, and the other independent living directors in Minnesota; Charlie Lakin, and the many other members of the disability community in Minnesota who have consulted with either me or my staff about this legislation.

The notions of empowerment for people with disabilities that are reflected in this bill were directly affected by all these people and they have done a great service to all members of the disability community in this country.

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

STATEMENT OF DAN KLINT

Mr. KLINT. Thank you Mr. Chairman, Senator Durenberger, Senator Simon. Good morning. I greatly appreciate the opportunity to testify before you on the reauthorization of the Rehabilitation Act of 1973. I have been asked to testify regarding my experiences in the vocational rehabilitation process. However, before I testify on my experience, I would like to give you a brief personal background which I think is important to put my experience in perspective.

In September of 1972, I broke my neck in a high school football game. Although I missed six months of school due to hospitalization and rehabilitation, I was able to graduate with my high school class in 1975. In the fall of 1975, I began my undergraduate studies at the University of Minnesota, and in 1979, I earned a bachelor's degree in business administration.

Long before I received my undergraduate degree in 1979, I knew exactly what I wanted to do. Actually, I knew in approximately the 8th grade when in a legal process class of social studies I got to play the part of an attorney in a mock trial. From that point on, I

knew I wanted to be an attorney. That was my dream.

Throughout high school and college, I worked toward that dream. I took all the legal-related classes that were offered. In addition, I took classes such as writing classes to hone the skills that I thought would be necessary to do well in law school.

Although I had originally planned on attending law school right after completing my undergraduate degree, I had an opportunity to attend the graduate school of business through a fellowship. My plans included starting that fellowship in the fall of 1979, working through that year, carrying a heavy caseload, completing at the end of the summer, and starting law school in the fall of 1980.

However, I became ill and was unable to attend the fall quarter, and I had to revise my plan to attend winter and spring quarters with the intention of getting my MBA degree concurrently with my law degree.

During my undergraduate studies, I had minimal contacts with my vocational rehabilitation counselor. At most, I may have had two to three contacts per year with the counselor. Not only were there a limited number of contacts, but what contacts there were centered primarily on completing the paperwork necessary for reimbursement for services. There was very little discussion, if any, regarding my personal career goals or a plan to achieve those goals.

After completing my undergraduate work and during the time I was attending graduate school, I was contacted a number of times by my vocational rehabilitation counselor. It appeared to me that the primary purpose of each contact was for the purposes of determining if I was working, so that if I was, they could close my case. On each occasion that I was contacted, I informed the counselor of my plans of attending law school and practicing law.

In the spring of 1980, I began making arrangements for attending law school in the fall. As part of the process, I contacted the rehab counselor to see what services were available and how they could be of assistance. The counselor set up a meeting with me at my parents' house.

During that meeting, the counselor spent at least 45 minutes attempting to talk me out of going to law school. During that meeting, I felt belittled, that I was talked down to, and that because of my disability, my long-term ambition of attending law school and practicing law was unrealistic.

On numerous occasions during that meeting, the counselor put forward a number of sometimes silly reasons why I should not go to law school. Among those reasons were that law books were big and heavy, that law school would be very competitive and require long hours of hard work. He also informed me that the practice of law would involve considerable hours of work, implying that because of my disability I would not be able to put in the time and successfully practice law.

I was also reminded by the rehab department that they had already spent enough money on me and that it was time that I get a job and develop a work history, no matter what that job was. At no time during the meeting did we discuss how I could make the necessary accommodations presented by my disability so that I could attend law school and practice law. Rather, the distinct impression that I received was that my expectations were too high and that it was foolish for me to believe that a person with a severe disability such as I have could successfully attend law school and practice law.

After becoming totally frustrated with the counselor's attempt to talk me out of law school, I interrupted him and asked him to leave the house. I informed him that with or without the State rehab department or his assistance I was going to attend law school that fall.

As he gathered his papers to leave, he informed me that he would look into what possible assistance could be provided. After a number of phone calls and conversations and another meeting, some assistance was provided in the form of a modest grant to pay a portion of the cost of an aide who would help me during my first year of law school to get books and do research.

Even this assistance did not come without a price. On a number of occasions, I was reminded by the rehab counselor of the significant paperwork and extra effort that was required to get the assistance that I received.

Senator HARKIN. Dan can I ask, what year was that?

Mr. KLINT. This is 1980-81 timeframe.

Senator HARKIN. Okay.

Mr. KLINT. Because of the significant physical and emotional effort to get the assistance for my first year of law school, I decided it was not worth the time and effort to seek any further assistance for my second and third year. Rather, with the assistance of a strong support group made up of family and friends, I completed law school and graduate school concurrently in the spring of 1983.

I am happy to report to you that, contrary to the rehab counselor's belief, I successfully completed law school at the University of Minnesota, graduating with honors. After a long job search, I was able to find a job as an assistant county attorney in the Anoka County Attorney's Office in Minnesota.

I am telling my story not to be critical of an individual or a State department in Minnesota, but to be critical of a system that needs changing. That system is the outdated vocational placement concept which emphasizes placement at entry-level jobs and case closure. That system must be replaced with a system that embraces the philosophy of the Americans With Disabilities Act. That system should, at a minimum, be based on at least the following four concepts:

Career development. This means a change from an emphasis on the concept of rehabilitation and its short-term emphasis on closure, to a broader concept of career development which recognizes personal involvement, choices, and the recognition that a person's needs, desires, and goals change over time and that services should be available to assist in that process on an ongoing basis;

Personal empowerment, the second item. This concept recognizes that for any system to be truly successful, it must break the chains of dependency and emphasize education, option analysis, personal choice, and responsibility on the individual with the disability, all leading to independence;

The third factor, early intervention. Services should be provided early in the educational process to broaden the horizons of persons with disabilities so that we truly know that there are options for us in the future and that we can look forward to a full and fulfilling life;

The fourth factor is continuing assistance. Recognize that a person's goals and ambitions change over time; therefore, a truly successful system would provide for a continuum and a flexible set of services which evolve over time to meet the changing needs of the individual.

That concludes my testimony. Thank you for the opportunity to address this important issue.

Senator HARKINS. Dan, thank you very much for bringing to the subcommittee your story. Again, it clearly shows what we are trying to be about in revising the bill, in revising the Rehabilitation Act.

Senator DURENBERGER. Mr. Chairman, if you will yield, I appreciate your being sensitive enough to capture it. I wanted Dan to tell his own story here today because it is so typical and it is so frustrating. And it ain't easy to get into the University of Minnesota Law School. It wasn't easy to get into the University of Minnesota Law School back when he got it, and it is even harder to graduate with honors. And to have a system up there which says no to lifelong dreams by people who are willing to overcome any disability—and it doesn't have to be lawyers. Hopefully people will choose professions other than the law, but whatever, you know, this is the spirit of the ADA. Dan is the spirit of all persons with disabilities. But it is sure better coming from him than having me tell you about him. I am sure glad, Dan, that you came out here.

By Mr. D'AMATO:

S. 3066. A bill to amend the Controlled Substances Act and the Controlled Substances Import and Export Act with respect to the drug fentanyl; to the Committee on the Judiciary.

CONTROLLED SUBSTANCES ACT AND THE CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT AMENDMENTS ACT

Mr. D'AMATO. Mr. President, I rise today to introduce, at the request of the Drug Enforcement Administration, a bill that addresses the penalty differences in the Controlled Substances Act and the Controlled Substances Import and Export Act with respect to heroin and the drug fentanyl. Fentanyl is closely related in chemical structure to heroin and is listed by its chemical name in 21 U.S.C. 841. Analogues of fentanyl include commercially available substances, such as sufentanil, as well as clandestinely produced substances.

Commercially available fentanyl is often used as an anesthetic in hospitals. Clandestinely produced substances, sometimes known as China white, can be 50 or more times as potent as heroin. It takes its nickname from the slang term for pure southeast Asian heroin.

Fentanyl is a schedule II drug and is legally used in as many as 70 percent of all surgical procedures performed in the United States. The drug is an excellent heroin substitute because of the analogous effect which blocks pain while causing euphoria. It is as addictive as heroin. A dose of fentanyl as small as 40 to 80 micrograms will induce a heroin-like euphoria, a 200-microgram dosage is used in surgery and about 300 micrograms can kill by comparison, a standard aspirin tablet weighs slightly over 300,000 micrograms.

There are dangers inherent in exposure to fentanyl. Fentanyl, airborne in

even very small amounts, can be absorbed through the skin or mucous membranes causing illness or possibly death. Full self-contained breathing apparatus and skin protection are worn by investigative and laboratory personnel when responding to potential clandestine manufacturing or distribution sites.

Unfortunately, clandestinely produced fentanyl has been encountered on the east and west coasts. I am introducing this legislation in order to make the thresholds for the penalties under 21 U.S.C. 841 for fentanyl and its analogues comparable to those for heroin, based on dosage unit equivalents.

Under current law, 2½ times more heroin than fentanyl is required for the penalties of 21 United States Code 841 to apply, even though fentanyl is 50 times more potent than heroin. The number of dosage units of heroin necessary to invoke the most severe penalties is one-tenth the number of dosage units of fentanyl.

This legislation has four components. First, it decreases the threshold for fentanyl and its analog by a factor of ten for the enhanced penalties under 21 United States Code 841(b)(1)(A) to apply. Second, it decreases the threshold for fentanyl and its analog by a factor of 10 for the enhanced penalties under 21 United States Code 841(b)(1)(B) to apply.

Third, it inserts the name fentanyl after its chemical name in order to clarify the penalties that refer to it and, fourth, it makes the thresholds for enhanced penalties for fentanyl and its analog the same; that is, 40 grams in 21 United States Code 841(b)(1)(A)(vi) and 4 grams in 21 United States Code 841(b)(1)(B)(vi).

During early 1991, a series of drug related deaths and injuries caused by apparent heroin overdoses occurred in the New York metropolitan area. Six deaths and 69 overdoses occurred in New York, 2 deaths and 30 overdoses in Connecticut and 10 deaths and 114 overdoses in New Jersey. Further inquiry disclosed that the powerful synthetic narcotic fentanyl, being sold in the south Bronx as heroin under the brand names "Tango and Cash" and "Goodfellas," was the cause of these deaths and overdoses.

The drug is so potent that it can cause death almost immediately. I am concerned that we must act now before this becomes a nationwide epidemic. Congressmen RANGEL and COUGHLIN have introduced a companion to this bill in the House and I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that a copy of the bill be printed in its entirety following the conclusion of my remarks.

Mr. President, I am also concerned about the rise of heroin trafficking in the former Soviet Union. Although this

is not directly related to the legislation I am introducing, I would like to take this opportunity to insert a July 6, 1992, article from *Forbes* magazine entitled "Lethal Harvest." I, therefore, ask unanimous consent that a copy of the article be inserted after the conclusion of my remarks.

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

S. 3066

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

That—
(1) section 401(b) of the Controlled Substances Act (21 U.S.C. 841(b)) is amended—

(A) in paragraph (1)(A)(vi)—
(i) by striking "400 grams" and inserting "40 grams"; and

(ii) by striking "or 100 grams" and all that follows through the end of clause (vi) and inserting "(fentanyl) or any of its analogues"; and

(B) in paragraph (1)(B)(vi)—
(i) by striking "40 grams" and inserting "4 grams"; and

(ii) by striking "or 10 grams" and all that follows through the end of clause (vi) and inserting "(fentanyl) or any of its analogues"; and

(2) section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)) is amended—

(A) in paragraph (1)(F)—
(i) by striking "400 grams" and inserting "40 grams"; and

(ii) by striking "or 100 grams" and all that follows through the end of clause (vi) and inserting "(fentanyl) or any of its analogues"; and

(B) in paragraph (2)(F)—
(i) by striking "40 grams" and inserting "4 grams"; and

(ii) by striking "or 10 grams" and all that follows through the end of clause (vi) and inserting "(fentanyl) or any of its analogues";

LETHAL HARVEST

(By Peter Fuhrman)

Chorsu Bazaar, the main food market in Tashkent, capital of now independent Uzbekistan. It's a fiery hot afternoon. Thousands of Uzbeks jostle to buy the year's first strawberries, cherries, tomatoes. And opium. Without the secret police to worry about anymore, an Uzbek man of about 40 offers a *Forbes* reporter opium in 10-gram packets. Price, 2,000 rubles (\$16 at the current exchange rate), or just \$10 in real greenbacks. On U.S. streets, that 10-gram packet could fetch \$200.

The Tashkent dealer is anxious to clear last year's inventory, for a flood of new opium is coming this summer. Just 200 miles to the south, in the mountains near Samarkand, more than 1,000 well-tended fields of opium poppies are ready for harvest. It's the same in three other former Soviet republics in Central Asia—Tajikistan, Kazakhstan and Kyrgyzstan. "Drug production and trafficking [in Central Asia] are growing at an alarming rate," says Bernard Frahi of the United Nations Drug Control Program.

And not only in Central Asia. In the world's three major opium-producing countries—Afghanistan, Iran and Myanmar (formerly Burma)—governments are failing to crack down on opium cultivation. Their output, too, is set to rise significantly this year.

The certain and unhappy result: much more, and probably cheaper, heroin on city

streets in the U.S. and Western Europe. How much more? It's anybody's guess. The U.S., which tracks opium cultivation elsewhere in Asia with spy satellites, has yet to assess fully Central Asian production.

Cultivating opium or even marijuana (which grows abundantly as a weed in the region) has long been a crime in all Central Asian republics. But that does not deter this century-old trade. The soil and climate are ideal. Opium is the top-paying crop for farmers. Uzbek government officials say an acre of opium poppies grosses 1 million rubles, over 50 times more than an acre planted with cotton, the main legal cash crop. The 10 pounds of opium produced from 1 acre of poppies will yield 1 pound of pure heroin, with a street price in the U.S. of \$100,000.

The collapse of the Soviet Union has also seen the collapse of police and customs services capable of controlling illegal drugs. Uzbekistan, the size of California, has just 113 full-time drug-enforcement police. They are equipped with only 25 automobiles and no helicopters.

Most Central Asian opium travels by land to Western Europe, via open borders with Afghanistan and Iran. To these have recently been added new routes through the warring republics of Azerbaijan and Armenia, into Georgia. From there, heroin shipments either cross into Turkey or continue by road up to Ukraine and Byelarus before heading west. Seizures remain rare.

Already small groups of organized criminals from the former Soviet Union are becoming active in the drug trade, especially in Brooklyn, Drug Enforcement Administration officials say.

In the U.S., cocaine consumption appears to have peaked. Heroin use, however, is still expanding. So Colombia's cocaine barons have begun plowing under coca bushes and replacing them with poppy fields. Colombia's opium production went from virtually nothing in 1990 to about 5.5 tons last year. It would not be surprising if the Colombians cut deals to use their well-organized, well-armed distribution networks to speed Central Asian heroin to U.S. addicts.

By Mr. SANFORD:

S. 3067. A bill to suspend until January 1, 1995, the duty on 1,8-Dichloroanthraquinone; to the Committee on Finance.

TEMPORARY SUSPENSION OF CERTAIN DUTIES

Mr. SANFORD. Mr. President, I rise today to introduce legislation that would suspend the duty on 1,8-Dichloroanthraquinone.

CIBA-GEIGY Corp. is a leading developer and manufacturer of agricultural chemicals, pharmaceuticals, dyes, plastics, and specialty chemicals in the United States and employs approximately 1,200 to 1,300 people in North Carolina. CIBA-GEIGY is a major importer of 1,8-Dichloroanthraquinone, a dyestuffs intermediate that is used in the production of high lightfast disperse dyes, some of which are used in the coloring of automotive fabrics. Major automobile manufacturers have requested all suppliers to reduce cost to aid their competitiveness. CIBA-GEIGY has not found a supplier of this chemical in the United States. The company imports from a manufacturer in India and England.

Enactment of a duty suspension on 1,8-Dichloroanthraquinone will help

CIBA-GEIGY moderate its cost and play an important role in making the U.S. automobile and textile industries more competitive.

I urge my colleagues to support inclusion of this duty suspension in any miscellaneous tariff legislation the Congress may adopt.

By Mr. BREAUX:

S. 3069. A bill to amend the Tariff Act of 1930 to clarify and extend the provisions relating to foreign repair vessels; to the Committee on Finance.

THE 1930 TARIFF ACT AMENDMENTS ACT

Mr. BREAUX. Mr. President, the bill I introduce today will renew and clarify for 2 years a previous duty suspension bill which by eliminating unreasonable and costly restrictions on spare parts for certain vessels, will contribute to the preservation of our essential merchant fleet.

Enactment of this bill is necessary to eliminate discriminatory duties levied against one of the major segments of the merchant marine, the surviving U.S.-flag LASH vessel operators. It is needed to preclude the assessment of a double duty on spare parts which U.S. vessel operators must import from abroad because the parts they need are not manufactured or produced in the United States.

Under the vessel repair statute (19 U.S.C. 1466 et seq.), LASH barge containers are subject to ad valorem duty at a high 50-percent rate when during the course of voyages, they necessarily purchase replacement equipment or require repairs in foreign shipyards. Other types of containers carried aboard containerhips are not, however, subject to the 50-percent duty for equivalent repairs and parts. Furthermore, if the LASH vessel operators were to order and import those same parts for delivery, by air or by some other vessel operator, to the United States, those parts would be dutiable at the far lower rates ordinarily applicable to imports of those particular parts.

This artificial distinction was corrected 2 years ago through legislation which I introduced at that time. The legislation I introduce today renews this correction and makes one clarification. My bill provides that the proposed duty suspension shall also apply to spare parts installed prior to first entry to the United States. Since labor costs would remain a separate itemized dutiable item, there is no justification for additionally penalizing the installation of these spare parts through an elevated duty on the parts. The duty on these installed parts should be the same as the duty on parts imported and installed in the United States.

Mr. President, this legislation is critical to our U.S. merchant fleet. I ask unanimous consent that the 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. 3069

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

SECTION 1. DUTY EXEMPTIONS FOR CERTAIN FOREIGN REPAIRS MADE TO UNITED STATES VESSELS.

(a) IN GENERAL.—Section 466(h) of the Tariff Act of 1930 (19 U.S.C. 1466(h)) is amended—
(1) by striking "or" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting ", or"; and

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

"(3) the cost of spare parts necessarily installed before first entry into the United States, but only if duty is paid under appropriate commodity classifications of the Harmonized Tariff Schedule of the United States upon first entry into the United States of each such spare part purchased in, or imported from, a foreign country."

(b) APPLICABILITY.—Section 484E(b)(2)(B) of the Customs and Trade Act of 1990 (19 U.S.C. 1466 note) is amended to read as follows:

"(B) on or before December 31, 1994."

By Mr. BREAUX:

S. 3070. A bill to amend the Harmonized Tariff Schedule of the United States with respect to the tariff treat-

2929.10.25 1,6-hexamethylene diisocyanate

7.9%

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

By Mr. BREAUX:

S. 3071. A bill to amend the Harmonized Tariff Schedule of the United States to clarify the rate of duty for certain jewelry boxes, and for other purposes; to the Committee on Finance.

HARMONIZED TARIFF SCHEDULE AMENDMENTS ACT

Mr. BREAUX. Mr. President, today I introduce legislation which seeks to retroactively clarify the Harmonized Tariff Schedules as they relate to point of purchase packaging for jewelry. My bill would establish new classification subheadings to HTS heading 4202 in order to specifically cover boxes and similar containers of the type in which articles of jewelry are presented and sold; point of purchase packaging.

Prior to 1989 when the United States converted its tariff schedules to the International Harmonized Tariff Schedules [HTS], jewelry point of purchase packaging boxes were classified according to the material that "the ar-

ment of 1,6-hexamethylene; to the Committee on Finance.

HARMONIZED TARIFF SCHEDULE AMENDMENTS ACT

Mr. BREAUX. Mr. President, today I introduce legislation which seeks to renew a tariff reclassification under the Harmonized Tariff Schedules for 1,6-hexamethylene diisocyanate [HDI]. This reclassification is necessary because of problems associated with the U.S. conversion to the harmonized tariff system in 1989.

Polysiocyanate resins are used by the U.S. paint manufacturing industry in the production of polyurethane coatings. In connection with the formulation of these advanced resins, certain U.S. manufacturers import a key raw material known as HDI. HDI is not produced in the United States in quantities sufficient to service total U.S. domestic needs. For this reason the U.S. industry must import HDI.

When the United States adopted the Harmonized Tariff Schedule in 1989, administrative reclassification of HDI inadvertently caused its duty to increase more than 100 percent, from 7.9 percent ad valorem, to 16.2 percent ad valorem plus \$.029 per kilogram. This increase resulted entirely from the technical process by which conversion to HTS

classification nomenclature. However, the legislation would return jewelry point of purchase packaging to the same tariffs and quotas as existed under the former U.S. tariff classification system. It is not the intent of this legislation to trigger any adverse quotas relating to textile flocking, or textile fabric which lines the boxes.

Mr. President, I ask unanimous consent that the text of the bill be printed in full at this point in the RECORD.

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

S. 3071

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

SECTION 1. JEWELRY BOXES.

(a) LEATHER AND LEATHER COMPOSITION BOXES.—Chapter 42 of the Harmonized Tariff Schedule of the United States is amended by striking subheading 4202.91.00 and inserting the following new subheadings with the superior heading for subheading 4202.91 having the same degree of indentation as the article description for subheading 4201.00.60:

4202.91	Other.			
4202.91.10	With outer surface of leather, of composition leather or of patent leather.	6.8%	Free (IL)	35%
4202.91.30	Golf bags	6.8%	Free (IL) 2.7% (CA)	35%
	Travel, sports and similar bags			
	Jewelry boxes and similar containers of the type in which jewelry is presented and sold:			
4202.91.51	Of plastics	3%	Free (A, E, IL) 2.1% (CA)	80%
4202.91.52	Of wood	Free		15%
4202.91.53	Of paperboard	2.8%	Free (A, E, IL) 1.1% (CA)	35%
4202.91.54	Of metal	Free		25%
4202.91.55	Other	7.8%	Free (A, E, IL) 4.6% (CA)	110%
4202.91.90	Other	6.8%	Free (IL) 2.7% (CA)	35%

(b) PLASTIC AND TEXTILE BOXES.—Chapter 42 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new subhead-

ings with the superior heading for subheadings 4202.92.53, 4202.92.54, 4202.92.55, 4202.92.56, and 4202.92.57 having the same degree of in-

dentation as the article description for subheading 4202.92.50:

"Jewelry boxes and similar containers of the type in which jewelry is presented and sold."

4202.92.53	Of plastics	3%	Free (A, E, IL)	80%
			2.1% (CA)	
4202.92.54	Of wood	Free	15%	
4202.92.55	Of paperboard	2.8%	Free (A, E, IL)	35%
			1.1% (CA)	
4202.92.56	Of metal	Free	25%	
4202.92.57	Other	7.8%	Free (A, E, IL)	110%*
			4.6% (CA)	

(c) OTHER BOXES.—Chapter 42 of the Harmonized Tariff Schedule of the United States is amended by striking subheading 4202.99.00 and inserting the following new subheadings with the article description for subheading 4202.99 having the same degree of indentation as the article description for subheading 4202.92:

"4202.99 Other: Jewelry boxes and similar containers of the type in which jewelry is presented and sold."

4202.99.11	Of plastics	3%	Free (A, E, IL)	80%
			2.1% (CA)	
4202.99.12	Of wood	Free	15%	
4202.99.13	Of paperboard	2.8%	Free (A, E, IL)	35%
			1.1% (CA)	
4202.99.14	Of metal	Free	25%	
4202.99.15	Other	7.8%	Free (A, E, IL)	110%*
			4.6% (CA)	
4202.99.50	Other	20%	Free (IL) 8%	45%*
			(CA)	

(d) EFFECTIVE DATE.—The amendments made by this section apply with respect to goods entered, or withdrawn from warehouse for consumption, on the date which is 15 days after the date of enactment of this Act.

By Mr. BREAUX:

S. 3072. A bill to suspend temporarily the duty on certain fine fabrics of syn-

9202.54.07 01 yarns on different colors: The thread count of which per cm (treating multiple (folded) or cabled yarns as single threads) is over 69 but not over 142 in the warp and over 31 but not over 71 in the filling (provided for in subheading 5407.53) (1619) 12.1c/kg+11.2% No change No change On or before 12/31/95

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

ADDITIONAL COSPONSORS

S. 1002

At the request of Mr. SHELBY, the name of the Senator from Texas [Mr. GRAMM] was added as a cosponsor of S. 1002, a bill to impose a criminal penalty for flight to avoid payment of arrearages in child support.

S. 1240

At the request of Mr. CHAFEE, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 1240, a bill to amend title XIX of the Social Security Act to provide criteria for making determinations of denial of payment to States under such Act.

S. 1361

At the request of Ms. MIKULSKI, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 1361, a bill to remedy the serious injury to the United States shipbuilding and repair industry caused by subsidized foreign ships.

S. 1578

At the request of Mr. THURMOND, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from Oregon [Mr. PACKWOOD], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Oregon [Mr. HATFIELD] were added as cosponsors of S. 1578, a bill to recognize and grant a Federal

thetic filament yarn; to the Committee on Finance.

TEMPORARY SUSPENSION OF CERTAIN DUTIES

Mr. BREAUX. Mr. President, today I am introducing legislation which would correct a tariff inversion found in the Harmonized Tariff Schedules [HTS] which adversely affects certain American necktie manufacturers.

Under the current Harmonized Tariff Schedules, the duty on filament polyester fabric—HTS number 5407.53—used in the manufacture of men's neckties is currently 22.5 percent of its value, plus 24.3 cents per kilo. The duty on finished neckties is 13.5 percent of value, plus 26.5 cents per kilo. The effect of the current tariff schedule is that the tariff on the imported necktie raw material is significantly higher than the tariff on the manufactured neckties.

The anomaly which I just described runs contrary to generally accepted trade policy which holds that in order to encourage domestic production, tariffs on raw materials should be lower than tariffs on the finished goods. Under current tariff schedules, the resulting duty inversion encourages the production of neckties in offshore facilities. My legislation would reduce the duty on certain synthetic filament

yarn to 11.2 percent, plus 12.1 cents per kilo. It would correct the tariff inversion and encourage U.S. production of neckwear. Quite simply, my legislation would create American jobs in accordance with generally accepted international trade practices.

While I appreciate the administration's attempts to remedy this problem through the Uruguay round of the General Agreement on Tariffs and Trade, I believe that under the circumstances, American neckwear manufacturers deserve immediate and certain relief. My bill will provide them with this relief.

Mr. President, I ask unanimous consent that the text of the bill be printed in full at this point in the RECORD.

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

S. 3072

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

SECTION 1. TEMPORARY DUTY SUSPENSION.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

charter to the Military Order of World Wars.

S. 1698

At the request of Mr. SARBANES, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of S. 1698, a bill to establish a National Fallen Firefighters Foundation.

S. 2236

At the request of Mr. SIMON, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 2236, a bill to amend the Voting Rights Act of 1965 to modify and extend the bilingual voting provisions of the Act.

S. 2318

At the request of Mr. BENTSEN, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 2318, a bill to amend title XVIII of the Social Security Act to make technical corrections relating to the Omnibus Budget Reconciliation Act of 1990.

S. 2389

At the request of Mr. BRADLEY, the names of the Senator from Arizona [Mr. MCCAIN] and the Senator from Utah [Mr. HATCH] were added as cosponsors of S. 2389, a bill to extend until January 1, 1999, the existing suspension of duty on Tamoxifen citrate.

S. 2837

At the request of Mr. HARKIN, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 2837, a bill to amend the Public Health Service Act to provide for a program to carry out research on the

drug known as diethylstilbestrol, to educate health professionals and the public on the drug, and to provide for certain longitudinal studies regarding individuals who have been exposed to the drug.

S. 2866

At the request of Mr. DOMENICI, the name of the Senator from Virginia [Mr. WARNER] was withdrawn as a cosponsor of S. 2866, a bill to establish a program, to be known as the "ADEPT" Program, for the provision of international assistance in the deployment of energy and energy-related environmental practices and technologies, and for other purposes.

S. 2969

At the request of Mr. KENNEDY, the names of the Senator from Ohio [Mr. GLENN] and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of S. 2969, a bill to protect the free exercise of religion.

S. 3009

At the request of Mr. DOMENICI, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of 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.

SENATE JOINT RESOLUTION 278

At the request of Mr. DODD, the names of the Senator from Missouri

[Mr. BOND], the Senator from South Carolina [Mr. THURMOND], the Senator from Wisconsin [Mr. KASTEN], and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of Senate Joint Resolution 278, a joint resolution designating the week of January 3, 1993, through January 9, 1993, as "Braille Literacy Week."

SENATE JOINT RESOLUTION 293

At the request of Mr. SASSER, the names of the Senator from New Mexico [Mr. DOMENICI], the Senator from Kansas [Mr. DOLE], and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of Senate Joint Resolution 293, a joint resolution designating the week beginning November 1, 1992, as "National Medical Staff Services Awareness Week."

SENATE JOINT RESOLUTION 314

At the request of Mr. BURNS, the names of the Senator from Illinois [Mr. DIXON] and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of Senate Joint Resolution 314, a joint resolution to designate the period beginning on August 16, 1992 and ending on August 22, 1992, as "National Convenience Store Appreciation Week."

SENATE RESOLUTION 91

At the request of Mr. METZENBAUM, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of Senate Resolution 91, a resolution expressing the sense of the Senate regarding human rights violations against the people of Kashmir, and calling for direct negotiations among Pakistan, India, and Kashmir.

SENATE RESOLUTION 325

At the request of Mr. D'AMATO, the names of the Senator from North Carolina [Mr. HELMS], the Senator from New York [Mr. MOYNIHAN], and the Senator from Nevada [Mr. REID] were added as cosponsors of Senate Resolution 325, a resolution expressing the sense of the Senate that the Government of the Yemen Arab Republic should lift its restrictions on Yemeni-Jews and allow them unlimited and complete emigration and travel.

AMENDMENTS SUBMITTED

INDIAN EMPLOYMENT AND INVESTMENT ACT

McCAIN AMENDMENT NO. 2744

(Ordered referred to the Committee on Finance.)

Mr. McCAIN submitted an amendment intended to be proposed by them to the bill (S. 2254) to amend the Internal Revenue Code of 1986 to allow Indian tribes to receive charitable contributions of inventory as follows:

At the end of the bill add the following new title:

TITLE ———INDIAN EMPLOYMENT AND INVESTMENT

SEC. 01. INVESTMENT TAX CREDIT FOR PROPERTY ON INDIAN RESERVATIONS.

(a) ALLOWANCE OF INDIAN RESERVATION CREDIT.—Section 46 of the Internal Revenue Code of 1986 (relating to investment credits) is amended by striking "and" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ", and", and by adding after paragraph (3) the following new paragraph:

"(4) the Indian reservation credit."

(b) AMOUNT OF INDIAN RESERVATION CREDIT.—

(1) IN GENERAL.—Section 48 of the Internal Revenue Code of 1986 (relating to the energy credit and the reforestation credit) is amended by adding after subsection (b) the following new subsection:

"(c) INDIAN RESERVATION CREDIT.—

"(1) IN GENERAL.—For purposes of section 46, the Indian reservation credit for any taxable year is the Indian reservation percentage of the qualified investment in qualified Indian reservation property placed in service during such taxable year, determined in accordance with the following table:

In the case of qualified Indian reservation property which is:	The Indian reservation percentage is:
Reservation personal property	25
New reservation construction property.	33½
Reservation infrastructure investment.	33½

"(2) QUALIFIED INVESTMENT IN QUALIFIED INDIAN RESERVATION PROPERTY DEFINED.—For purposes of this subpart—

"(A) IN GENERAL.—The term 'qualified Indian reservation property' means property—

"(i) which is—

"(I) reservation personal property,

"(II) new reservation construction property, or

"(III) reservation infrastructure investment, and

"(ii) not acquired (directly or indirectly) by the taxpayer from a person who is related to the taxpayer (within the meaning of section 465(b)(3)(C)).

The term 'qualified Indian reservation property' does not include any property (or any portion thereof) placed in service for purposes of conducting or housing class I, II, or III gaming (as defined in section 4 of the Indian Regulatory Act (25 U.S.C. 2703).

"(B) QUALIFIED INVESTMENT IN QUALIFIED INDIAN RESERVATION PROPERTY.—The term 'qualified investment in qualified Indian reservation property' means—

"(i) in the case of reservation infrastructure investment, the amount expended by the taxpayer for the acquisition or construction of the reservation infrastructure investment; and

"(ii) in the case of all other qualified Indian reservation property, the taxpayer's basis for such property.

"(C) RESERVATION PERSONAL PROPERTY.—The term 'reservation personal property' means qualified personal property which is used by the taxpayer predominantly in the active conduct of a trade or business within an Indian reservation. Property shall not be treated as 'reservation personal property' if it is used or located outside the Indian reservation on any regular basis.

"(D) QUALIFIED PERSONAL PROPERTY.—The term 'qualified personal property' means property—

"(i) for which depreciation is allowable under section 168,

"(ii) which is not—

"(I) nonresidential real property,

"(II) residential rental real property, or

"(III) real property which is not described in (I) or (II) and which has a class life of more than 12.5 years.

"(E) NEW RESERVATION CONSTRUCTION PROPERTY.—The term 'new reservation construction property' means qualified real property—

"(i) which is located in an Indian reservation,

"(ii) which is used by the taxpayer within an Indian reservation predominantly in the active conduct of a trade or business, and

"(iii) which is originally placed in service by the taxpayer.

"(F) QUALIFIED REAL PROPERTY.—The term 'qualified real property' means property described in clause (I), (II), or (III) of subparagraph (D)(i).

"(G) RESERVATION INFRASTRUCTURE INVESTMENT DEFINED.—

"(i) IN GENERAL.—The term 'reservation infrastructure investment' means qualified personal property or qualified real property which—

"(I) benefits the tribal infrastructure,

"(II) is available to the general public, and

"(III) is placed in service in connection with the taxpayer's active conduct of a trade or business within an Indian reservation.

"(i) PROPERTY MAY BE LOCATED OUTSIDE THE RESERVATION.—Qualified personal property and qualified real property outside an Indian reservation shall be reservation infrastructure investment only if its purpose is to connect to existing tribal infrastructure in the reservation, and shall include roads, power lines, water systems, railroad spurs, and communications facilities.

"(3) REAL ESTATE RENTALS.—For purposes of this section, ownership (or leaseholding) of residential, commercial, or industrial real property within an Indian reservation for rental shall be treated as the active conduct of a trade or business in an Indian reservation.

"(4) INDIAN RESERVATION DEFINED.—For purposes of this subpart, the term 'Indian reservation' means a reservation, as defined in—

"(A) section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d)), or

"(B) section 4(10) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1903(10)).

"(5) LIMITATION BASED ON UNEMPLOYMENT.—

"(A) GENERAL RULE.—The Indian reservation credit allowed under section 46 for any taxable year shall equal—

"(i) if the Indian unemployment rate on the applicable Indian reservation for which the credit is sought exceeds 300 percent of the national average unemployment rate at any time during the calendar year in which the property is placed in service or during the immediately preceding 2 calendar years, 100 percent of such credit,

"(ii) if such Indian unemployment rate exceeds 150 percent but not 300 percent, 50 percent of such credit, and

"(iii) if such Indian unemployment rate does not exceed 150 percent, 0 percent of such credit.

"(B) SPECIAL RULE FOR LARGE PROJECTS.—In the case of a qualified Indian reservation property which has (or is a component of a project which has) a projected construction period of more than 2 years or a cost of more than \$1,000,000, subparagraph (A) shall apply by substituting 'during the earlier of the calendar year in which the taxpayer enters into a binding agreement to make a qualified investment or the first calendar year in which

the taxpayer has expended at least 10 percent of the taxpayer's qualified investment, or the preceding calendar year" for "during the calendar year in which the property is placed in service or during the immediately preceding 2 calendar years".

"(C) DETERMINATION OF INDIAN UNEMPLOYMENT.—For purposes of this paragraph, with respect to any Indian reservation, the Indian unemployment rate shall be based upon Indians unemployed and able to work, and shall be certified by the Secretary of the Interior."

(2) LODGING TO QUALIFY.—Paragraph (2) of section 50(b) (relating to property used for lodging) is amended—

(A) by striking "and" at the end of subparagraph (C),

(B) by striking the period at the end of subparagraph (D) and inserting "; and," and

(C) by adding at the end thereof the following subparagraph:

"(E) new reservation construction property."

(c) RECAPTURE.—Subsection (a) of section 50 (relating to recapture in case of dispositions, etc.), is amended by adding at the end thereof the following new paragraph:

"(6) SPECIAL RULES FOR INDIAN RESERVATION PROPERTY.—

"(A) IN GENERAL.—If, during any taxable year, property with respect to which the taxpayer claimed an Indian reservation credit—

"(i) is disposed of, or

"(ii) in the case of reservation personal property—

"(I) otherwise ceases to be investment credit property with respect to the taxpayer, or

"(II) is removed from the Indian reservation, converted or otherwise ceases to be Indian reservation property, the tax under this chapter for such taxable year shall be increased by the amount described in subparagraph (B).

"(B) AMOUNT OF INCREASE.—The increase in tax under subparagraph (A) shall equal the aggregate decrease in the credits allowed under section 38 by reason of section 48(c) for all prior taxable years which would have resulted had the expenditures taken into account with respect to the property been limited to an amount which bears the same ratio that the property was held by the taxpayer bears to the applicable recovery period under section 168(g)."

(d) BASIS ADJUSTMENT TO REFLECT INVESTMENT CREDIT.—Paragraph (3) of section 50(c) (relating to basis adjustment to investment credit property) is amended by striking "energy credit or reforestation credit" and inserting "energy credit, reforestation credit or Indian reservation credit other than with respect to any expenditure for new reservation construction property".

(e) CERTAIN GOVERNMENTAL USE PROPERTY TO QUALIFY.—Paragraph (4) of section 50(b) (relating to property used by governmental units or foreign persons or entities) is amended by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively, and inserting after subparagraph (C) the following new subparagraph:

"(D) EXCEPTION FOR RESERVATION INFRASTRUCTURE INVESTMENT.—This paragraph shall not apply for purposes of determining the Indian reservation credit with respect to reservation infrastructure investment."

(f) CLERICAL AMENDMENTS.—

(1) The caption of section 48 is amended by deleting the period at the end thereof and adding "; **Indian Reservation Credit.**"

(2) The table of sections for part E of part IV of subchapter A of chapter 1 is

amended by striking out the item relating to section 48 and inserting the following:

"Sec. 48. Energy Credit; reforestation credit; Indian reservation credit."

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 1992.

SEC. 3. INDIAN EMPLOYMENT CREDIT.

(a) ALLOWANCE OF INDIAN EMPLOYMENT CREDIT.—Section 38(b) of the Internal Revenue Code of 1986 (relating to general business credits) is amended by striking "plus" at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting "plus", and by adding after paragraph (7) the following new paragraph:

"(8) the Indian employment credit as determined under section 45(a)."

(b) AMOUNT OF INDIAN EMPLOYMENT CREDIT.—Subpart D of Part IV of subchapter A of chapter 1 (relating to business related credits) is amended by adding at the end thereof the following new section:

"SEC. 45. INDIAN EMPLOYMENT CREDIT.

"(a) AMOUNT OF CREDIT.—For purposes of section 38, the Indian employment credit determined under this section with respect to any employer for any taxable year is 10 percent (30 percent in the case of an employer with at least 85 percent Indian employees) of the lesser of—

"(1) the sum of—

"(A) the qualified wages paid or incurred during such taxable year, plus

"(B) qualified employee health insurance costs paid or incurred during such taxable year; or

"(2) the credit limitation amount determined under subsection (e).

"(b) QUALIFIED WAGES; QUALIFIED EMPLOYEE HEALTH INSURANCE COSTS.—For purposes of this section—

"(1) QUALIFIED WAGES.—The term 'qualified wages' means any wages paid or incurred by an employer for services performed by an employee while such employee is a qualified employee.

"(2) QUALIFIED EMPLOYEE HEALTH INSURANCE COSTS.—

"(A) IN GENERAL.—The term 'qualified employee health insurance costs' means any amount paid or incurred by an employer for health insurance to the extent such amount is attributable to coverage provided to any employee while such employee is a qualified employee.

"(B) EXCEPTION FOR AMOUNTS PAID UNDER SALARY REDUCTION ARRANGEMENTS.—No amount paid or incurred for health insurance pursuant to a salary reduction arrangement shall be taken into account under subparagraph (A).

"(c) QUALIFIED EMPLOYEE.—For purposes of this section—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, the term "qualified employee" means, with respect to any period, any employee of an employer if—

"(A) substantially all of the services performed during such period by such employee for such employer are performed within an Indian reservation,

"(B) the principal place of abode of such employee while performing such services is on or near the reservation in which the services are performed, and

"(C) the employee began work for such employer on or after July 1, 1992.

"(2) CREDIT ALLOWED ONLY FOR FIRST 7 YEARS.—An employee shall not be treated as a qualified employee for any period after the date 7 years after the day on which such employee first began work for the employer.

"(3) INDIVIDUALS RECEIVING WAGES IN EXCESS OF \$30,000 NOT ELIGIBLE.—An employee shall not be treated as a qualified employee for any taxable year of the employer if the total amount of the wages paid or incurred by such employer to such employee during such taxable year (whether or not for services within an Indian reservation) exceeds the amount determined at an annual rate of \$30,000. The Secretary shall adjust the \$30,000 amount contained in the preceding sentence for years beginning after 1991 at the same time and in the same manner as under section 415(d).

"(4) EMPLOYMENT MUST BE TRADE OR BUSINESS EMPLOYMENT.—An employee shall be treated as a qualified employee for any taxable year of the employer only if more than 50 percent of the wages paid by the employer to such employee during such taxable year are for services performed in a trade or business of the employer. Any determination as to whether the preceding sentence applies with respect to any employee for any taxable year shall be made without regard to subsection (b) of section 1395.

"(5) CERTAIN EMPLOYEES NOT ELIGIBLE.—The term 'qualified employee' shall not include—

"(A) any individual described in subparagraph (A), (B), or (C) of section 51(i)(1),

"(B) any 5-percent owner (as defined in section 416(i)(1)(B)),

"(C) any individual who is neither an enrolled member of an Indian tribe nor the spouse of an enrolled member of an Indian tribe, and

"(D) any individual if the services performed by such individual for the employer involve the conduct of class I, II, or III gaming as defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703), or are performed in a building housing such gaming activity.

"(6) INDIAN TRIBE DEFINED.—The term 'Indian tribe' means any Indian tribe, band, nation, pueblo, or other organized group or community, including any Alaska Native village, or regional or village corporation, as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

"(7) INDIAN RESERVATION DEFINED.—The term 'Indian reservation' means a reservation, as defined in—

"(A) section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d)), or

"(B) section 4(10) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1903 (10)).

"(d) EARLY TERMINATION OF EMPLOYMENT BY EMPLOYER.—

"(1) IN GENERAL.—If the employment of any employee is terminated by the taxpayer before the day 1 year after the day on which such employee began work for the employer—

"(A) no wages (or qualified employee health insurance costs) with respect to such employee shall be taken into account under subsection (a) for the taxable year in which such employment is terminated, and

"(B) the tax under this chapter for the taxable year in which such employment is terminated shall be increased by the aggregate credits (if any) allowed under section 38(a) for prior taxable years by reason of wages (or qualified employee health insurance costs) taken into account with respect to such employee.

"(2) CARRYBACKS AND CARRYOVERS ADJUSTED.—In the case of any termination of

employment to which paragraph (1) applies, the carrybacks and carryovers under section 39 shall be properly adjusted.

“(3) SUBSECTION NOT TO APPLY IN CERTAIN CASES.—

“(A) IN GENERAL.—Paragraph (1) shall not apply to—

“(i) a termination of employment of an employee who voluntarily leaves the employment of the taxpayer,

“(ii) a termination of employment of an individual who before the close of the period referred to in paragraph (1) becomes disabled to perform the services of such employment unless such disability is removed before the close of such period and the taxpayer fails to offer reemployment to such individual, or

“(iii) a termination of employment of an individual if it is determined under the applicable State unemployment compensation law that the termination was due to the misconduct of such individual.

“(B) CHANGES IN FORM OF BUSINESS.—For purposes of paragraph (1), the employment relationship between the taxpayer and an employee shall not be treated as terminated—

“(i) by a transaction to which section 381(a) applies if the employee continues to be employed by the acquiring corporation, or

“(ii) by reason of a mere change in the form of conducting the trade or business of the taxpayer if the employee continues to be employed in such trade or business and the taxpayer retains a substantial interest in such trade or business.

“(4) SPECIAL RULE.—Any increase in tax under paragraph (1) shall not be treated as a tax imposed by this chapter for purposes of—

“(A) determining the amount of any credit allowable under this chapter, and

“(B) determining the amount of the tax imposed by section 55.”

“(e) CREDIT LIMITATION AMOUNT.—For purposes of this section—

“(1) CREDIT LIMITATION AMOUNT DEFINED.—The credit limitation for a taxable year shall be an amount equal to the credit rate (10 or 30 percent as determined under subsection (a)) multiplied by the increased credit base.

“(2) INCREASED CREDIT BASE.—The increased credit base for a taxable year shall be the excess of—

“(A) the sum of any qualified wages and qualified employer health insurance costs paid or incurred by the employer during the taxable year with respect to employees whose wages (paid or incurred by the employer) during the taxable year do not exceed the amount determined under paragraph (3) of subsection (c), over

“(B) the sum of any qualified wages and qualified employee health insurance costs paid or incurred during calendar year 1991 with respect to employees whose wages (paid or incurred by the employer) during 1991 did not exceed \$30,000.

“(3) SPECIAL RULE FOR SHORT TAXABLE YEARS.—For any taxable year having less than 12 months—

“(A) the amounts paid or incurred by the employer shall be annualized for purposes of determining the increased credit base, and

“(B) the credit limitation amount shall be multiplied by a fraction, the numerator of which is the number of days in the taxable year and the denominator of which is 365.

“(f) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

“(1) WAGES.—The term ‘wages’ has the same meaning given to such term in section 51, except that paragraph (4) of section 51(c) shall not apply.

“(2) CONTROLLED GROUPS.—

“(A) All employers treated as a single employer under section (a) or (b) of section 52 shall be treated as a single employer for purposes of this section.

“(B) The credit (if any) determined under this section 1394 with respect to each such employer shall be its proportionate share of the wages and qualified zone employee health insurance costs giving rise to such credit.

“(3) CERTAIN OTHER RULES MADE APPLICABLE.—Rules similar to the rules of section 51(k) and subsections (c), (d), and (e) of section 52 shall apply.”

(c) CLERICAL AMENDMENT.—The table of sections for part D of part IV of subchapter A of chapter 1 is amended by adding at the end thereof the following:

“Sec. 45. Indian employment credit.”

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to wages paid after December 31, 1992.

Mr. McCAIN. Mr. President, I rise today for the purpose of sharing with my colleagues an amended version of S. 2254, the Indian Employment and Investment Act of 1992. I believe S. 2254, as amended, goes a long way toward addressing the concerns which some of my colleagues had expressed about the bill as introduced. It is my hope that this legislation will be seriously considered for inclusion as a separate title into the tax legislation scheduled for markup next week by the Committee on Finance.

Before I explain the changes to S. 2254, as introduced, I want to take a moment to thank the Honorable Nicholas Brady, Secretary of the Treasury, for his personal leadership and assistance, and for the assistance of the Department, on this particular piece of legislation. Secretary Brady, of course, has worked diligently in preparing the administration's own proposals for stimulating national economic growth—a package, I might add, that the Congress should act upon without further delay.

Mr. President, earlier this year Senator INOUE and I offered S. 2254, as introduced as an amendment to H.R. 4210, the National Economic Growth Package. Although the amendment was not accepted, and H.R. 4210 was later vetoed, I believe that debate was necessary in order to ensure that Native Americans—perhaps the most neglected and misunderstood segment of our society today—were not forgotten in a national debate about policies for strengthening the economy and creating jobs for people who are willing to work.

S. 2254, as introduced, offers two tax incentives to private employers as a means of encouraging urgently needed economic development and jobs throughout Indian country. Generally, the bill provides: First, an investment tax credit geared to reservations where the unemployment level exceeds the national average by over 300 percent; and second, an employment credit that would provide greater incentives to reservation employers having a work force with at least 85 percent Indians.

In response to concerns subsequently raised by some of my colleagues, and in recognition of current budgetary restrictions, Senator INOUE and I have made certain revisions to S. 2254 that we believe respond to the concerns we have heard and that also minimize the budgetary impact. These revisions include:

First, antigaming restrictions, which would prevent both the investment and employment credits from being used with respect to the development and/or operation of gaming establishments on Indian reservations;

Second, restriction of the employment credit to new hires only, thereby emphasizing the bill's intent to create new jobs or to expand existing businesses on reservations;

Third, an antichurning amendment to the employer credit provision, to avoid creating an incentive for an employer to discharge current employees and replace them with new or rehired employees after enactment of the bill;

Fourth, an allowance of one-half of the investment tax credit for qualifying investments on reservations where employment exceeds 150 percent but does not exceed the 300 percent of the national unemployment rate, thereby recognizing serious Indian unemployment rates which do not rise to the 300 percent level covered by the general rule; and

Fifth, a technical revision to provide taxpayers contemplating substantial investments in Indian country with additional flexibility for determining at an earlier stage of the development process the potential applicability of the investment tax credit to the particular reservation under consideration.

I want to express my thanks to Chairman BENTSEN for his assistance in getting the revenue estimate prepared, and to the staff at the Joint Committee on Taxation for all their hard work. Senator INOUE and I are already working to find an appropriate offset for S. 2254, as amended.

I want to underscore two points about the revenue estimate. First, it does not take into account a further amendment that Senator INOUE and I intend to make to S. 2254 which, as explained below, reduces the original credit level for the Indian investment tax credit. We have been advised that the joint committee is working on a revised revenue estimate based on this additional amendment. Second, the letter from the joint committee indicates that the investment tax credit would not apply to gambling casinos on Indian reservations. That is correct. I would point out, however, that the same prohibition also applies to the wage credit offered in S. 2254, as amended.

As I noted above, S. 2254, as introduced, contained an unusually high investment tax credit for businesses lo-

cating on Indian lands. The reason for this was a direct result of intense public discussion at the time about whether the Congress was going to enact a nationwide ITC. As a result, the Indian ITC was purposely set at a higher level in order to create an Indian differential in recognition of infrastructure deficiencies and the lack of an ability for Indian tribes to compete on a level playing field with the rest of the nation. Now that a nationwide ITC is no longer under consideration, it is also appropriate to reduce the original credit amounts in half while still maintaining the necessary differential between Indian reservations and the rest of the country. That amendment, of course, will also be helpful to lowering the overall cost of the bill.

Mr. President, I would point out that providing a separate program for Indian country; that is, distinct from current proposals for urban/rural enterprise zones, is not discrimination based on race. Rather, separate treatment of Indian tribes is consistent with the unique political status of Indian tribes and the government-to-government relationship they enjoy with the United States. Such treatment of Indian tribes has been upheld by the U.S. Supreme Court. (See *Morton v. Mancari*, 417 U.S. 535, 551-554 (1974)). Moreover, because of the massive infrastructure deficiencies that continue to plague Indian economic development efforts, potential investors/employers will require somewhat more generous incentives in order to level the playing field with even the most economically distressed areas outside of Indian country.

Mr. President, I believe S. 2254, as amended, merits serious consideration for inclusion in the tax legislation that is scheduled for markup next week in the Finance Committee. I believe the bill provides appropriate Federal assistance to Indian tribal governments in their effort to strengthen Indian reservation economies. At the same time, I believe the amended bill described above goes a long way toward ensuring that the overall budgetary impact is reduced as well as the possibility for abusing the two tax incentives.

I urge my colleagues to give S. 2254 serious consideration. The consistent plea of Indian people over the years is a simple one: that the nature of their situation be recognized and acted upon. We have the opportunity to respond in S. 2254, as amended.

Mr. President, I ask unanimous consent that a copy of the July 22, 1992, letter and revenue estimate from the Joint Committee on Taxation and a copy of S. 2254, as amended, be inserted into the RECORD immediately following my statement.

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

JOINT COMMITTEE ON TAXATION,

Washington, DC, July 22, 1992.

Hon. JOHN MCCAIN,
U.S. Senate, Washington, DC.

DEAR SENATOR MCCAIN: This letter is in response to your request dated February 26, 1992, for an estimate of the revenue effects of S. 2254, the Indian Employment and Investment Act of 1992.

This bill would provide a credit to employers equal to 10 percent of the qualified wages and qualified health insurance costs paid to an Indian on a reservation. A higher, 30-percent credit would be paid to reservation employers whose workforce comprises at least 85-percent Indians.

This legislation would also provide an investment tax credit of 25 percent for personal property, and a credit of 33 percent for construction and physical infrastructure on or near Indian reservations with unemployment rates exceeding the national average by at least 300 percent.

In a recent meeting with Dan Lewis from the staff of the Select Committee on Indian Affairs, we received a further request for an estimate of the revenue effects of these provisions with the following amendments:

1. The wage credit would apply only to new employment, which would be measured relative to the total wages paid by each firm in the year before enactment of this legislation.

2. The investment tax credit would not apply to gambling casinos.

The following estimates assume that the bill would be effective for taxable years beginning after December 31, 1992:

(In billions of dollars)

Item	Fiscal years					
	1993	1994	1995	1996	1997	1993-97
S. 2254, as introduced	-0.1	-0.2	-0.2	-0.2	-0.3	-1.1
S. 2254, as amended	(1)	(1)	-0.1	-0.1	-0.1	-0.3

¹ Loss of less than \$50,000,000.

Note.—Details may not add to total due to rounding.

I hope this information is helpful to you. If we can be of further assistance, please let me know.

Sincerely,

HARRY L. GUTMAN.

NOTICE OF HEARINGS

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. NUNN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold hearings on Efforts to combat fraud and abuse in the insurance industry: part 6.

This hearing will take place on Wednesday, July 29 and Thursday, July 30, 1992, at 9:30 a.m. in room 342 of the Dirksen Senate Office Building. For further information, please contact Eleanor Hill of the subcommittee staff at 224-3721.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Govern-

mental Affairs Committee be authorized to meet on Friday, July 24, at 9:30 a.m. for a hearing on the subject: The Star Wars Program and the role of contractors.

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

SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Subcommittee on Environmental Protection, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Friday, July 24, beginning at 10:30 a.m., to conduct a hearing to consider S. 1491, the Partnerships for Wildlife Act.

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

COMMITTEE ON ARMED SERVICES

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Friday, July 24, 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.

COMMITTEE ON ARMED SERVICES

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Friday, July 24, 1992, at 9 a.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.

ADDITIONAL STATEMENTS

INVESTING IN THE CHILDREN

● Mr. ROCKEFELLER. Mr. President, I rise today to call to the attention of my colleagues an editorial appearing in Business Week entitled "Investing in the Children." I commend Business Week for addressing some of the most crucial problems facing our children today.

As chairman of the National Commission on Children, I witnessed firsthand the devastating effects that inadequate health care and education can have on children, as well as entire communities. I firmly believe that every child should have the opportunity to develop to his or her full potential. However, unless we take the necessary steps to realize this vision, our children will continue to lack the basic necessities and be unable to contribute to society as productive workers and citizens.

Ensuring prenatal care, fully funding the Women, Infants, and Children supplemental food program [WIC], and providing Head Start to every child who needs it at ages 3, 4, and 5 are fundamental investments to prepare our children for school and a promising future.

Studies show that women who receive early prenatal care are much more likely to have healthy, normal weight babies. In addition, when comparing prenatal care for a pregnant mother, which can be as little as \$400, to the cost of an infant's stay in a neonatal unit, which can exceed \$150,000, it seems almost inconceivable not to increase funding for prenatal care.

As a result of participating in WIC, women are less likely to have low-birthweight babies and more likely to receive prenatal care and immunizations for their children. Despite its recognized success, WIC has never been fully funded.

Educational reform is another critical issue facing this country today. As a nation, we are still lagging behind other developed countries in math, science, and reading. The dropout rate is far too high, and many of those students who finish high school lack the basic skills needed to get a job, or the required knowledge to be accepted and compete in college.

An uneducated youth today will inevitably lead to a stagnant economic, political, and cultural tomorrow. For that reason we must reach out to children in the early years, especially those who are disadvantaged.

Investing in our children is not just morally justified, but economically sound public policy. Investments today in prenatal care and WIC yield measurable savings over years. In order to achieve these long-term goals of good education and adequate health care for all young Americans, we must make short-term investments now.

In "The Power and the Glory," Graham Greene wrote that, "There is always one moment in childhood when the door opens and lets the future in." Let us as leaders in business and government, as community members, and as parents unite to ensure that future for our children, as well as our country.

In closing, I commend Business Week for calling attention to the needs of children and their families and ask that a copy of this editorial be printed in the RECORD.

The article follows:

[From Business Week, June 26, 1992]

INVESTING IN THE CHILDREN

Any politician knows that the family taps our deepest emotions as a haven of intimacy, safety, and comfort. Yet like much in modern society, the U.S. family is changing: About half of all American marriages end in divorce, and out-of-wedlock births have rocketed. The traditional two-parent family

is becoming less common. The percentage of children raised by one parent grew from 9.1 percent in 1960 to 24.7 percent in 1990. Most children born today may spend at least some time in a single-parent household (page 90).

These are not easy problems to solve. But some policy implications are obvious. First, government should reform those welfare policies that actually encourage family disintegration and dependency. Second, talking about family values, however necessary, will not do much to help the real victims of family break-up: the children. That will cost money. Policymakers should focus on helping out parents who work in low-wage jobs, especially single mothers. Low-income parents could get access to better health care and tax credits for child care and housing. The current disincentives against full-time work by welfare recipients should be scrapped. It may be worth investigating ways to automatically deduct child support from the wages of absent fathers.

Compassion and decency are not the only reasons why policymakers should invest in these children. Good education and adequate health care for all young Americans are the best ways to ensure economic growth. •

WALLOP-BREAUX AQUATIC RESOURCES TRUST FUND

• Mr. WALLOP. Mr. President, with summer upon us, many Americans head for the outdoors. We tour our countryside on bikes. We roam through national parks and forests with backpacks. We stroll across our beaches. And we fish and swim in our bountiful rivers, lakes, and streams.

This year, a great many anglers and boaters will be pleased to find new fishing and boating facilities and older facilities in better shape than ever—projects made possible through the aquatic resources trust fund which, according to projections, will have disbursed roughly \$300 million across the Nation by the end of this year.

Since the passage of the Wallop-Breaux amendments which created the trust fund, this user fee has created and improved fishing sites all over the country. It has created lakes, restored streams and wetlands and improved fish habitats. In addition, 39 States now have aquatic resource education programs that teach urban kids about the great outdoors.

For those not familiar with the Wallop-Breaux fund, revenue is collected through a user fee on motorboat fuel, as well as excise taxes on fishing equipment and imported pleasure craft.

In my home State of Wyoming, the residents of Thermopolis recently became a benefactor of these fishery funds when a new, state-of-the-art handicapped facility was unveiled on the Big Horn River. Wyoming game and fish department officials were on hand to dedicate a handicapped-accessible boat ramp and dock that are believed to be a first-of-a-kind facility on a free flowing river. The new boat dock allows handicapped individuals to be lowered into their boats, and a special take-out ramp is provided downstream.

The 12-acre site also includes a paved parking lot and rest rooms, and will soon have paved paths enabling handicapped anglers to fish along the banks.

Recreational activities should be open to all Americans, and by providing disabled outdoorsmen river access for fishing and boating, they, too, can engage in one of the most sublime activities—to be on the water, fishing and enjoying themselves. I know that this will not be the last project of this nature.

The aquatic resources trust fund works because the role of the Federal Government is minimal and because it is based on a cooperative partnership between States, the private sector and an enthusiastic, outdoor-loving public. It is a success story worth repeating and I am proud to have played a part. •

NATIONAL APPLICATION DAY FOR THE AMERICANS WITH DISABILITIES ACT

• Mr. SIMON. Mr. President, as we mark the second anniversary of the passage of the Americans With Disabilities Act [ADA], and the effective date of the employment regulations for the act, I want to commend a group of individuals in Chicago who have initiated an innovative program to further the objectives of the act. On Monday, July 27, the Council for Disability Rights [CDR] in Chicago, IL, is conducting a National Application Day, which is an effort to inform people about their rights as guaranteed by the ADA and persuade them to act on their own behalf.

Under the Americans With Disabilities Act, a qualified individual with a disability is defined as "an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires." Josephine Holzer, the executive director of CDR, and Jim McGovern, the organizer of the event, have initiated Application Day to inform these qualified individuals with disabilities that they are, indeed, needed in the work force and are capable of seeking employment. They are encouraged to deemphasize their disabilities and emphasize their abilities. The objective is also to alert employers of the valuable contributions that these citizens can offer.

I would like to recognize these efforts on the part of CDR and encourage others to follow their lead. They are reminding us that there is much work to be done to carry out the intent of the ADA and to include our citizens with disabilities in all aspects of the life of our communities. They are truly promoting the essence of the ADA, which encourages our silent minority to speak up for themselves and highlight their much-needed skills. They should have confidence in doing so that they

are helping not just themselves, but all of us.●

**THE AHAVATH ACHIM
SYNAGOGUE, NEW BEDFORD, MA**

● Mr. KERRY. Mr. President, today I would like to recognize the Ahavath Achim Synagogue of New Bedford, MA, which celebrated its 100th anniversary on June 20, 1992.

From its establishment in May 1892, Ahavath Achim has been dedicated to assisting and serving immigrant Jews as they arrive in our country. The original congregation was composed of Lithuanian immigrants who declared through the charter that the purpose of the synagogue would be "To worship God, bury the dead and promote temperance and morality."

Ahavath Achim Synagogue has been the backbone of the New Bedford Jewish community; creating an interest free loan society which granted free loans to many aspiring businesses, educating the children about their faith and heritage, supervising foods to ensure that they met Jewish dietary laws, preparing the deceased for burial, and providing food, lodging, and assistance for visitors who were collecting money for Jewish institutions.

Under the current leadership of Rabbi Barry D. Hartman, Ahavath Achim has revitalized its community programs with two scholar-in-residence weekends and a Hebrew high school and youth group. Rabbi Hartman has also led the synagogue in providing assistance and hospitality to recent immigrants from the former Soviet Union.

I wish to congratulate Ahavath Achim Synagogue for continuing the outstanding community service it has offered for these past 100 years. In addition, I commend the admirable faith and spirituality of this congregation and its leaders. I am certain that these traditions will be continued for many years to come.●

**THE LEARNING SCHOOL—FIRST
PLACE WINNER OF "SET A GOOD
EXAMPLE" CONTEST**

● Mr. DIXON. Mr. President, I rise today to recognize the students of the Learning School in Mount Prospect, IL, for winning first place nationally in the Set a Good Example contest.

Set a Good Example is an annual contest that recognizes and awards participating schools and their students on their student designed programs to educate children on leading a positive life. The theme for this year was "Set a Good Example—Be Honest, Trustworthy, And Competent." The program is designed to encourage students to help their peers study, be industrious, take pride in themselves, and say "no" to drugs.

The participants of Set a Good Example, called the Happiness Kids, at the

Learning School in Mount Prospect, IL, have conveyed that message superbly. Through music, song, and dance, the Happiness Kids of the Learning School have reached children throughout the Chicago area. Their message to children—study, do something well, be productive, keep your body and teeth clean, and say no to drugs—while simple, has been effective. The Happiness Kids have performed in front of numerous schools and youth groups, written poetry, drawn illustrations, and produced other visual art for use in their campaign.

The use of positive peer pressure as part of a national grassroots campaign to prevent delinquency, illiteracy, and drug use is the work of the Concerned Businessmen's Association of America. This group of business leaders and participating schools have worked together to better their community through the use of its most important investment—its children. As demonstrated by the Happiness Kids of the Learning School, children are effective communicators.

Mr. President, I commemorate the Happiness Kids of the Learning School for their hard work, their initiative, and their vision. If the Happiness Kids are an indication of what our young people can do, we can look toward the future with hope. To the Concerned Businessmen's Association of America, the local sponsor, and students and educators of the Learning School, I extend to you my personal thanks for your efforts to better this world. Your work will be a model for others to follow.●

PRICE INVERSIONS

● Mr. SIMON. Mr. President, on June 11, our colleagues in the House of Representatives conducted a hearing on H.R. 2966, the Petroleum Marketing Competition Enhancement Act. This bill is similar to legislation I have introduced, S. 2043. I would like to relate some details of that hearing to my colleagues in the Senate, as part of my efforts to continue to draw attention to price inversions which are occurring all over the country.

Witnesses at the hearing before the Energy and Power Subcommittee had numerous well documented illustrations of price inversions. Ron White, a marketer from Upland, CA, explained that passage of this legislation could not help him. It is already too late. He has been driven out of business as a result of prolonged price inversions in the petroleum market.

Another witness, David Perry, from Beaverdam, OH, presented firsthand evidence that a major part of the petroleum industry is being wiped out as a result of predatory pricing practices of major oil refiners. Perry testified that Marathon/Speedway regularly sells at its retail outlets from 22 cents

to 5 cents below Marathon's wholesale price. According to Mr. Perry, "Inversions have gotten worse and lasted longer in the last 2 years. I attribute a loss of at least \$100,000 in 1991 directly to the price inversions faced by my business."

Robert Phillips, a Tulsa, OK, marketer, showed invoices and street postings of Total and Phillips Petroleum, both of which supply him wholesale and compete with him at retail. At the time of the hearing, the refiners were charging Mr. Phillips a wholesale cost of \$1,012 per gallon of regular unleaded while they were selling the same gasoline at their retail outlets for just \$0.999 per gallon. Independent marketers are becoming increasingly concerned that if this dilemma is not resolved, that they will be unable to remain in business.

The marketing vice president of Chevron, David Smith, represented the American Petroleum Institute. As I understand it, Mr. Smith was unable to answer questions about the cost of selling a gallon of gasoline at one of his direct operated retail outlets. Confronted with the estimates from another company and the numbers provided by the marketer witnesses at the hearing, Mr. Smith was unable to gauge whether these numbers were low or high.

The marketing vice president of a major oil company does not even know what his average costs are. The truth is that the major oil companies don't need to know what it costs them. They want a certain marketshare, and they will price their gasoline at whatever price they need to achieve that control, even Mr. President, if that price is at or below the price they charge their wholesale customers.

Everyone must realize that the consumer is not benefited by this behavior. The consumer loses because the most efficient competitors are being eliminated. Higher prices will result as the less efficient refiners slug it out among themselves for their share of the market.

Mr. President, if this trend continues, there will be fewer and fewer competitors in the retail gasoline marketplace, and I strongly believe that this would adversely affect consumers in this country. Simply put, less competition will lead to higher prices for consumers. Congress needs to become involved, and I am happy to see that legislation addressing this issue has been introduced in both the Senate and the House. Hearings by the jurisdictional subcommittees have been held, and it is now time for Congress to act.●

**ORDERS FOR MONDAY, JULY 27,
1992**

Mr. DASCHLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 1 p.m., Monday,

HOUSE OF REPRESENTATIVES—Friday, July 24, 1992

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. HOYER).

The point of no quorum is considered as withdrawn.

□ 1005

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
July 23, 1992.

I hereby designate the Honorable STENY H. HOYER to act as Speaker pro tempore on Friday, July 24, 1992.

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

PRAYER

Rev. George A. Pera, D.D., L.H.D., pastor, Westminster Presbyterian Church, Alexandria, VA, offered the following prayer:

Almighty God, in whom is found all goodness and righteousness, we ask Thy blessing upon this assembly. We give Thee thanks for all those past and present who, by their leadership, have inspired in us a passion for excellence.

Whatever our tasks, may we do them honestly and well, knowing that the longings and aspirations of the people of this Earth rest on our deliberations. Make our hands eager to work effectively, our feet swift to walk in Thy ways, our ears, eyes, tongues, hearts, and minds dedicated to noble living and effective service. Amen.

THE JOURNAL

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

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

Mr. MILLER of Washington. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

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

Mr. MILLER of Washington. Mr. 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. Pursuant to clause 5 of rule I, further proceedings on this question will be postponed until the end of the legislative day.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Ohio [Mr. APPELGATE] for the purpose of leading us in the Pledge of Allegiance.

Mr. APPELGATE 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.

MESSAGE FROM THE SENATE

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

H.R. 3289. An act for the relief of Carmen Victoria Parini, Felix Juan Parini, and Sergio Manuel Parini; and

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

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2877. An act entitled the "Interstate Transportation of Municipal Waste Act of 1992."

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 295) "An Act for the relief of Mary P. Carlton and Lee Alan Tan."

The message also announced that, pursuant to Public Law 101-549, the Chair, on behalf of the Republican leader, appoints Mr. John Doull of Kansas, to the Risk Assessment and Management Commission.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will take no 1-minute speeches.

VOTING RIGHTS LANGUAGE ASSISTANCE ACT OF 1992

The SPEAKER pro tempore. Pursuant to House Resolution 522 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4312.

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. 4312), to amend the Voting Rights Act of 1965 with respect to bilingual election requirements, with Mrs. UNSOELD in the Chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Thursday, July 23, 1992, 39 minutes remained in general debate.

The gentleman from Texas [Mr. BROOKS] has 29 minutes remaining and the gentleman from Florida [Mr. MCCOLLUM] has 10 minutes remaining.

The Chair recognizes the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Madam Chairman, I yield myself such time as I may require.

Madam Chairman, in 1965, with President Johnson's signature of the Voting Rights Act, this Nation began to address the compelling need to protect one of the most fundamental attributes—and obligations—of citizenship: the right to vote. Similarly, the enactment 10 years later of section 203 of the act, the language assistance section, marked the beginning of the end of practices and procedures which, in a more subtle fashion, effectively excluded citizens of language minorities from participation in the electoral process. Just as the Voting Rights Act represents a fundamental commitment to preserve a fundamental right for all our citizens, section 203 constituted an equal commitment to affirmatively promote the exercise of that right—to ensure that all voices may be heard in the electoral process.

Section 203 has worked well for 17 years. The legislation before us today simply extends that section so that it will expire at the same time as the other provisions of the act and ensures that its targeted assistance is provided to communities where language barriers remain as an obstacle to participation in our democracy. The bill continues the practice of current law which provides local jurisdictions with maximum flexibility to balance the needs of minority language voters with those of efficient administration of the electoral system.

Because this important section will expire on August 6, the Judiciary Committee has moved the legislation swiftly to ensure that there is no gap in coverage—particularly during this crucial

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

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

election year. I want to salute subcommittee Chairman DON EDWARDS for his strong and abiding leadership in this effort and in his constant vigilance in protecting the civil rights of all Americans.

There is no more important step we can take to preserve the American people's confidence in our Government than to support legislation which protects the right of all citizens to participate in our Nation's democratic system through exercise of the right to vote. Because this legislation furthers that goal, I strongly support it and ask all my colleagues for their support in this important effort.

Madam Chairman, I yield 3 minutes to the distinguished gentleman from California [Mr. EDWARDS], chairman of the subcommittee.

Mr. EDWARDS of California. Madam Chairman, I thank my chairman for yielding me this time.

Madam Chairman, I must admit that I participate in this debate today with feelings of reverence. The Voting Rights Act of 1965, together with the sister bill, the omnibus civil rights bill of 1964, are the brightest stars in America's constellation of achievements in human rights.

Many of my colleagues now Members of this House were too young to remember how life was in the early 1960's before the Voting Rights Act was passed. In many places in America African-Americans were not allowed to vote, and if they tried, or if they tried to register, they were assaulted, beaten, hosed down with fire hoses, bitten by police dogs, and some were murdered. Young Americans who went to these areas in 1963 and 1964 trying to help African-Americans to register and vote were similarly assaulted, beaten, jailed, and yes, Madam Chairman, some were murdered.

The Voting Rights Act of 1965 changed all of that. It guaranteed the right to vote. It provided machinery to protect the right to vote.

□ 1010

It brought sunshine, sunshine, liberty, and fair play to all Americans, and today, Madam Chairman, we, in this House of Representatives, have the honor and the privilege of participating in an important extension of this noble bill.

We are grateful to many Members who have aided us in this effort, particularly the author of the bill, the gentleman from New York [Mr. SERRANO], also the distinguished chairman of the Hispanic Caucus, the gentleman from Texas [Mr. ORTIZ], the Black Caucus, led by the able chairman, the gentleman from New York [Mr. TOWNS] gave us great help, members of my subcommittee, the gentleman from Michigan [Mr. CONYERS], the gentlewoman from Colorado [Mrs. SCHROEDER], the gentleman from Texas

[Mr. WASHINGTON], the gentleman from Oregon [Mr. KOPETSKI], and my splendid staff, Catherine LeRoy, Melody Barnes, and we were assisted by minority staff member Kathryn Hazeem.

Madam Chairman and my colleagues, several amendments will be offered. Each, I regret to say, each, Madam Chairman, is designed to cripple the bill, to do damage to this great piece of legislation. We hope that all of them will be defeated.

We ask our colleagues to stand tall with us to defeat all of these amendments.

Mr. BROOKS. Madam Chairman, I yield 3 minutes to the distinguished gentleman from Kentucky [Mr. MAZZOLI], chairman of the Subcommittee on International Law, Immigration, and Refugees, and a distinguished member of the committee.

Mr. MAZZOLI. Madam Chairman, I thank the gentleman for yielding.

Madam Chairman, I rise in very strong support of the bill, which came out of our committee, and in opposition to the amendments which will be offered today.

Essentially speaking, the Voting Rights Language Assistance Act is part of a larger picture. It is important in its own right, because there are many American citizens who are not English-proficient, do not speak English language as proficiently as they will later on in their lives, and in the meantime, we have to give them some opportunity to know about elections in order to fully participate.

Madam Chairman, I look at this in the context of a larger picture, as a part of a larger picture, which would include the motor-voter bill. Now, our colleagues in the House will recall that the House itself passed the motor-voter bill. The President vetoed the motor-voter bill, which allows people, citizens, whether of Kentucky or elsewhere, a chance to register to vote when they apply for their automobile licenses or extend those licenses or at public places like libraries. They can register to vote and, of course, once registered, they are in a position to vote.

The President unfortunately vetoed that bill, as he vetoed the campaign finance reform bill, which also invigorates and changes and updates and modernizes the political process and does many things including limiting campaign spending, reducing the influence of special interests, again, to encourage people to vote by reviewing their faith in the political process.

So while this bill on its own feet and in its own stead is an excellent piece of legislation, and I certainly intend to vote for it, and I am happy that the White House seems disposed to sign this bill into law, I am certainly distressed that the President and people around him have counseled against other actions which this body has

taken and the other body has taken that will and could encourage people to vote.

So I support the voting rights extension.

Mr. KOSTMAYER. Madam Chairman, will the gentleman yield?

Mr. MAZZOLI. I am happy to yield to the gentleman from Pennsylvania.

Mr. KOSTMAYER. Will this legislation fund the printing of ballots in languages other than English?

Mr. MAZZOLI. It could. It has that possibility. It does not necessarily intend that, but it could yield that result.

Mr. KOSTMAYER. Can the gentleman tell me, describe to me, under what circumstances the legislation would finance the printing of ballots in languages other than English?

Mr. MAZZOLI. Well, I would also encourage my chairman to engage with me in this debate, but the gentleman's question has to do with the use of the money under the bill for printing of ballots in languages other than English. It only would occur, I would tell my friend, the gentleman from Pennsylvania, only in certain selected areas where either there are 10,000 people, of a certain ethnic group, who are not English-proficient, or, under the current Voting Rights Act, 5 percent of the voting-age population in a particular ethnic group is not English-proficient.

Mr. KOSTMAYER. If the gentleman will yield further, am I correct in saying that one must be in this country for 5 years before one can be a citizen and vote?

Mr. MAZZOLI. It could be less time. But that is roughly correct.

Mr. KOSTMAYER. Five years?

Mr. MAZZOLI. Roughly speaking, 5 years.

Mr. KOSTMAYER. So folks are here for 5 years and we are still going to print ballots in their native language because they do not speak English yet?

Mr. MAZZOLI. It could be done.

Mr. BROOKS. Madam Chairman, I yield 2 minutes to the distinguished gentleman from California [Mr. TORRES].

Mr. TORRES. Madam Chairman, if we pass weakening amendments to limit the reauthorization of section 203 of the Voting Rights Act, we will have effectively gutted the law. We have not put restrictions on other laws meant to help people. We did not insert language into the Civil Rights Act of 1991 stating we are restoring our civil rights laws for only 4 years because discrimination will be no more by then.

We have not told disabled people that the Americans With Disabilities Act is only good for 6 years, because people with physical disabilities won't be discriminated against after that or be disabled. We are only seeking to reauthorize section 203 for 15 years, to 2007, to bring it in line and make it uniform with the rest of the Voting Rights Act.

Studies show that native Americans, and many Hispanic and Asian-American citizens who speak English poorly and are of voting age, who were the original intended beneficiaries of section 203 in 1975, still suffer the effects of unequal educational opportunities. In fact, evidence shows that 17 years later educational disparities in Hispanic, native American and Asian-American communities may even be worse now than they were in 1975. Obviously, language assistance as required by the act will continue to be both needed and used by these Americans for longer than 5 years and at least until 2007.

I urge all members to oppose all weakening amendments, and let us pass the Voting Rights Language Assistance Act of 1992. The right to vote is the cornerstone of democracy, we should be doing everything in our power to protect that right, not to take it away.

Mr. BROOKS. Madam Chairman, I yield 2 minutes to the distinguished gentleman from Texas [Mr. ORTIZ].

Mr. ORTIZ. Madam Chairman, I rise today as chairman of the Congressional Hispanic Caucus in support of H.R. 4312, the Voting Rights Language Assistance Act of 1992. On behalf of the Hispanic Caucus, Congressman JOSÉ SERRANO introduced H.R. 4312, which would reauthorize and refine the Federal bilingual voting mandate.

Bilingual voting and registration assistance goes to the heart of American democracy.

It permits Hispanic, Asian-American, and native American citizens to participate in the political process.

It gives language minority citizens the power to have a voice in how our Government is run.

Opponents will argue that bilingual voting assistance inhibits the integration of Hispanics and language minorities into the mainstream of American life.

That argument is dead wrong.

Providing bilingual voting assistance is a way of encouraging citizens to participate in the most American of institutions—the political process.

By giving language minorities a reason to believe in American Government and by giving them a way to become invested in the decisions our Government makes, bilingual voting assistance can cultivate a sense of patriotism and civic duty that is sorely needed in today's anti-Government climate.

Time after time, Hispanics have shown that when they are given the chance to contribute to their country, they deliver.

Hispanic-Americans have earned 38 Congressional Medals of Honor in serving their Nation. Hispanic soldiers have received more Medals of Honor than any other minority group.

Because they want to believe in all the opportunities America has to offer,

it is not surprising that Hispanics and other language minorities widely use bilingual voting assistance once it is provided.

Exit polls taken in the Southwest show that one in five Hispanic voters use bilingual voting assistance.

Nationwide that suggests that as many as 1 million Hispanic voters could benefit from bilingual voting assistance. Since the introduction of bilingual assistance in native American reservations, voter participation rates have soared by as much as 180 percent.

National census figures on voter participation—often cited by opponents—are next to useless in assessing the effectiveness of bilingual voting assistance.

Only 10 percent of the Nation's 3,000 counties provide bilingual voting assistance. The small number of Hispanic voters who receive and successfully use bilingual voting assistance are lost in large, nationwide figures.

By including a numerical benchmark in the formula used to calculate coverage, H.R. 4312 would ensure that more Hispanics who should be getting bilingual voting assistance receive it.

By giving more citizens greater access to the ballot box, H.R. 4312 can make our Government more responsive to the people.

And that is what America is all about—listening to the needs of all citizens, regardless of race, color, or ethnicity.

I urge my colleagues to cast a vote for democracy and support H.R. 4312, the Voting Rights Language Act of 1992.

□ 1020

Mr. MCCOLLUM. Madam Chairman, I yield 1 minute to the gentlewoman from Florida [Ms. ROS-LEHTINEN].

Ms. ROS-LEHTINEN. Madam Chairman, I rise in support of the bill. We must do more to open up our democratic process to all who have been shut out. Approving the voting extension bill today will do just that. It will allow American citizens, most of them elderly, the opportunity to read often confusing ballot language in their native language. Bilingual ballots allow Americans who have limited-English proficiency to have full access to our democratic process.

At a time when so many feel shut out of our electoral process, let us invite all Americans to help our democracy grow and prosper. *Lo necesitamos. We need it.*

Madam Chairman, I urge all Members to approve the bill and reject all amendments which seek to cripple complete voter access.

Mr. BROOKS. Madam Chairman, I yield 2 minutes to the distinguished gentleman from New York [Mr. SERRANO].

Mr. SERRANO. Madam Chairman, my experience with this section is a

very personal one and one of reasons why I strongly support it.

In 1985, I ran for a position known as Bronx Borough president, an office I lost by less than 1 percent, and yet we were able to accomplish a few things. We found out right before the election that the board of elections was doing very little to assist language minority voters in the city of New York. We sued under section 203 asking for support.

The litigation was settled by stipulation and the board of elections was required to conduct an aggressive voter education campaign in the Spanish language media. They were supposed to recruit students and other bilingual people to serve as inspectors.

This, in my opinion, turned the Bronx around to the point where in the next 6 years we elected four Hispanic council members, a Member of Congress, two more assembly members, and two more senators.

There are many people who feel that this section of the Voting Rights Act is the most important one.

Now, I know some of the fears that are presented here that somehow support of this section is to turn against the essence of our country, which is to speak English.

Well, nothing in the studies that we have conducted indicates, unfortunately, that people hold on to their native tongues. In fact, by the second generation and surely by the third, none of the children any longer speak their native language.

What this says is that once a person is a citizen, you want to give them every possible opportunity to participate in the electoral process.

Others will argue that this costs some money, and therefore it should not be done unless we supply that money. Well, I do not know where in the Constitution it says that in order to receive civil rights, you should have someone pay for it. Civil rights is something that is very much a part of a person.

Now, the change in this bill, the changes we make is that we include by changing from 5 percent to 10,000 different counties throughout the Nation.

I know we are short of time, so I yield back the 10 seconds that I have left.

Mr. MCCOLLUM. Madam Chairman, I yield 1 minute to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Madam Chairman, I thank my colleague, the gentleman from Florida, for yielding me this time.

I just would like to carry on a colloquy with the gentleman from New York [Mr. SERRANO] to allow him some more time and just to ask a few questions.

As I understand it, roughly, a person must be here about 5 years before he or she becomes a citizen.

Mr. SERRANO. Madam Chairman, if the gentleman will yield; yes.

Mr. STEARNS. The argument would go then that after that period of time of 5 years they should have learned English well enough so that they could understand the ballot. So why does the Federal Government have to pay to promulgate another language in the United States where English is the official language?

Mr. SERRANO. Well, Madam Chairman, if the gentleman will yield further, there are two quick arguments I can think of on that.

First of all, the gentleman is discussing whether or not we should allow people to be citizens who speak limited English, having limited-English proficiency. That is another issue perhaps for another day.

If they need the assistance, they should be given the assistance in order to allow them to vote.

But in the case of my community, for instance, we are born in Puerto Rico. We are born American citizens with all rights under the law, yet we are born in a Spanish-speaking country. Should we then when we arrive within the 50 States not be allowed to vote because we do not fully understand the language?

Mr. STEARNS. Let us take Lithuanians, or let us take folks who speak in a variety of languages. I mean, do we go to all the languages?

Mr. SERRANO. If they meet the requirements of the law, I would say not only should we go through the language, but we should encourage that kind of participation.

The gentleman mentioned, incidentally, a group of people who are looking for freedom and liberty throughout the world. If they come here and we invite them to come here by our way of being and our freedom and democracy, we should do nothing to impair their ability to vote.

Mr. STEARNS. Well, I would just like to conclude then, what the gentleman is advocating is that we have foreign languages throughout the world and the United States should set up ballots for these foreign languages throughout the election process for everybody who speaks a different language.

Mr. SERRANO. If you meet the numbers, but the law does not provide for everybody in the world to have their language on the ballot, I assure the gentleman of that.

Mr. STEARNS. Madam Chairman, I thank my colleague.

Mr. BROOKS. Madam Chairman, I yield 2 minutes to the distinguished gentlewoman from Illinois [Mrs. COLLINS].

Mrs. COLLINS of Illinois. Madam Chairman, I thank the gentleman for yielding me this time.

Madam Chairman, I rise as an African-American whose family was once

disenfranchised by the mere fact that our skin color was black. Therefore, I am in full support of H.R. 4312, the Voting Rights Improvement Act of 1992. This bill simply reauthorizes section 203 of the Voting Rights Act of 1965 to provide bilingual voting assistance for another 15 years and makes adjustments so that more language-minority Americans can receive this important help.

With fewer and fewer Americans voting these days, and these are our English-speaking citizenry, we need to take steps to encourage as many Americans as possible to participate in the electoral process. If thousands are discouraged or prevented from casting their ballots simply because they are not fully proficient in English, then voting is not truly for all Americans. There is no real democracy.

Citizens who want to exercise their fundamental right to elect those who represent them in Government, but have not completely mastered the English language, ought certainly be given bilingual assistance so that they can do so.

The current formula for providing bilingual assistance is almost useless in many large urban areas. In my own Chicago metropolitan district in Cook County, IL, there are 88,000 Hispanic-Americans who need bilingual assistance, but they are not eligible under section 203 under present law.

H.R. 4312 would expand coverage so that any county, such as Cook County, IL, that has more than 10,000 eligible voters who are not fully English proficient, would have to provide bilingual registration forms and ballots. There is nothing wrong with that.

H.R. 4312 is critical to eliminate disenfranchisement by language barriers, thereby enabling more Americans to exercise their fundamental right to fully participate in our democracy and to vote for free representation of and advocacy for their concerns.

Mr. McCOLLUM. Madam Chairman, I yield 3 minutes to the gentleman from Florida [Mr. JAMES], a member of the committee.

Mr. JAMES. Madam Chairman, understanding of English is a requirement of citizenship in the United States.

It is a practical requirement, because English is our language of political discourse and has been for 300 years.

And English is a legal requirement.

Naturalized citizens are required by Federal law to demonstrate the ability to "read, write and speak the ordinary usage of the English language."

That is as it should be. If there are people in America who do not understand English—people who do not know what it means to say "all men are created equal"—people who have never heard of "due process of law"—people to whom "government of the people, by the people and for the people" means nothing at all—people who cannot read

the promise of the Statue of Liberty: "I lift my lamp beside the golden door," such people should not be voting.

Listening to the proponents of this bill, I wonder if there is wide-spread circumvention of our immigration law?

In fact, I do not believe that is the case. I believe our citizens understand English. In fact, I suspect our naturalized citizens have a better understanding of English than this Congress, facing a \$400 billion deficit, understands compound interest.

And facing that \$400 billion deficit, there is no need for this Government to spend \$1 million—nor for the States to spend \$10 million—to encourage voting among people who do not understand the word "vote."

Certainly, large numbers of Americans came here recently. That has been true through most of our history. And surely many recent Americans were born in lands where English was not spoken. That has been true for 200 years of our history as well.

These new citizens, like our ancestors before them, came to America to become Americans.

Most nations on Earth are held together by their past. Most nations are, or claim to be, people who are descended from common ancestors who have shared a common history.

We are a people held together by common goals and values; people who share a common future.

Let us reaffirm that future today. Let us reaffirm our confidence that these immigrants are as American as those who came before. And let us vote "no" on this divisive, destructive, expensive piece of legislation.

□ 1030

Mr. BROOKS. Madam Chairman, I yield 2 minutes to a distinguished Member, the gentleman from Arizona [Mr. PASTOR].

Mr. PASTOR. Madam Chairman, today, a few minutes ago, we heard that if a citizen of this country does not know English, that he or she should not be able to vote, the basic right of any citizen of this country.

Well, let me talk about the first citizens in this country, a people that we fought, that we conquered, the first citizens who today have to go to BIA schools, Government-run schools where they do not learn English properly.

They are on reservations, Madam Chairman. Our Government has put them there. But yet they are citizens of this country.

They would like to participate in this country, to make decisions for their people, and yet we deny them participation because this Government does not teach them English properly.

The native Americans of this country, the first citizens of this country, need to have a voice in their Government. If we are going to deny their

vote because we do not teach them English properly, then shame on this country, shame on our society. Why should we exclude the native Americans because we try to treat them as second-class citizens? I ask my colleagues, there are many citizens the first citizens, of this country who have the right to vote; they only ask the assistance to be well informed and to participate in this Government like any other citizen should.

Mr. BROOKS. Madam Chairman, I yield 2 minutes to the distinguished gentlemen from Illinois [Mr. HAYES].

Mr. HAYES of Illinois. Madam Chairman, I rise before you today to encourage my colleagues to vote in favor of H.R. 4312, the Voting Rights Improvement Act. I speak on behalf of the millions of people in this country for whom English is a secondary language. Although the Voting Rights Act guarantees Hispanic, Asian, and native American citizens bilingual assistance at the polls, millions of them are left out of the process because the formula used to calculate coverage under the act is flawed. In large cities like Chicago, minority populations, although large, do not make up the required percentage of the total population required to be eligible for language assistance. H.R. 4312 would address this oversight by changing the guideline for assistance to include these large populations. For these individuals, bilingual voting assistance means the difference between casting a vote and being locked out of the electoral process. It is of great concern to me that in America, a country founded on the principles of freedom, justice, and equal representation under the law that there are literally millions of Americans who have been denied the right to vote. These individuals have not been refused their constitutional rights because they are not citizens, rather they have been denied access to the ballot because of a simple language barrier.

When the motor-voter bill, a bill that will make it easier for millions of Americans to register to vote was considered on the floor of this great House, it met great opposition from my colleagues on the opposite side of the aisle. Why are many Republicans so fervently against a measure that would make it easier for millions of minorities to vote? The answer to that is immoral, but simple: they know that by giving people the right to vote you empower them. They know that by giving people the right to vote, you give them a voice in our Nation. Finally, they know that by giving these disenfranchised people the right to vote they would have to answer to them, they might even have to address their needs to get elected and to stay in office. A scary thought for many Republicans, a scary thought for a politician who has built his career on catering to the needs of big business and the rich.

It is time, in this great country of ours to focus on what really matters. Not the needs of big business, not perpetuating our huge military machine, but it is time to concentrate on the needs of the people of our great country. The greatest legacy this country wills its citizens the right to vote. The right, by birth, to raise our voices and shout, this is how the system ought to work. Although it is shameful that more Americans do not exercise their God given birthright, that is their choice. It is inexcusable, however, that millions of Americans want to vote but cannot because they have been denied the tools necessary to help fulfill their obligation. It is imperative that we pass H.R. 4312, the Voting Rights Improvement Act of 1992, if only to remove the gag we have placed on millions of Americans by not allowing them to cast their votes. It is time to open the doors of opportunity in this country and make provisions to allow all Americans the right guaranteed them in our precious Constitution. The right to cast a vote.

Mr. MCCOLLUM. Madam Chairman, may I inquire how much time each side has remaining?

The CHAIRMAN. The gentleman from Florida [Mr. MCCOLLUM] has 4 minutes remaining, and the gentleman from Texas [Mr. BROOKS] has 9 minutes remaining.

Mr. MCCOLLUM. Madam Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Madam Chairman, as the principal sponsor of H.R. 123, I believe that English should be the language of Government and that all citizens should be proficient in the tongue that in our society is the economic door opener.

We need to be giving incentives to all citizens, whatever language they speak, to know and to be able to function in English. We do not want to degenerate into a situation such as that which exists in our neighbor to the north, Canada, where secession on the part of Quebec is a very real possibility, occasioned by language divisions.

Now, that is not to say that we should not have transition provisions or that we should not know other languages or cultures; indeed we should.

However, there should be one language of Government and the incentive factor should be geared to encourage everyone to know English sooner rather than later.

Our efforts vis a vis voting should be to move the English-learning factor forward faster rather than to make it easier to delay and put off learning English.

Madam Chairman, I am puzzled as to why the proponents of official other linguisticism do not want people of those other tongues to have the necessary incentives to know English. English is the economic door opener in the United

States of America, and we should concentrate our efforts on ensuring that all citizens know the tongue of this country very well. It will make a great difference in their economic livelihood as they progress throughout their lives.

Mr. BROOKS. Madam Chairman, I yield 2 minutes to the distinguished gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK. I thank the chairman of the distinguished Committee on the Judiciary for allowing me time to speak during general debate.

Madam Chairman, this country is great because of its diversity, and we often say those words without understanding the deep significance, the meaning that this implies as an obligation to this Government to do whatever we can, especially in the Congress of the United States, to open up the possibilities of participation.

All this bill does is to enlarge that scope of responsibility by saying to each of our counties that if there are 10,000 individuals eligible to vote of a particular limited-English-speaking minority, that those individuals should be given special assistance. This Congress has provided special assistance in numerous other kinds of incidences. What is more fundamental to the right of citizenship than the right to vote?

□ 1040

And, Madam Chairman, if that right to vote is impaired because of barriers that are structured because of possible intimidating factors surrounding the electoral process, because of its implications that the Government does not take time to explain, that liberty, my colleagues, is not a real liberty, and for thousands of people all over the country of Asian extraction it is an intimidating process to begin with. They need the assistance.

I do not have to remind this Congress how difficult it was for Asians in the first place coming to this country. In the beginning, we passed an exclusionary act and did not give them the opportunities of citizenship until 1952. And since 1965, with the enlargement of the Civil Rights Act, and the Immigration Act and all of those wonderful laws, Asian-Americans have been coming, for the first time, to this country. They need the assistance to be brought into this society, to be given the feeling that they belong, that they are entitled to elect their officials in a process that they understand.

Mr. MCCOLLUM. Madam Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Madam Chairman, the bilingual portion of this bill is not in the best interest of our country. We, Americans, are people from all over the world. We are one people but from diverse cultures and from every country in the world. We have not had the problems they have experienced in Yugo-

slavia or the problems they have in Quebec. Why? Because we have this wonderful bond called the English language.

When my grandfather came from Odessa, he did not say, "I want to vote in Russian," or others did not say, "I want to vote in Hebrew," and others did not say they wanted to vote in German, Italian, or French. No, we wished to be Americans, and so we adopted the English language. That is the bond, the glue, that has kept our Nation together.

Madam Chairman, our motto is *E Pluribus Unum*, out of many, one; out of many people, one Nation; out of many countries, one Nation. That is our heritage. We are one people and one Nation, and let us keep it that way.

Mr. MCCOLLUM. Madam Chairman, I yield myself the balance of my time.

Madam Chairman, we have in this debate today a question of whether or not we are going to extend the Voting Rights Act for another 15 years as it applies to section 203, which is the section dealing with bilingual ballots. As I discussed at length last night, there is no record that demonstrates that we really need this kind of ballot. There are a lot of presumptions going on in certain areas that we do.

Madam Chairman, the balloting process only applies to a limited number of minority language peoples. It only applies to Hispanic-Americans, Asian-Americans and some native Americans and Alaskans. It does not apply to Poles, many of the African nations; it does not apply to most of the countries around the world or the people from those countries who are here. It is a very narrow application, and yet it is a very onerous burden, or could be, on many of the municipalities and counties around this country if we make the changes that are proposed in this bill to require even greater numbers of ballots to be printed without any proof.

Madam Chairman, what we really need is a study to do that, and I am going to offer an amendment in a few minutes in regard to that, and it seems that would be a much better way to do this, and not extend this 15 years longer, and require all of the States and the local governments to come up, as they are right now going to have to under this bill, with all kinds of different ballots in a language other than English.

Many of my colleagues made the point, and it is quite true, that anyone who becomes a citizen, with the exception of one jurisdiction, I think, everyone has to be a citizen to vote in the United States. They do have to be proficient in English. That is a requirement to become a citizen. So, there is no real need that I can see for the bilingual ballots in most instances, and it does not seem to me that it is necessary, particularly, for us to rush into

this and extend it for another long period of time when we do not have any study at all to justify what we have done already for the past 17 years.

Mr. BROOKS. Madam Chairman, I yield such time as he may consume to the distinguished gentleman from El Paso, TX, Mr. COLEMAN, long a fighter and believer in this effort to extend the voting rights for all the people of this great country.

Mr. COLEMAN of Texas. Madam Chairman, I want to thank the chairman of the Committee on the Judiciary for yielding this time to me. As chairman of the Committee on the Judiciary, he has been at the forefront of attempting to address this issue in a way that probably, at least in terms of the Hispanic population of America, is not as significant as it is in California, or in my part of the State of Texas, or south Texas, or New Mexico, or Arizona perhaps. But let me say to him that I appreciate very much his leadership in bringing this legislation to the floor.

As my colleagues know, the issue at hand really goes beyond helping any specific group. Yet I submit to my colleagues that the people that will be assisted by this legislation are important. Why are they important? Because they are us. They are a part of the fabric and fiber of this Nation.

People suggested during the time we debated the Immigration Act that we had these great problems with immigrants. The truth of the matter is immigrants, whether they were here under documentation or without it, have played a very significant role in the future of this Nation. They work here. They live here. They are us.

I think it is only right and proper that this Congress at this point in time provide the necessary bilingual voting assistance that we should to all of our citizens, to all of the people in this country, and, after all, we are here talking about not those persons who are here in an undocumented fashion at all, but rather only citizens of these United States.

America, as we know, needs more, not less, bilingual educators. America needs more, not less, ability in terms of our foreign language proficiency. What in the world is wrong with an America that stands up and says, "Of course English is important; of course, to succeed, you're going to need to become proficient in English"? We know that. Does it mean that it is exclusive? That we cannot reach out a hand in a bilingual fashion, whatever that language may be, and tell them we will provide them the assistance to become proficient? We will provide them with the information necessary to act as a good citizen? To vote? To participate in elections? To pay taxes? To obtain a drivers license? To do all of those things that many of us who are fortunate enough to be born in this country

take for granted? I would only say that, quite honestly, the failure to pass this legislation would further erode our political process.

I know many of us will recall recently that, when this Congress passed what became known as the motor-voter bill, the bill that permits quick registration and quick voting, we saw that legislation vetoed, and I have to say to my colleagues that I do consider that a very partisan act, one that was, quite honestly, not called for. I would only hope that on the other side of the aisle and this President would seriously consider the issues at hand here with this legislation. We should not act in a partisan, political way on legislation that helps our fellow citizens. I hope the administration will not seek to deny any citizen of the United States the opportunity to vote.

Madam Chairman, if we do not open the political process to all citizens, we know who the loser will be. It is us. It is America. Let us not further encourage cynicism or disillusionment.

As an original cosponsor of this bill, I feel very strongly about the rights of all the citizens of the United States to be full participants in what we call the American dream. Do we honestly believe it is in our best interest to deny that to anyone? Let us provide them the assistance and the ability to become proficient in English. Let us provide them the assistance and the ability to fully participate in these United States.

Mr. SERRANO. Madam Chairman, will the gentleman yield?

Mr. COLEMAN of Texas. I yield to the gentleman from New York.

Mr. SERRANO. Madam Chairman, one of the things the gentleman, I am sure, is aware of is the fact that none of us here, as the gentleman well knows, is interested in having our people not learn to speak the language. But one of the things that the people speaking against this bill continue not to realize is that we have a unique situation with the Commonwealth of Puerto Rico.

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I was born an American citizen on the island. I was born on an island that speaks Spanish for the most part. Yet during the Persian Gulf war, no one said we will not take 16,000 troops out of Puerto Rico only because they do not speak English proficiently.

Some, unfortunately, did not return, who never spoke a word of English on the battlefield because they only spoke Spanish.

I really think the gentleman has in his words tried to put forth the fact that this is something we want to accomplish and something some of the people do not understand.

Mr. COLEMAN of Texas. Madam Chairman, reclaiming my time, if I might comment on the statement of

the gentleman, without any question there has never been a requirement for a citizen of the United States, to defend this country, to act on behalf of this country, and I can honestly say to you that in my own congressional district there has never been a requirement. Men went out and fought and died for this country who never spoke a word of English. It has happened before, it will happen again.

There is nothing wrong with us aiding and assisting those of us who want to become proficient and become true participants in this American dream.

Madam Chairman, I thank the gentleman for his comments.

Mr. BROOKS. Madam Chairman, I yield my remaining time to the gentleman from Texas [Mr. WASHINGTON].

The CHAIRMAN. The gentleman from Washington is recognized for 1 minute.

Mr. WASHINGTON. Madam Chairman, I thank the gentleman from Texas [Mr. BROOKS], the chairman of my committee, for yielding me the last minute that he has.

Madam Chairman, I had not planned on speaking during this portion, but I heard the gentleman from Pennsylvania [Mr. KOSTMAYER] speak. I respect the gentleman a great deal, and I want to respond to some of the things that he said.

Certainly it is true that as a nation we need to do everything we can to bring all of our people together. But it cannot be gainsaid that if people have limited proficiency in English, for whatever reason, and they are citizens, that we should be denying them the right to vote. Because if we do not pass this voting rights extension, what we are saying to our people is unless you speak English, then you will not be allowed to vote.

If we are going to do that, then we ought to carry it to its logical conclusion and say those who speak correct English would be the only people who would be allowed to vote.

Now, I know a lot of people down in my part of Texas that speak broken English, but they vote every day. They say "ya'll" and other things like that, which is not correct English. But they are allowed to vote.

There are a lot of thoughtful people on both sides of this issue. Let us pass this extension, and then let us work between now and then. The gentleman from California [Mr. ROHRBACHER] and I are friends. The gentleman is a great intellect. Let us work to make sure that when it comes up again, every one of our citizens does speak English, and we will not have to worry about another extension.

Mr. SERRANO. Madam Chairman, I rise today in support of H.R. 4312, the Voting Rights Language Assistance Act of 1992, legislation I am proud to sponsor on behalf of the Congressional Hispanic Caucus.

The Voting Rights Act, and section 203 in particular, are largely responsible for the op-

portunity I have been given to serve in the Congress of this, the greatest, the most free and democratic nation in the world. I am proud of my accomplishments and those of the community of which I am a product. With pride in my community comes a debt, to ensure that those who follow me are offered genuine opportunities to themselves achieve. It is service to this debt which guides my work in Congress, and which has led me to sponsor this legislation.

I have a very personal appreciation of the need for and the value of the language assistance provisions of the Voting Rights Act. In 1985, I ran for the office of president of the borough of the Bronx.

I ran as a long-shot. I nearly won; after impounding the voting machines and conducting several court-ordered re-counts, officially I lost by less than 1 percent of the vote.

Several weeks in advance of the election, it came to my attention that the board of elections of the city of New York had few plans to assist language-minority voters, in spite of the fact that language-minority voters clearly exceeded 5 percent of the voting population. Not only was the board of elections hostile to the provision of bilingual services, some of its practices actually discouraged limited English speaking voters from exercising their franchise.

I turned to section 203 of the Voting Rights Act, to enforce the rights of Puerto Rican voters to participate effectively in the election, and to elect the candidate of their choice. I, and the Puerto Rican voters who joined my suit, alleged that the acute shortage of trained Spanish-speaking election inspectors and interpreters, coupled with the dearth of bilingual voter information conspired to disenfranchise thousands of New York City voters.

The litigation was settled by stipulation, pursuant to which the board of elections was required to conduct an aggressive voter education campaign in the Spanish language written press, radio and television. In addition, the board of elections was required to recruit students and other bilingual people to serve as inspectors and interpreters throughout the borough.

As I stated, I did not win that election, but thousands of Latino voters were enfranchised, for the first time. This, indeed, was a victory.

Section 203 is not a luxury. It is the essence of the franchise for a large and growing number of voting, American citizens.

Voting is the primary means by which citizens participate in the governance of their towns, counties, cities, States and Nation. It is a fundamental right protected by the U.S. Constitution, a right which goes to the essence of our democracy. It is the voice through which citizens are heard on those concerns and interests relevant to their lives and the tool with which they ensure that people sensitive to their needs are elected to govern. It is a right guaranteed to all Americans, no matter their heritage, educational or economic background and regardless of the language which they speak.

The Voting Rights Act was adopted to rid this country of discrimination in voting and to safeguard for minorities an equal opportunity to participate in the political process and to elect representatives. Section 203 of the Act is

that tool by which the rights of limited English proficient voters are preserved and the barriers to their equal, effective participation are removed.

Citizens who are unable to effectively participate in an election because of the difficulty of language are denied this franchise, just as surely as they would be if literacy tests were administered or poll taxes levied.

The effectiveness of the assistance provided pursuant to section 203 has been proven in the Hispanic, Asian American, Native American and Alaskan native communities, and the continuing need for language assistance in voting remains significant.

Though successes achieved under section 203 are real and measurable, the communities served by the provisions still face real obstacles to empowerment and full and equal political participation in our society. Language minority communities, the intended beneficiaries of section 203, have grown dramatically during the past decade. However, while these communities continue to enjoy significant growth, formidable barriers to full and equitable participation in the political/electoral process remain. Latinos continue to suffer stark educational, economic, and health care disparities as compared with the general population.

Experience over these last 10 years with section 203 provisions confirms its effectiveness, but also reveals some inadequacies in the method by which jurisdictions are identified for coverage. Relying exclusively on the 5 percent trigger deprives large limited English proficient populations of badly needed assistance.

Significant jurisdictions such as Los Angeles County, Cook County, Queens County, Philadelphia and Essex County, all have significant limited English proficient Latino voters who have been denied bilingual voting assistance because none of these counties meet the 5 percent standard. These counties are densely populated major metropolitan areas in which it is virtually impossible for Latino voting populations to meet the 5 percent margin even though those populations are numerically large.

Similarly, large Asian American communities in Los Angeles, San Francisco and three New York City counties—Kings, Queens, and New York—are currently not covered though they have significant language minority populations.

Coverage of the Native American communities is also thwarted by an imprecise standard. Section 203 should be amended to require that a jurisdiction provide language assistance if there are more than 5 percent of a single-language, limited-English proficient Native American voters on the reservation.

We are a nation of many immigrants, comprised of all races, nationalities and religions. America was created by immigrants, and continues to evolve with the contributions of new immigrants.

Concerns about acculturation of immigrants are often related to the question of whether new immigrants will learn English. Research shows that today's immigrants, like their predecessors, overwhelmingly lose their mother tongues by the second or third generation.

Far from threatening the primacy of English in America, it is precisely tools such as section 203 which facilitate the integration of immigrants into the diverse culture of this Nation.

Bilingual elections do not promote cultural separatism, but instead help to integrate non-English speaking citizens into our system of democracy.

I urge my colleagues to vote for passage of H.R. 4312 and to oppose all weakening amendments.

Mr. RANGEL. Madam Chairman, as an original cosponsor of this important legislation, I rise in strong support of the Voting Rights Language Assistance Act.

When my colleagues and I, in Congress, passed the Voting Rights Act in 1975, we included section 203 to require counties that have large numbers of minority language citizens to provide bilingual voting assistance.

Since then, millions of Americans—Latinos, Asians, native Americans, and others throughout the United States who would otherwise have been disenfranchised—have benefited from this support and have exercised their most precious right—the right to vote.

Madam Chairman, the American people still need this legislation. The Voting Rights Language Assistance Act would reauthorize and refine the bilingual provisions of the Voting Rights Act, which are due to expire this year.

The bill extends existing law for 15 years, through 2007. This bill would also tighten current legislation to ensure that minority language communities are covered by the bilingual provisions of the Voting Rights Act.

To date, counties are only required to provide support if 5 percent of voting age citizens do not speak English well enough to cast a ballot. However, in densely populated cities like New York, huge limited-English-proficient populations may still comprise less than the required 5 percent. The Voting Rights Language Assistance Act would require that a county provide assistance if it meets the 5 percent minimum or if it has more than 10,000 voters who speak English poorly.

Bilingual voting assistance helps to guarantee a fundamental American right: the right to vote. Our democracy, Mr. Speaker, will succeed only if its citizens are able to participate in the political process, choose their leaders effectively, and influence the operation of their Government. When a community is disenfranchised because it has not yet become proficient in English, everyone loses the benefit of its contribution to our valued democratic process.

Bilingual voting assistance helps to bring diverse American communities closer together. No one, Mr. Speaker, can deny that a deepening divide separates Americans of different races. This bill will strengthen the American democracy by enhancing the quality of the political process.

Opponents of the bill would query: "If their English isn't good enough to cast a ballot, then how can they understand the issues well enough to make an informed decision? But, we know that a broad multilingual media network exists that provides language minority communities with the opportunity to keep abreast of current issues.

Moreover, bilingual voting assistance does not cost much. The total cost of providing written assistance averaged 7.6 percent of total election costs, according to the General Accounting Office, which predicted the costs would only decrease as election materials

were recycled and election officials gain experience in providing bilingual assistance.

Section 203 clearly works. In New York alone, many Latino voters use bilingual voting assistance, and 4 out of 5 Asian-American voters would be more inclined to vote if ballots were also written in their native language.

For generations, Madam Speaker, good and honorable people have come to the shores of the United States from every continent, from every country on Earth.

They bring with them their desire to succeed, their love of freedom, and their own culture and language.

From the beginning, the United States has benefited and been enriched by these immigrants, different as they look and sound.

The music of many languages flows through the streets of New York; it is a rich heritage that should be nurtured, cherished and promoted.

When someone comes to America, they do not leave their language, history, and culture at the door. And we should not insist that they do.

I strongly urge my colleagues to pass the Voting Rights Language Assistance Act without any weakening amendments. Millions of Americans depend on this legislation. We must not let them down.

Mr. FRANKS of Connecticut. Madam Chairman, I rise today in opposition to H.R. 4312, which would extend the bilingual ballot provision of the Voting Rights Act to the year 2007 and also expand the number of jurisdictions subject to its provisions.

Section 203 of the Voting Rights Act of 1965, which requires jurisdictions that have more than 5 percent of a language minority to provide bilingual election materials, has been in place since 1975. When this section was enacted many proponents argued it was needed to increase voter participation among language minorities.

However, there is no evidence present that indicates section 203 has any impact on improving voter participation of language minorities, such as Hispanics. For instance, according to the Census Bureau, voter participation in the Hispanic community has declined since the enactment of section 203, even relative to the overall national decline of voter participation.

Another reason I do not feel H.R. 4312 is in the best interest of our Nation is because of the financial burden it would impose on our local governments. According to Congressional Budget Office estimates, this legislation will cost American taxpayers and local governments millions of dollars. In fact, in large urban areas where many different language minorities exist, costs would be increased to meet all these different languages. It is my feeling that this money could be better spent. For instance, funding for this bill would be better spent in assisting individuals to learn English so that they can better participate in American democracy.

I do support efforts which assist immigrants when they first enter America. It is important that we provide bilingual materials to our new American citizens until they have achieved fluency in English. In addition, I believe we should set goals that all Americans should understand English by a certain age. Programs

like Head Start and other important educational programs will ensure that children from language minorities have the proper educational assistance in learning the English language. However, this bill does nothing to help language minorities learn English.

Our great Nation has a long tradition as a place where many nations can come together as one. This country was built with the hands of many great immigrants from different parts of the world. Yet we have been able to stand together despite all our cultural differences. The driving force behind this assimilation is our ability to communicate through one common language—English. We have relied on English since the birth of this country to unify and bring together different nationalities in helping to communicate and understand one another. Most importantly, English has allowed us to have a common link to participate in this great democracy.

In a time when our Nation is in desperate need of cohesiveness and a unifying force, I believe it is counterproductive to consider legislation in this Congress which gives individuals disincentives to assimilate into our society. Instead, we must focus our efforts on helping people learn to communicate in English, giving them a greater opportunity to be part of our great country.

For these reasons, I am opposed to the passage of H.R. 4312.

Mr. PANETTA. Madam Chairman, I rise today in strong support of the Voting Rights Language Assistance Act. As the former Director of the Office of Civil Rights, I am painfully aware that while our Nation is committed to equal opportunity, enforcement through legislation is desperately needed.

Under our Constitution, every citizen has the right to vote. However, this is an empty right for a citizen if he or she does not have access to the ballot or does not understand the ballot. The Voting Rights Act has required certain counties to provide language assistance to ensure that all citizens can exercise their right to vote. We must extend this requirement and improve it by changing the formula to include jurisdictions where there are at least 10,000 minority-language citizens.

The right to vote is the most fundamental component of our democracy. It is the right that empowers every individual to be heard. It is a right held by English speakers, and by non-English speakers, by college-educated persons and by those who did not complete high school, by men and by women, by wealthy and by impoverished, by people of color and by European Americans.

We are a government "of the people, by the people, and for the people." The key to having this type of government is to have the greatest possible number of citizens participating in the electoral process. In order to maximize electoral participation, we must require language assistance programs. It is through these programs that all citizens are able to have access to the ballot and able to make informed decisions.

I urge all of you to look at the real issue at hand, which is that language barriers bar some citizens from the electoral process. They have the right to vote under the Constitution, but cannot exercise it because they do not speak English. They make tremendous con-

tributions to our society, but they cannot vote, because they cannot speak English well enough to register. They pay taxes, but they cannot vote because they cannot read the ballot.

A citizen's limited English proficiency should not preclude him or her from the electoral process. Rather, we should encourage every individual to learn English. My parents came here from Italy and did not speak English. However, they eventually learned. All citizens eventually learn to speak English. But, they should not be deprived of their fundamental rights simply because their English is, at first, limited.

Our Constitution does not require citizens to speak English, it does require that every citizen have the right to vote. Protecting the right to vote is the issue, and language assistance is the way.

Today we have the opportunity to show our strong support for equal opportunity and fairness. Let us do this by action, and not merely talk. I urge you to take a firm stand on voting rights and upholding our Constitution by supporting the Voting Rights Language Assistance Act.

Ms. NORTON. Madam Chairman, I am pleased and proud to rise in support of H.R. 4312, the Voting Rights Language Assistance Act of 1992, a bill to extend for 15 more years the commitment made by Congress in 1975 to provide bilingual voting assistance for many American citizens whose primary language is other than English.

Legislation to facilitate voter participation by non-English speaking American citizens is necessary and consistent with this Nation's history and philosophical creed. The United States has been called everything from a melting pot to a caesar salad to describe its splendid and diverse mix of races, ethnic groups, and cultures. People from all over the world have come and continue to come to this country, inspired not only by greater economic opportunity but also by the chance to be part of a democracy where political expression is not simply allowed, but is encouraged. Too few Americans entitled to vote do, in fact, vote. The right to vote is fundamental, and therefore must be fiercely protected and vigorously encouraged. The Voting Rights Language Assistance Act of 1992 does both.

The Nation's capital is home to a rich mixture of peoples. We celebrate and take pride in our cultural and ethnic diversity. Since the late 1970's the District has provided bilingual voting assistance in those areas of the city with significant non-English speaking populations. In this Presidential election year especially, and in the future as well, such voting language assistance efforts are particularly important to ensure that every citizen takes part in the political process.

We speak different languages and have different opinions; yet in the democratic process we meet on common ground. One person, one vote lies at the heart of our Government. It is the mechanism by which all our voices are heard—individually and collectively. By ensuring that all citizens have equal access to the ballot, this Congress is fulfilling its obligation to work toward achieving a fully participatory democracy. I encourage my colleagues to support this important and just legislation.

Mr. FAZIO. Madam Chairman, I rise today in support of H.R. 4312, the Voting Rights Language Assistance Act, a bill that will ensure that more Americans can exercise their constitutional right to vote.

The right to vote is the cornerstone of our democratic system. Yet, there are still millions of citizens who cannot fully exercise this right because they are not comfortable with English. If H.R. 4312 is passed, it will open up the electoral process to these Americans—most of whom are either elderly or native born—who are dependent on another language.

The current provision in the Voting Rights Act that affects this segment of our population helps citizens in large language minority communities register and vote by providing bilingual language assistance. However, it will expire on August 6, so we must act quickly.

By enacting H.R. 4312, we will extend this provision for another 15 years, through the end of the Voting Rights Act. We will also improve this provision by including more language minority citizens in its scope. If we do not enact H.R. 4312, millions of Americans will be locked out of the voting process.

As Susan B. Anthony, the American suffragist, said over a century ago:

Here, in the first paragraph of the Declaration [of Independence], is the assertion of the natural right of all to the ballot; for how can 'the consent of the governed' be given, if the right to vote be denied?

Language should not be a barrier to any American citizen's right to vote. All Americans are entitled to full participation in our democratic system of Government, and we, here in Congress, have a responsibility to guarantee access to all segments of our voting age population. I urge my colleagues on both sides of the aisle to join me in removing this unnecessary obstacle that lies in the path of so many of our citizens. Let us open the door to democracy to all Americans.

Ms. PELOSI. Madam Chairman, I rise in strong support of H.R. 4312, the Voting Rights Improvement Act of 1992. I commend Congressman SERRANO, Chairman BROOKS, and Chairman EDWARDS for moving this important legislation.

The Voting Rights Improvement Act does exactly what its name implies: It reauthorizes and improves provisions of the Voting Rights Act which require bilingual voting assistance for communities who need it. There is no process more American than the voting process. All of our citizens deserve the opportunity to exercise their constitutional right to vote.

America is a nation of diversity, with people whose roots are traced back to many different lands. And many of these American citizens do not speak English well enough to fully participate in the electoral process. Let me underline the word citizen. This bill gives citizens the opportunity for a meaningful vote. The America I believe in does not allow discrimination against its citizens based on their language abilities or where their ancestors were born.

Language minority citizens comprise a significant portion of the electorate. How can we not provide them with the materials necessary for meaningful participation in the electoral process? The answer is that we cannot deny them such an opportunity and continue to call ourselves Americans.

If the Voting Rights Improvement Act is not passed, 68 counties in the United States would no longer provide bilingual voting assistance to citizens who need such materials. This bill is well-targeted by continuing a provision of current law which calculates coverage by counting only those citizens who do not speak English well enough to make an informed vote. We are not talking about some extravagant expenditure for a questionable cause. Today we are voting to preserve every citizen's right to vote for their elected representatives.

I urge my colleagues to support the Voting Rights Improvement Act and to oppose any weakening amendments.

Mrs. KENNELLY. Madam Chairman, I rise today to express my strong support for H.R. 4312, the Voting Rights Language Assistance Act. This bill, which I cosponsored, extends for 15 years the requirements that counties with large limited-English proficient communities provide bilingual assistance in registering and voting. It also expands the number of counties that are required to provide this assistance.

Madam Chairman, this bill is a significant step in ensuring that millions of American citizens—Hispanics, Asians, and native Americans—will have a role and importantly a voice in this Nation's political process. Linguistic barriers have often prevented many of our Nation's citizens from participating in the political process and exercising their right to vote. Let us not forget—this Nation was founded on the tenet that the right to vote was central to our democracy. Removing the language and other barriers will lead to increased voter registration.

Madam Chairman, I urge my colleagues to support this legislation, to give a voice to those citizens who have been left out. Expanding the number of counties will allow for the inclusion of those citizens often left out because the total population often dwarfs the minority language communities or because the current formula is based on percentage of total voting age citizens rather than the actual number of minority language citizens residing. This bill guarantees that crucial assistance be provided so that millions of Americans can participate.

Mr. CAMPBELL of California. Madam Chairman, I rise in support of H.R. 4312 without amendment. I would also urge my colleagues to vote in opposition to all amendments that will be offered.

Passage of this piece of legislation will not only reauthorize section 203 of the Voting Rights Act of 1965 for an additional 15 years, it also augments the mechanism that determines which jurisdictions must provide language assistance to certain language minority programs.

Historically, section 203 has provided language assistance for certain language minority populations. In 1975 and 1982, Congress found that discrimination against language minorities limited the ability of limited-English proficient [LEP] members of those communities to participate effectively in the electoral process.

Because of certain unintentionally restrictive elements of its coverage formula, section 203's current coverage standard fails to reach large concentrations of limited-English pro-

ficient [LEP] voters, who would benefit greatly from language assistance. To address this problem, H.R. 4312 amends section 203's coverage formula to better target significant populations of language minority voters in need of assistance by providing two alternative standards.

In addition to incorporating an alternative 10,000 voter benchmark the bill amends section 203 to provide an alternative coverage standard for native Americans.

Sec. 203's current standard fails to adequately identify native Americans needing language assistance because it does not take into account their unique history and demographics.

Native Americans comprise less than one percent of the total U.S. population. Most limited-English proficient [LEP] native Americans live on reservations or equivalent areas that often predate the existence of States or counties. In many cases Indian reservations are divided into two or more counties or States. This division has the effect of further diluting the native American limited-English proficiency vote resulting in an inability to reach the 5 percent trigger.

Without the alternative standard, only 4 of the more than 500 Indian tribes would be covered by section 203 alone. Today, 17 tribes in 15 counties receive language assistance under section 203 alone. If section 203 is reauthorized this year without the native American alternative standard the coverage drops to only 4 tribes in 5 counties.

Contrary to the dissenting opinions of this legislation, section 203 has produced an increase in voter participation in many counties. For example, from 1972 to 1990, the number of precincts with predominantly Navajo voters in Coconino County, AZ, quadrupled, while the numbers of registered Navajo voters increased by 164 percent and Navajo voter turnout increased by 120 percent. In Apache County, AZ, the number of precincts with predominantly Navajo voters tripled between 1972 and 1990.

In my district nearly 250 limited English proficiency native American voters will be affected, in two counties.

Equal opportunity to participate in the electoral process is a right every citizen of this country enjoys. As the only native American Member of this body I have said countless times the need for more participation from the native American population of this country. However without the alternative standards in place we jeopardize the vital participation of many native American people.

Again I would urge my colleagues to support H.R. 4312 without amendment to further guarantee the right to vote to all people.

Mr. STOKES. Madam Chairman, I rise today in support of H.R. 4312, the Voting Rights Language Assistance Act of 1992. I commend my distinguished colleague, Representative JOSÉ SERRANO, for his introduction of this bill, and the House leadership, and the Judiciary Committee, for bringing this legislation to the floor for consideration.

It wasn't very long ago that potential minority voters were excluded from participation in the electoral process through the use of literacy tests, poll taxes, and "English only" elections. Congress took strong legislative ac-

tion to correct this problem by passing the Voting Rights Act of 1965, assuring equal access for all members of our society to the electoral process.

In 1975, section 203 together with two other language assistance provisions, were added to the Voting Rights Act. Section 203 is intended to prohibit discriminatory voting practices based on language, which violates the equal protection clause of the 14th amendment and the 15th amendment's guarantee to all eligible citizens of the right to vote. The inclusion of these provisions gave voting age citizens with limited-English proficiency [LEP], equitable access and effective participation in the electoral process. Moreover, section 203 has contributed to the rise in voter registration and participation by language minority communities where the need for language assistance in voting remains significant.

Current law provides that assistance must be provided if non-English speaking citizens make up at least 5 percent of the total population of the governing jurisdiction. H.R. 4312 would expand those requirements to cover areas in which non-English speakers do not make up 5 percent, but number at least 10,000 or more in total population.

Today as a body, we have an opportunity to reauthorize and improve section 203 of the Voting Rights Act. By doing so, we will reaffirm our Nation's commitment to guaranteeing all eligible citizens the right to vote. The extension of section 203 for an additional 15 years, will allow it to expire when the Voting Rights Act itself expires. Furthermore, the extension would provide for the continuance of much needed bilingual assistance to single-language minority communities.

Madam Chairman, section 203 has helped to break down many of the barriers to full participation in the electoral process encountered by Hispanic Americans, Asian-Americans, native Americans, and Alaskan Americans of native American descent. The right to vote is a fundamental right guaranteed under the Constitution. Unfortunately, millions of potential voters have been unfairly excluded from exercising this right, due in part to prohibitive language barriers which exist in our electoral process. I urge my colleagues to join me today in voting in favor of H.R. 4312, and by doing so, extend language assistance to single-language minority voters, thus ensuring that every member of our society has a voice in democracy.

Mr. OWENS of New York. Madam Chairman, I rise in strong support of H.R. 4312, the Voting Rights Improvement Act of 1992. This bill is vitally important to the hundreds of thousands of first generation Americans who come to this country who are not yet fluent in English but who have the right to and the great desire to participate fully in our democratic process by exercising their right to vote. Section 203 of the Voting Rights Act provides them access to the process by taking down the language barriers that would otherwise prevent them from participating.

Section 203 requires counties and localities to provide bilingual registration and voting assistance if more than 5 percent of voting age citizens need such assistance. The measure improves section 203 by closing a significant loophole which has caused thousands of oth-

erwise eligible immigrants to be exempt from coverage. In very densely populated cities and counties, there may be thousands of immigrants in need of services under section 203, but if, despite their large number, they make up less than 5 percent of the population of the locality, they will not be covered. This bill would add as an alternate measure of applicability a numerical benchmark of 10,000 people in a locality in need of assistance.

This new benchmark would mean that in many of our Nation's cities where there might be thousands of first generation Americans who have not mastered the English language, but these thousands make up less than 5 percent of the voting age population, people who need language assistance to participate in the voting process would be able to receive this assistance and fully partake of their rights as citizens of the United States.

Section 203 is a wonderful example of the democratic process at work. In our country we accept immigrants from almost any country and introduce them to the democratic system at work. And in some counties and cities we must take extra steps to ensure that these new Americans can participate fully in the process. Section 203 has had great success at opening the doors to the voting process for these American citizens who may speak Spanish, Chinese, Japanese, Russian, German, Arabic, French, Lakota, and numerous other languages. By expanding the coverage of section 203 we will include even more of these special Americans.

I urge my colleagues to vote to support this bill and not allow its noble cause to be diluted by weakening amendments. Support every American's right to vote.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered by sections as an original bill for the purpose of amendment, and each section is considered as read. No further amendment is in order unless printed in the CONGRESSIONAL RECORD prior to consideration of the bill. Debate on each amendment, including any amendments thereto, may not exceed 20 minutes, and the Chair will divide the time equally between the proponent and an opponent.

The Clerk will designate section 1.

The text of section 1 is as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Voting Rights Language Assistance Act of 1992".

The CHAIRMAN. Are there any amendments to section 1?

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MCCOLLUM

Mr. MCCOLLUM. Madam Chairman, I offer an amendment in the nature of a substitute. It has been printed in the RECORD.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. MCCOLLUM: 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".

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.

Mr. BROOKS (during the reading). Madam Chairman, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

Mr. MCCOLLUM. Madam Chairman, I object to that. This is a very short amendment. I would like to have it read.

Mr. BROOKS. The gentleman wants to read the whole amendment?

Mr. MCCOLLUM. Madam Chairman, it is a very short amendment. It will be done in less than a minute.

The CHAIRMAN. Objection is heard.

The Clerk will complete the reading of the amendment.

(The Clerk concluded the reading of the Amendment in the nature of a substitute.)

The CHAIRMAN. The gentleman from Florida [Mr. MCCOLLUM] will be recognized for 10 minutes, and the gentleman from Texas [Mr. BROOKS] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

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

Madam Chairman, this amendment is a substitute for the bill. It is a very straightforward amendment. It is one that I strongly support. I can support the bill if this is adopted. The administration can support this bill if it is adopted.

It is a substitute amendment to the bill that would extend section 203 of the Voting Rights Act for 5 years rather than 15, and require a study of the effectiveness by the Bureau of Census and the Department of Justice.

The reason why I am offering this amendment is because there is no basic understanding of how effective this particular provision in the law is today.

We have heard a lot of people give personal testimony of their opinions as Members, and I am sure they are genuine and sincere about it. But we do not have any studies that have been done to demonstrate whether or not we really are doing anything that should be covered by Federal law.

We do not know whether there has been any discrimination in voting because of language barriers. We do not know if indeed there has been help really given to a lot of voters because there is a bilingual ballot. We just do not have any studies on it at all.

In addition to that fact, the bill itself today would change the provisions of law and require a far greater number of ballots to be printed in different languages than has been the case for the last 17 years.

The substitute I am offering today would stick at least for the next 5 years with the present requirements of law so we will not put this undue and additional burden on our supervisors of election around the country.

The present law has a requirement in it that for the minority language to be effected, you have to have 5 percent of the voting citizenry of that area be of the particular minority group that you are going to have to have a ballot printed for.

If you have 5 percent of that in any political subdivision, such as a county, then you have to have the ballot printed in that language. There are quite a number of localities around the country where bilingual ballots are today printed for Hispanics, and I am sure for Asians, for Indian Americans, native Americans, and for some of the Alaskans who are covered by this.

The bill, if this amendment of mine is not accepted or adopted, the bill would actually make the amount far less in numbers as a practical matter. Five percent sounds like it is low, but it is actually a sizable number of people in most jurisdictions, though I think there will be an amendment offered later on that will demonstrate how harsh that can be in really tiny jurisdictions where you have a very few voters altogether.

But the bill itself says 10,000 is all that is going to be required, or 5 percent, whichever one is lower in numbers. In most of the larger communities, of course, 10,000 could well be lower in numbers, and that would mean quite a number of other groups are going to be brought under this, quite a number of additional ballots in different languages would have to be printed, particularly in places like Los Angeles County in California, where I think there will be as many as five different languages that would have to be

printed on ballots, as opposed to one under the 5 percent rule, which I believe is the Hispanic ballot.

Madam Chairman, I would like to call attention to the fact that within all but one jurisdiction in this country, it is required that a person be a citizen in which to vote in any election, and it is also a requirement under the law right now as it now reads under section 312 of the Immigration and Nationality Act that no person except as otherwise provided in this title shall be naturalized as a citizen of the United States who cannot demonstrate "an understanding of the English language, including an ability to read, write, and speak words in ordinary usage in the English language."

□ 1100

It seems to me that we are stretching things a long, long, long way in the bill that is before us today. We are making assumptions that various groups simply cannot participate in voting if they do not have ballots in a native language, if there are a certain number of them in a given community.

I would submit to my colleagues that the number is not very material. There are going to be some who cannot, obviously, and it might be a much smaller community than the numbers that we have got there. Why are we taking the larger community? What evidence do we have that it requires 10,000, or whatever the number is, in order to need the bilingual ballots? States like New Mexico already have decided that in their States they want to require a bilingual ballot, that they need them. That is fine. Let the States do that.

I would submit that in most jurisdictions in this country where there is inequity like this, there already would be the provision under State law. That is the appropriate place for it to be. The States are the ones to provide the voting laws of this country, who determine eligibility to vote and so forth. We should not be unduly forcing the matter.

Especially, we should not do it unless we can show by some evidence or some study that there has been a problem.

That is what my substitute will do. It will do two things. One, it will not expand the Voting Rights provision with regard to bilingual ballots. It will not reduce the numbers so that it will create a greater number of ballots. It will keep the law as it is right now, and it will simply extend the law for 5 years and require a study to be done to find out what is indeed needed.

Mr. WASHINGTON. Madam Chairman, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentleman from Texas.

Mr. WASHINGTON. Madam Chairman, I follow the gentleman's logic, and it makes sense about the provision that the gentleman cited in the law for naturalization.

Of course, there are two things I want to call to his attention, which he, of course, already knows. One is, that does not cover the provision for persons born in this country. That is only for persons who are naturalized.

The other thing is, that means, it seems to me, that the process by which whomever is doing the testing on whether there is English proficiency sufficient to meet that is not doing a good job.

But the bottom line question is, as the gentleman very well knows, there are many ballot propositions other than voting for or against candidates, such as bond elections and the like, that the gentleman and I both know sometimes the legislature puts lots of language and lots of verbiage in there.

Is the gentleman not concerned that people who otherwise have limited proficiency in English and could decide whether they want to vote for the gentleman from Florida, BILL MCCOLLUM or the gentleman from Texas, CRAIG WASHINGTON can do that based on limited English proficiency, but what about these ballot propositions on bond elections and all of those things that are hypertechnical?

Mr. MCCOLLUM. Madam Chairman, of course I am concerned. That is why I have asked for the study. Let us find out if that is the case. But the law right now only applies to American-Hispanics, Asian-Americans, and American natives and a few Alaskans. What about the Polish-Americans? What about certain African-American citizens who have come here, maybe not able to speak because they are recently naturalized? We do not know.

I am submitting we ought to leave the law as it is right now and just extend it for 5 years and do a study.

I am not opposing the idea of a concept. I am just suggesting, let us find out. Maybe this needs to be broader than it is. Maybe it needs to be narrower. We do not know. That is all I am proposing.

Madam Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Texas [Mr. BROOKS] controls the time in opposition.

Mr. BROOKS. Madam Chairman, I yield myself 2 minutes.

Madam Chairman, I rise in opposition to this amendment. The amendment puts aside the history of the language assistance section of the Voting Rights Act by presuming that no factual basis exists for its existence. The language assistance provisions of the Voting Rights Act were enacted in 1975 after detailed congressional findings of dilatory practices which restricted the exercise of the franchise by language minority citizens. In 1982, the Congress reauthorized section 203 for another 10 years after making similar findings.

This year, the Judiciary Subcommittee on Civil and Constitutional Rights

held 3 days of oversight hearings on the Voting Rights Act, and developed a record which adequately supports the reauthorization bill now before us.

There is no reason to require—as this amendment would do—Census Bureau and the Attorney General to file a report containing information which is, for the most part, not only currently available but which was used to consider the form and scope of H.R. 4312. Altering the extension period also is not advisable. The 15-year extension provided in the legislation is simply intended to bring the expiration of the language assistance provision in line with the other sections of the Voting Rights Act, and I oppose any effort to undermine that objective.

Mr. EDWARDS of California. Madam Chairman, will the gentleman yield?

Mr. BROOKS. I yield to my distinguished friend, the chairman of the subcommittee.

Mr. EDWARDS of California. Madam Chairman, I subscribe to the remarks illustrating the fallacies of this amendment and the fact that it would do great damage to the bill.

In the first place, it is really nonsense to have a 5-year extension. That is not enough time. And let me point out that the administration, the Department of Justice, suggests a 15-year extension, as is in the bill. So our friends on the other side of the aisle are going against their own administration. And I think everybody knows that this administration and this Department of Justice are not known as champions for civil rights. But they have made it very clear that they feel a 15-year extension is essential.

Lastly, Madam Chairman, we had, in the hearings that my chairman mentioned, substantial evidence, over and over again, from credible witnesses that these language-assistance provisions are essential to increase voter participation and to make it possible for Americans to cast their vote.

Mr. MCCOLLUM. Madam Chairman, I yield 1 minute to the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Madam Chairman, I rise in support of the McCollum amendment. I think it offers us the most logical procedure and plan for fulfilling the Voting Rights Act in this particular category.

This Nation is filled with diversity, and diversity offers an opportunity for cooperation. That cooperation comes by holding on to traditions, holding on to cultures and even holding on to languages.

But the cooperation part of that diversity comes when we feel that we are united as Americans, united as people that live in a community. And we are united as people who can cooperate on a variety of issues.

I think we should push bilingual languages in the United States. But as was mentioned earlier, the glue that holds

the fiber of this Nation together as a nation, where people feel that they are participating, is the language. We do not want to become like Canada or Eastern European nations where we have a sense of isolation, where we are divided.

One of the few things remaining that offers us a chance for cooperation and unity is our language, and I think the offer of the gentleman from Florida [Mr. MCCOLLUM] of a 5-year study is the best way to go on this particular plan.

Mr. BROOKS. Madam Chairman, I yield 1 minute to the distinguished gentleman from New York [Mr. FISH].

Mr. FISH. Madam Chairman, I would like to say that reference has been made that the administration is opposed to this bill. I think I would know if there was any veto threat. As far as I know, there is none. They do not like every provision in the bill, but certainly the administration, as I understand, is supportive of extension of the voting rights language bill.

Also, I think we have the cart before the horse here, because the allegation is made that the 10,000 limited English-proficient benchmark will create five different ballots in the city of Los Angeles. Of course, it will. And perhaps in New York, too. That is the whole purpose of it. What we are addressing here is numerically large language minority communities in big cities where the cities are so large that these numerically large minority communities cannot reach the current 5 percent standard. So they are effectively left out of the coverage of the existing law.

So the 10,000 benchmark is the answer, and the very reason we are going to have more ballots is because we do want to enfranchise these people that are currently swallowed up in a much larger population. So at this point, I just want to make those two points, that I am not aware of administration opposition to this bill and, second, that I think this numerical benchmark is critically important to the extension. I urge the defeat of this amendment.

Mr. BROOKS. Madam Chairman, I yield 1 minute to the distinguished gentleman from Arizona [Mr. PASTOR].

□ 1110

Mr. PASTOR. Madam Chairman, there seems to be a misconception that we are here asking to divide America, to separate the ethnic groups, to separate the races. What we are doing, the best we can, is to encourage the objectives of the Founders, that the Founders of this country had, to be inclusive and to make sure that the voters of this democracy are well-informed.

All we are saying is, the system has failed us in many cases. There are people who have limited proficiency in English, and all we want to do is to include these citizens to be able to vote in a well-informed manner. We are not

asking for division, we are only asking to ensure that this democracy has the greatest number of voters and that they are well-informed.

Mr. BROOKS. Madam Chairman, I ask for a no vote and I yield back the balance of my time.

Mr. MCCOLLUM. Madam Chairman, I yield 1 minute to the gentlewoman from Florida [Ms. ROS-LEHTINEN].

Ms. ROS-LEHTINEN. Madam Chairman, I urge all Members to reject this amendment and all amendments which seek to cripple voter access for all Americans. The 15-year extension is needed to ensure and guarantee that persons with limited English proficiency are assured that they have access to ballot language, which is often confusing to the voter.

This amendment reduces the authorization period of the bilingual voting requirement. Please reject this. English is not the primary language for so many Americans, yet they are Americans. A naturalized American has the same rights under citizenship as a native-born American. For many of these Americans, especially the elderly and those who have not been naturalized for long, they still find complicated ballot language on referendum questions to be confusing. Yes, they are Americans, but they have limited English proficiency. Do not punish Americans for that, stimulate voter participation. Do not repress it.

Let us hang a welcome sign by the voting booth; "bienvenidos todos," welcome all.

The CHAIRMAN. The gentleman from Florida [Mr. MCCOLLUM] has 1 minute remaining.

Mr. MCCOLLUM. Madam Chairman, I yield the balance of my time to myself.

Madam Chairman, this amendment I am asking the Members to vote today is very simple. It is a substitute for the bill. It extends present law as it now exists for another 5 years, and asks for a study. That is all it does. I think that study is very important when we consider the fact that in Los Angeles County alone there are more than 60 languages that they have to teach in the public schools out there for 60 different sources or derivations of language in this country.

The law that we would put into place by this bill is only going to cover five of those languages. Who knows, maybe we need to cover a whole lot more. We have no idea. We need the study that I am asking for in this bill. We need to extend present law for another 5 years. We should not do another 15. We should not let it sit around on our hands. I think the 5-year extension is appropriate.

I am not changing the law at all, but I am extending it for 5 years, and I am asking for the Government of the United States to find out if we need more, if we need less, how is it working, what is happening, and then let us come

back and revisit it after we have had that time for a study. That is all it does, a simple extension.

I urge an aye vote for the McCollum substitute amendment to extend for 5 years the present law.

Mrs. MINK. Madam Chairman, I rise today in strong opposition to the McCollum substitute.

The right to vote, to participate in our political process is the most precious right we have as citizens. And since 1975, section 203 of the Voting Rights Act has served to protect and preserve this right for citizens who have limited English proficiency.

This is not a service, something that is being provided to be charitable, it is a necessity required to fulfill the most basic tenet of our Constitution—the right to vote.

And it is the responsibility of this body to provide the greatest assurances possible that every citizen in this Nation, no matter what their native language, is given the opportunity to vote.

Our experience over the last 13 years has shown that what the gentleman is proposing, a 5-year reauthorization under the current benchmark to trigger the bilingual assistance requirement, is not sufficient.

In fact, this substitute ignores the very lessons we have learned over the years in working with States and local communities to assure that the election process is free from language discrimination.

It ignores the fact that language minorities continue to suffer from inequities in our educational system that prevent them from learning English.

It ignores the fact that Asians and Hispanics are the fastest growing ethnic groups in the country. And as their population continues to increase the need for language assistance will also increase.

It ignores the fact that native Americans have been denied language assistance under current law.

It ignores the fact that the current benchmark which triggers the bilingual assistance has left large pockets of language minorities without assistance, without comprehensible information on the electoral process, and without a true opportunity to cast an informed and effective vote.

The change in the benchmark is most central to this bill. Under current law a language minority must make up at least 5 percent of the total population of an entire county. This means that large counties with very concentrated areas of language minorities do not qualify. Los Angeles County, San Francisco County, and the city and county of Honolulu do not qualify under this formula even though they have sizable language minority communities.

Mr. Chairman we cannot continue to deny the language minorities in these areas the assistance needed to fulfill their duty as citizens of this Nation because of a statistical benchmark.

I urge my colleagues to vote down the McCollum substitute. It falls far short of the means necessary to protect the constitutional right of all citizens to vote.

Mr. RICHARDSON. Madam Chairman, this amendment would reauthorize the bilingual

voting assistance provisions of the Voting Rights Act without the two alternative standards intended to improve the coverage.

This amendment ignores the proven need to better identify and provide assistance to significant concentrations of limited English-proficient communities.

AGAINST THE 5-YEAR REAUTHORIZATION

Many of the original beneficiaries of bilingual voting assistance in 1975 are still suffering from educational inequalities they faced then, and continue to need language assistance in voting.

Exit poll surveys have indicated that the use of bilingual voting materials correlates directly with age and inversely with wealth, education, and English language proficiency. It is unlikely that the educational needs of these older voters who need bilingual assistance will be met within the next 5 years.

Hispanic students enter school later, leave school earlier, and receive fewer high school and college diplomas than any other community. These educational disparities are unlikely to change in the next 5 years.

The reauthorization of section 203 of the Voting Rights Act should coincide with the 2007 expiration date of the remainder of the Voting Rights Act.

Because the number of those who need bilingual voting assistance is increasing rather than decreasing, it is likely to be needed and used until the year 2007.

AGAINST REQUIRING A JUSTICE DEPARTMENT REPORT ON VOTING PARTICIPATION RATES

There is ample evidence of the wide need and use of bilingual voting materials. Further reports are unnecessary and would be a waste of Federal funds.

Any type of screening of required identification at the voting booth could be intimidating to language minority voters.

This could likely have the effect of reducing voter participation.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Florida [Mr. MCCOLLUM].

The question was taken; and the Chairman announced that the yeas appeared to have it.

RECORDED VOTE

Mr. MCCOLLUM. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 142, noes 233, not voting 59, as follows:

[Roll No. 314]

AYES—142

Allen	Campbell (CA)	Duncan
Archer	Clement	Emerson
Armey	Clinger	Erdreich
Baker	Coble	Ewing
Ballenger	Combest	Fawell
Barrett	Cox (CA)	Fields
Bateman	Cramer	Franks (CT)
Bellmon	Crane	Gallo
Bentley	Cunningham	Gekas
Bereuter	Dannemeyer	Gilchrist
Bevill	Davis	Gillmor
Bilirakis	DeLay	Gingrich
Bliley	Derrick	Goodling
Browder	Dickinson	Goss
Burton	Doolittle	Gradson
Byron	Dornan (CA)	Hammerschmidt
Camp	Dreier	Hancock

Harris
Hastert
Henry
Herger
Hobson
Holloway
Hopkins
Houghton
Hunter
Hutto
Inhofe
James
Jenkins
Johnson (SD)
Kanjorski
Klug
Kyl
Lagomarsino
Lancaster
Lehman (CA)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lowery (CA)
Marlenee
McCandless
McCollum
McCrery

McEwen
McMillan (NC)
Meyers
Michel
Miller (OH)
Montgomery
Moorhead
Murphy
Myers
Nichols
Nussle
Oxley
Packard
Parker
Patterson
Paxon
Petri
Pickett
Porter
Pursell
Ramstad
Rhodes
Ridge
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Roth
Roukema
Rowland

Santorum
Saxton
Schaefer
Schulze
Sensenbrenner
Shays
Shuster
Sisisky
Skelton
Smith (NJ)
Smith (OR)
Solomon
Spence
Spratt
Stearns
Stenholm
Stump
Taylor (MS)
Taylor (NC)
Thomas (CA)
Vander Jagt
Walsh
Weber
Weldon
Wolf
Wylie
Young (AK)
Zeliff
Zimmer

Schiff
Schroeder
Schumer
Serrano
Sharp
Shaw
Sikorski
Skaggs
Skean
Slattery
Slaughter
Smith (FL)
Smith (IA)
Snow
Solarz
Stallings

Stark
Stokes
Studds
Swett
Swift
Synar
Tanner
Tauzin
Thornton
Torres
Torrice
Townes
Traxler
Unsold
Upton
Valentine

Vento
Visclosky
Volkmer
Vucanovich
Walker
Washington
Waxman
Weiss
Wheat
Williams
Wise
Wolpe
Wyden
Yates
Young (FL)

reservation, more than 5 percent of the American Indian or Alaska Native citizens of voting age within the Indian reservation are members of a single language minority and are limited-English proficient; and
“(ii) the illiteracy rate of the citizens in the language minority as a group is higher than the national illiteracy rate.

“(B) EXCEPTION.—The prohibitions of this subsection do not apply in any political subdivision that has less than 5 percent voting age limited-English proficient citizens of each language minority which comprises over 5 percent of the statewide limited-English proficient population of voting age citizens, unless the political subdivision is a covered political subdivision independently from its State.

“(3) DEFINITIONS.—As used in this section—
“(A) the term ‘voting materials’ means registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots;
“(B) the term ‘limited-English proficient’ means unable to speak or understand English adequately enough to participate in the electoral process;

“(C) the term ‘Indian reservation’ means any area that is an American Indian or Alaska Native area, as defined by the Census Bureau for the purposes of the 1990 decennial census;
“(D) the term ‘citizens’ means citizens of the United States; and
“(E) the term ‘illiteracy’ means the failure to complete the 5th primary grade.

“(4) SPECIAL RULE.—The determinations of the Director of the Census under this subsection shall be effective upon publication in the Federal Register and shall not be subject to review in any court.”.

AMENDMENT OFFERED BY MR. CONDIT

Mr. CONDIT. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CONDIT: Page 7, line 2, after “State,” insert “The prohibitions of this subsection also do not apply with respect to any State or political subdivision that does not receive a Federal grant to cover all expenses resulting from compliance with this subsection. The Attorney General may make such grants.”.

The CHAIRMAN. The gentleman from California [Mr. CONDIT] will be recognized for 10 minutes, and the gentleman from Texas [Mr. BROOKS] will be recognized for 10 minutes.

The Chair recognizes the gentleman from California [Mr. CONDIT].

Mr. CONDIT. Madam Chairman, I yield such time as he may consume to the gentleman from New York [Mr. SOLARZ].

Mr. SOLARZ. Madam Chairman, I thank the gentleman for yielding. I rise in very strong support of this legislation.

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

Madam Chairman, first, let me say that I am in support of the bill.

My amendment to the bill, I believe, with all due respect to the committee, makes it a better bill. My amendment is real straightforward. It simply says that if you mandate this on the States and the counties that the Federal Gov-

NOT VOTING—59

Allard
Andrews (TX)
Anthony
Atkins
Baucus
Barnard
Barton
Boehner
Boucher
Boxer
Broomfield
Bunning
Callahan
Campbell (CO)
Chandler
Coleman (MO)
Conyers
Coughlin
DeFazio
Dwyer

Dymally
Early
Edwards (OK)
Feighan
Ford (TN)
Frost
Gaydos
Hansen
Hatcher
Hefley
Huckaby
Hyde
Ireland
Laughlin
Levine (CA)
Lloyd
Markey
Martin
Martinez

□ 1135

The Clerk announced the following pairs:

On this vote:

Mr. Riggs for, with Mr. Martinez against.
Mr. Thomas of Wyoming for, with Ms. Waters against.

Mr. GALLEGLY and Mr. KOLBE changed their vote from “aye” to “no.”
Mrs. PATTERSON and Mr. LEHMAN of California changed their vote from “no” to “aye.”

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. There being no additional amendments to section 1, the Clerk will designate section 2.

The text of section 2 is as follows:
SEC. 2. EXTENSION OF LANGUAGE MINORITY PROVISIONS.

Subsection (b) of section 203 of the Voting Rights Act of 1965 (42 U.S.C. 1973aa-1a(b)) is amended to read as follows:

“(b) BILINGUAL VOTING MATERIALS REQUIREMENT.—

“(1) GENERALLY.—Before August 6, 2007, no covered State or political subdivision shall provide voting materials only in the English language.

“(2) COVERED STATES AND POLITICAL SUBDIVISIONS.—

“(A) GENERALLY.—A State or political subdivision is a covered State or political subdivision for the purposes of this subsection if the Director of the Census determines, based on census data, that—

“(i)(I) more than 5 percent of the citizens of voting age of such State or political subdivision are members of a single language minority and are limited-English proficient;

“(II) more than 10,000 of the citizens of voting age of such political subdivision are members of a single language minority and are limited-English proficient; or

“(III) in the case of a political subdivision that contains all or any part of an Indian

NOES—233

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Annunzio
Applegate
Aspin
AuCoin
Bennett
Berman
Bilbray
Blackwell
Boehliert
Bonior
Borski
Brewster
Brooks
Brown
Bruce
Bryant
Bustamante
Cardin
Carper
Carr
Chapman
Clay
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Cooper
Costello
Cox (IL)
Coyne
Darden
de la Garza
DeLauro
Dellums
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Espy
Evans
Fascell
Fazio
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)

Galleghy
Gedjenson
Gephardt
Geren
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Hoyer
Hubbard
Hughes
Jacobs
Jefferson
Johnson (CT)
Johnson (TX)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Klecicka
Kolbe
Kopetski
Kostmayer
LaFalce
Lantos
LaRocco
Leach
Lehman (FL)
Levin (MI)
Lewis (GA)
Long
Lowe (NY)
Luken
Machtley
Manton
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McDermott

McGrath
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Mollinari
Mollohan
Moody
Moran
Morella
Murtha
Nagle
Natcher
Neal (MA)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Pastor
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (MN)
Pickle
Poshard
Price
Quillen
Rahall
Rangel
Ravenel
Reed
Regula
Richardson
Roe
Roemer
Ros-Lehtinen
Rose
Rostenkowski
Roybal
Sabo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer

ernment should come up with the funding source for local governments.

Given the circumstances that many States in this country, many counties, many cities face, I believe that it is incumbent upon the Federal Government, if we are going to mandate programs on them, that we come up with a reasonable funding source for them.

So I believe that this is about fairness, fairness to local governments, that we tell them that we are going to come up with a funding mechanism for them to implement this particular program.

Madam Chairman, I simply want to give you a couple of examples in a couple of counties that I represent. It has been told to me that it would double the cost in one county, Stanislaus County, that I represent, from \$100,000 to \$200,000, which may not sound like a lot of money to some of us, but for this county, which is already strapped, it is a lot of money. As to Merced County, they say it will cost them from \$10,000 to \$40,000 for each language that they are required to print. This may not sound like a lot of money to us, but to them it is a lot of money. They are already strapped. This morning I talked to representatives of Los Angeles County who say that it will cost them up to \$1 million per language for them to implement this program.

□ 1140

It is a good program, but we need to find a way to reimburse local governments for this mandate. That is simply what I am trying to do, trying to come up with a way to fund the program.

Madam Chairman, I submit a press release for the RECORD:

CONDIT INTRODUCES AMENDMENT TO FUND
FEDERAL ELECTIONS MANDATE

Congressman Gary A. Condit (D-Ceres) today offered an amendment to H.R. 4312, the Voting Rights Language Assistance Act of 1992, which would require that the Federal government pay for the law's implementation.

H.R. 4312 would require State and local jurisdictions which have more than 5% or more than 10,000 of voting age citizens who are members of a single language minority and are limited-English proficient to print voting materials in the native language of that minority group. The Congressional Budget Office has estimated that this bill would cost States and localities between 5 million and 10 million dollars to implement.

"With State and local governments all across the country encountering difficulties in balancing budgets this year, the last thing they need is for the Federal government to mandate a new program for them to implement without providing funding to pay for it. While H.R. 4312 has admirable goals, the Federal government should pay for it," Condit stated.

Local election officials in Stanislaus County, CA estimate that the costs to run elections could double under the provisions of H.R. 4312; Merced County, CA election officials estimate that printing costs alone would increase the costs of elections from 10,000 dollars to 40,000 dollars for each additional language in which ballot material

would be written. Merced County could be required to print ballot material in as many as four different languages.

"I intend to introduce amendments to legislation in the future to prevent the Federal government from mandating new programs on the states, cities and counties without paying for them. It is very easy for Washington to come up with new programs for states and localities to implement and force the states and localities to pay for them. We have to stop passing the buck," Condit continued.

The CHAIRMAN. The gentleman from Texas [Mr. Brooks] is recognized for 10 minutes in opposition to the amendment.

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

Madam Chairman, while this amendment has some initial appeal—seemingly requiring the Federal Government to pay for State and local compliance with the language assistance requirements—a close examination reveals that the amendment's effect would be to undermine every aspect of section 203 of the Voting Rights Act. The amendment requires jurisdictions to provide language assistance only if the Federal Government pays 100 percent of the costs. But the amendment does not require the Federal Government to do so. Instead, it leaves the decision to grant, or not grant, funds to the sole discretion of the Attorney General.

It makes no sense to limit funding of these provisions to the Federal Government; at a time of constrained fiscal resources, I cannot understand why such a limitation is necessary. Finally, the granting of funds should not be a discretionary act by the executive branch. If Congress intends these protective services to be offered, then they should be available whenever the test is met.

Mr. CONDIT. Madam Chairman, I yield 2 minutes to the gentleman from California [Mr. ROHRBACHER].

Mr. ROHRBACHER. Madam Chairman, what this bill is trying to do is mandate the actions of State, local, and county governments. What this amendment is trying to do is bring some sense of responsibility to this body and saying that we just cannot tell the State, county, and local governments around the United States of America that they have got to spend millions and millions of their dollars and that we are going to be free of any responsibility for those actions.

This is the type of economic nonsense by this body mandating spending of other governmental bodies that is driving this country into bankruptcy.

This amendment should be applied not only to this act, but every act that takes place in this Government where we are mandating the actions of other governmental bodies in the United States.

What this bill will do to Orange County and Los Angeles County, the

two counties I represent, if passed without this amendment, is to impose tens of millions of dollars of costs on governmental bodies that are already strained to the breaking point.

Now, we are prioritizing their spending. They have health care needs. They have educational needs, and we are just saying, "Hey, what we want counts. What you want in terms of the priority in spending does not count."

This amendment that is being offered by my colleague, the gentleman from California, is a step toward fiscal sanity and restoring fiscal integrity not only here in Washington, DC, but to our Federal, to our State, to our county and our local governments.

It is a responsible amendment and I support it fully, and I would hope that all of you do, too.

Mr. BROOKS. Madam Chairman, I yield 1 minute to the distinguished gentleman from Arizona [Mr. PASTOR].

Mr. PASTOR. Madam Chairman, I know that my good friend, the gentleman from California, is well-intentioned. I know that he believes in extending civil rights to his constituents as well as to my constituents; but this argument that the Federal Government has a responsibility because it is trying to meet the objective that it have a well-informed electorate, this amendment will kill the extension of the Civil Rights Voting Act, this particular amendment for assistance in voting in the language that they need.

So Madam Chairman, I would ask my colleagues to please vote against this amendment. It is well-intentioned, but it will do nothing but kill this bill.

Mr. BROOKS. Madam Chairman, I yield 2 minutes to the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. Madam Chairman, I will not take that much time, but I thank the gentleman for yielding me time.

The gentleman from California, the author of this bill, and the gentleman from California [Mr. ROHRBACHER] very conveniently forget that the city and county of Los Angeles are very much for this provision and have written a letter supporting it. I am sure they have a copy of the letter.

Also, the city and county of Los Angeles have worked out, in accordance with this bill and in accordance with the Voting Rights Act, favorable procedures. The expense is very, very low, compared to the great benefits that they receive from it.

The city of New York has also written us a letter asking that this bill be passed as it has been presented, without this amendment, which as my friend, the gentleman from Arizona [Mr. PASTOR] said would gut the bill. If they have to count on funding from outside, that means that local governments will not provide the assistance.

Mr. CONDIT. Madam Chairman, in closing, I would just say that this is an

effort to let local governments know that we are not going to continually mandate things here without coming up with some funding mechanism.

Let me say how serious this is to the State of California. In the news this morning, the Bank of America has indicated they will not honor the IOU's from the State of California. The State of California has no money. They have no way to fund these kinds of programs.

We have got to stop in this place mandating things to local governments without some way to fund them, without some way of giving them the money to implement those programs.

We cannot continue to pass bill after bill mandating programs to local governments who are already strapped, without considering a way to give them the money. That is all I am trying to do in this amendment. I think it is fair, and I ask my colleagues to support it.

Mr. WASHINGTON. Madam Chairman, will the gentleman yield for a question?

Mr. CONDIT. Certainly, I yield to the gentleman from Texas.

Mr. WASHINGTON. Madam Chairman, I know the gentleman is well-intended.

I wanted to draw attention and try to focus on what I think is the major problem many of us have with the amendment.

While it is true that the Federal Government needs to come to grip with mandates they place on people, I hope the gentleman draws a distinction between a discretionary act, a thing that we may in our good graces decide ought to happen at the local level, and a constitutional act.

We are talking about the very fundamental *raison d'etre*, if you will, of this country, that is the right to vote. If we do not do everything to protect that right, what the gentleman is saying is that freedom has a price.

Is there not a distinction between the 55-mile-an-hour mandate that we may put on a State, and mandating that they remove all the vestiges of discrimination so that people can fully participate and vote? Does the gentleman not see a difference between those?

Mr. CONDIT. I agree with the gentleman that this is a right that we ought to ensure for everyone, but that does not mean that we cannot fund these programs at the local level.

It is a burden on them.

Mr. WASHINGTON. I agree.

Mr. CONDIT. If we see that it is necessary for us to mandate this, we ought to come up with a good way to let them know the money is coming.

Mr. WASHINGTON. Madam Chairman, just one other question, if the gentleman will yield further.

If the gentleman's amendment were adopted and we would not come up

with the money, what would be the result?

Mr. CONDIT. We would have to come up with the money.

Mr. WASHINGTON. If we did not come up with the money, what would be the result? The result would be the people would not be allowed to vote.

Mr. CONDIT. That is not correct. We would come up with the money.

Mr. BERMAN. Madam Chairman, will the gentleman yield?

Mr. CONDIT. I yield to my colleague, the gentleman from California.

Mr. BERMAN. Madam Chairman, I respectfully suggest that the gentleman from Washington is correct. There would have been a way of writing this amendment which would have appropriated the funds as we had authorized them.

The problem is, the gentleman's amendment is generally a good amendment, but we are dealing here with a constitutional principle under the 14th and 15th amendments. If appropriations are not funded, the obligation will now disappear from the local governments to deal with language minorities. If we had written this in a fashion that automatically appropriated the funding through the authorization, as has been done in the past, then the mandate would work.

So I would suggest that in the future on this kind of an issue we try that approach, because I think the gentleman is right. When we decide to allow refugees into this country, we should fund them. When we make other kinds of obligations in a discretionary fashion, we should fund them; but this is a constitutional obligation. We should not let appropriations decide whether or not the rights that are amplified and specified in this bill, coming from the 14th and 15th amendments, whether those rights will actually obtain or not.

Mr. BROOKS. Madam Chairman, I yield 1 minute to the gentleman from New York [Mr. FLAKE]

Mr. FLAKE. Madam Chairman, we come today to a moment where some of us from other cultural backgrounds, coming out of the era of poll taxes, realize that historically there have been various means that have been used to deny people the right to vote.

This morning we are not talking about refugees. We are talking about people who pay income taxes, people who pay property taxes, and we realize that this might be a burden on certain municipalities. But who makes up the municipality?

□ 1150

It is made up by a group of multiethnic, multicultural people, those people who do not speak the language, who still pay taxes, who still pay taxes for schools, residential taxes, they pay income taxes, and therefore they should have the right to vote.

I would urge us then to consider this on the basis of the reality that we are talking about the civil rights of human beings who are part of the fabric of this society, and not mistreat them nor discriminate against them, but allow them the privilege to accept their God-given right, guaranteed to them by the Constitution of this Nation, and that is the right to vote.

Madam Chairman, that is all we are asking this morning. I stand opposed to the Condit amendment and in favor of this bill and urge my colleagues to support it.

Mr. CONDIT. Madam Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. MORAN.]

Mr. MORAN. Madam Chairman and colleagues, what this bill does is needs to be done, and I am very supportive of it. But it is wrong for us to be telling State and local government to pay for things that we are not willing to pay for. If this is the right thing to do, then we ought to pay for it.

Madam Chairman, in Alexandria we thought about doing this, but we cannot manufacture money. If we spend money, it has to come from a finite source. We decided that it was more important to hire bilingual police officers than to put our money into something that we did not think was as high a priority.

Now, if this is a high priority in our local jurisdictions, the local jurisdictions would have found a way to do it. If we think that they are not going to do it, that it needs to be done, we come up with the money to pay for it.

We have got to stop unfunded Federal mandates. It is not right, it is not fair.

Madam Chairman, I am not trying to appeal to anybody here; all I am trying to do is to let you know what it is like to be the mayor of a city that is having to cut virtually every single program that we have had in operation.

If we pay for something, it comes from something else. If we put more money into this, even if it is only a 7 percent increase, it is going to come out of somebody else's salary. It means we are not going to be able to provide an incentive to hire bilingual police officers, or we are going to have to fire that community outreach person who goes into the neighborhoods and tries to interpret the human service publications that we have.

If we believe in something, we ought to have the courage to find the money to pay for it.

Mr. BROOKS. Madam Chairman, I yield 1 minute to the distinguished gentlewoman from Hawaii [Mrs. MINK]. And then I will ask the gentleman from New York [Mr. FISH], to close.

Mrs. MINK. I thank the chairman of the Committee on the Judiciary.

Madam Chairman, we spend a great deal of time trying to instill in our children that being an American citizen carries with it certain innate responsibilities, one of which is to vote.

Voting is an essential performance that we expect of all our citizens. Yet there are thousands in our country who are not able to.

How can we put money as a barrier in the fundamental exercise of this responsibility? And yet that is what this amendment would do. It would say, if the Federal Government did not provide the money, the basic constitutional responsibility of the local entities can be avoided. Then this legislation would mean nothing.

Madam Chairman, it seems to me what we have to do is to pass this bill and then, if there are those in the communities who feel that the exercise of this fundamental right and the assistance which we are trying to provide is too costly for the local governments to pay for themselves, then go through the appropriations process and get this Congress to pay for it.

But vote down this amendment; it would destroy the ability of this Congress to provide basic assistance to voters all across the country who need this kind of help.

Mr. BROOKS. Madam Chairman, I yield 2 minutes to the distinguished gentleman from New York [Mr. FISH].

Mr. FISH. I thank the gentleman for yielding.

Madam Chairman, I had not intended to speak on this amendment, but I do so because I think it is terribly important we understand what we are about to vote on.

The language of the amendment says that the prohibitions in the subsection would not apply to any State or political subdivision that does not receive a Federal grant to cover all expenses.

Now, I come from New York State, where we are particularly sensitive to unfunded mandates. If this amendment had been expressed as an appropriation, as my friend, the gentleman from California indicated was the case in the Immigration Act a few years ago where we did provide in the authorizing legislation billions of dollars to assist the States in the implementation of that legislation, I would support it.

If this were phrased as a sense of the Congress that we should appropriate where it is necessary to avoid a heavy burden on the States, I would support either of those efforts. But what we are faced with today is the possibility of allowing the States the option of not assuring voting rights if Federal money is not forthcoming. It would simply be defeating the very purpose not only of this legislation but a very basic constitutional right.

I understand the frustration of my colleagues over mandates, but I ask that, when we are considering voting by our fellow citizens, that we do not place our frustrations on the scales opposite justice and the Constitution.

Mr. BROOKS. Madam Chairman, I yield 30 seconds to the distinguished gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. I thank the gentleman for yielding.

Madam Speaker, this is 1992. I cannot believe some of the things that I am hearing. The right to vote is a precious right, and we should not place a price tag on the right to vote.

This amendment should be defeated. It is not good, it is a killer amendment.

Madam Chairman, let us pass the bill.

The CHAIRMAN. The gentleman from California [Mr. CONDIT] has 30 seconds remaining.

Mr. CONDIT. Madam Chairman, I yield 30 seconds to my colleague, the gentleman from California [Mr. HUNTER].

Mr. HUNTER. I thank the gentleman for yielding.

Madam Chairman, the Condit amendment is right on. It answers the complaints that we have time and again from local governments, "You give us Federal mandates and no money to carry them out."

It will imbue this Congress with a new sense of thrift. It stands for accountability and we need to apply it across the board to programs that we mandate down to the local levels.

Mr. RICHARDSON. Madam Chairman, this amendment would condition the protection of the constitutional right to vote for language minority citizens on the provision of Federal funds. During periods of severe fiscal constraints, the practical effect of this amendment would be to deny language minority citizens the assistance they need to cast an informed and effective vote.

Providing assistance to language minorities in order to enable their constitutional right to vote should not be debated on the issue of cost.

Subjecting the voting rights of language minority citizens alone to cost considerations perpetuates the discriminatory treatment language minority citizens have historically suffered.

In implementing and assuring the guarantees of the Constitution, Federal laws have long imposed burdens upon States and localities without financial assistance.

Providing Federal funds to those jurisdictions with language minority communities which have historically suffered from discriminatory voting practices effectively rewards those communities that have practiced discrimination and/or failed to adequately educate language minorities.

However, one should note that the cost of providing bilingual voting assistance is minimal in relation to total election costs.

In 1982, the House Judiciary Committee concluded that where implemented in an effective manner, the cost of bilingual voting assistance accounts for only a small fraction of total election expenses.

A 1986 GAO report similarly noted that the total additional cost for written language assistance averaged only 7.6 percent of total election costs. Furthermore, the report noted that these costs declined over time.

For oral assistance, provided for native Americans, the costs were even less.

Needless to say, such minimal costs should be of little concern when viewed in the context of protecting the fundamental right to vote.

Mr. BROOKS. Madam Chairman, I yield back the balance of my time and ask for a vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. CONDIT].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. CONDIT. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 184, noes 186, not voting 64, as follows:

[Roll No. 315]

AYES—184

Allen	Hayes (LA)	Peterson (MN)
Applegate	Hefner	Petri
Archer	Henry	Pickett
Army	Herger	Porter
Baker	Hobson	Poshard
Ballenger	Hochbrueckner	Price
Barrett	Hopkins	Pursell
Bateman	Hubbard	Ramstad
Bentley	Hunter	Ravenel
Bevill	Hutto	Regula
Bilirakis	Inhofe	Rhodes
Bliley	James	Ridge
Boehner	Jenkins	Rinaldo
Brewster	Johnson (CT)	Ritter
Browder	Johnson (SD)	Roberts
Burton	Johnson (TX)	Roemer
Byron	Kanjorski	Rogers
Camp	Kasich	Rohrabacher
Campbell (CA)	Klug	Rostenkowski
Chapman	Kolbe	Roth
Clement	Kyl	Roukema
Clinger	Lagomarsino	Rowland
Coble	Lancaster	Sangmeister
Condit	Lehman (CA)	Santorum
Costello	Lent	Saxton
Cox (CA)	Lewis (CA)	Schaefer
Cox (IL)	Lewis (FL)	Schulze
Cramer	Lightfoot	Sensenbrenner
Crane	Lipinski	Shaw
Dannemeyer	Lowery (CA)	Shays
Darden	Luken	Shuster
Davis	Marlenee	Sisisky
DeLay	Mavroules	Skeen
Dickinson	McCandless	Smith (NJ)
Donnelly	McCollum	Smith (OR)
Doolittle	McCrery	Snowe
Dornan (CA)	McCurdy	Solomon
Dreier	McDade	Spence
Duncan	McEwen	Stearns
Durbin	McGrath	Stenholm
Eckart	McMillan (NC)	Stump
Emerson	McMillen (MD)	Swett
English	Meyers	Tanner
Erdreich	Michel	Tauzin
Fawell	Miller (OH)	Taylor (MS)
Fields	Miller (WA)	Taylor (NC)
Franks (CT)	Montgomery	Thomas (CA)
Galleghy	Moorhead	Upton
Gallo	Moran	Valentine
Gekas	Murphy	Vander Jagt
Geren	Myers	Vucanovich
Gilchrest	Neal (MA)	Walker
Gillmor	Nichols	Walsh
Gingrich	Nussle	Weldon
Goodling	Orton	Wolf
Goss	Oxley	Wylie
Gradison	Packard	Young (AK)
Gunderson	Parker	Young (FL)
Hall (TX)	Patterson	Zeliff
Hancock	Paxon	Zimmer
Harris	Payne (VA)	
Hastert	Penny	

NOES—186

Abercrombie	Anderson	Annunzio
Ackerman	Andrews (ME)	Aspin
Alexander	Andrews (NJ)	AuCoin

Beilenson	Hoagland	Panetta
Bennett	Horn	Pastor
Bereuter	Horton	Payne (NJ)
Berman	Houghton	Pease
Bilbray	Hoyer	Pelosi
Blackwell	Hughes	Perkins
Boehkert	Jacobs	Pickle
Bonior	Jefferson	Quillen
Borski	Johnston	Rahall
Brooks	Jones (GA)	Rangel
Bruce	Jones (NC)	Reed
Bustamante	Jontz	Richardson
Cardin	Kaptur	Roe
Carper	Kennedy	Ros-Lehtinen
Carr	Kennelly	Rose
Clay	Kildee	Roybal
Coleman (TX)	Kleccka	Sabo
Collins (IL)	Kopetski	Sanders
Collins (MI)	Kostmayer	Sarpaluis
Combest	LaFalce	Sawyer
Cooper	Lantos	Scheuer
Coyne	LaRocco	Schiff
Cunningham	Leach	Schroeder
de la Garza	Lehman (FL)	Schumer
DeLauro	Levin (MI)	Serrano
Dellums	Lewis (GA)	Sikorski
Derrick	Long	Skaggs
Dingell	Lowe (NY)	Skelton
Dixon	Machtley	Slattery
Dooley	Manton	Slaughter
Dorgan (ND)	Markey	Smith (FL)
Downey	Mazzoli	Smith (IA)
Edwards (CA)	McCloskey	Solarz
Edwards (TX)	McDermott	Spratt
Engel	McHugh	Stallings
Espy	McNulty	Stark
Evans	Mfume	Stokes
Ewing	Miller (CA)	Studds
Fascell	Mineta	Swift
Fazio	Mink	Synar
Fish	Moakley	Thornton
Flake	Mollinari	Torres
Foglietta	Mollohan	Torricelli
Ford (MI)	Moody	Towns
Frank (MA)	Morella	Unsoeld
Gejdenson	Mrazek	Vento
Gephardt	Murtha	Viscosky
Gibbons	Nagle	Volkmer
Gilman	Natcher	Washington
Glickman	Neal (NC)	Waters
Gonzalez	Nowak	Waxman
Gordon	Oakar	Weber
Grandy	Oberstar	Weiss
Green	Olin	Wheat
Guarini	Oliver	Williams
Hall (OH)	Ortiz	Wise
Hamilton	Owens (NY)	Wolpe
Hayes (IL)	Owens (UT)	Wyden
Hertel	Pallone	Yates

NOT VOTING—64

Allard	Dymally	Matsui
Andrews (TX)	Early	Morrison
Anthony	Edwards (OK)	Obey
Atkins	Feighan	Peterson (FL)
Bacchus	Ford (TN)	Ray
Barnard	Frost	Riggs
Barton	Gaydos	Russo
Boucher	Hammerschmidt	Savage
Boxer	Hansen	Sharp
Broomfield	Hatcher	Smith (TX)
Brown	Hefley	Staggers
Bryant	Holloway	Sundquist
Bunning	Huckaby	Tallon
Callahan	Hyde	Thomas (GA)
Campbell (CO)	Ireland	Thomas (WY)
Chandler	Kolter	Trafcant
Coleman (MO)	Laughlin	Traxler
Conyers	Levine (CA)	Whitten
Coughlin	Livingston	Whitson
DeFazio	Lloyd	Yatron
Dicks	Martin	
Dwyer	Martinez	

□ 1219

The Clerk announced the following pairs:

On this vote:

Mr. Martinez for, with Mrs. Boxer against.
Mr. Riggs for, with Mr. Andrews of Texas against.

Mr. GORDON and Mr. RAHALL changed their vote from "aye" to "no."

Messrs. HANCOCK, APPLGATE, HASTERT, CLINGER, and SHAYS changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. VANDER JAGT

Mr. VANDER JAGT. Madam Chairman, I offer an amendment that has been printed in the RECORD pursuant to the rule.

The Clerk read as follows:

Amendment offered by Mr. VANDER JAGT: Page 5, line 24, insert "(but not less than 100 citizens of voting age)" after "voting age".

□ 1220

The CHAIRMAN. The gentleman from Michigan [Mr. VANDER JAGT] will be recognized for 10 minutes, and the gentleman from Texas [Mr. BROOKS] will be recognized for 10 minutes.

Mr. VANDER JAGT. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, this amendment would exempt voting units from the requirement of providing bilingual ballots where the number of voters affected is fewer than 100.

The amendment arises out of a situation in Clyde Township in Allegan County in my district where there are 83 Hispanics of voting age.

They are not migrant workers. They are assimilated into the community. Their kids go to school, play on the sports teams, sing in the choir, attend the churches.

And over the past elections, Spanish ballots have been provided. And not once, not once has anybody ever requested a bilingual ballot.

Under Michigan law, it is the township that has the responsibility of conducting the election. It costs this little township \$1,000 to print the ballots in the primary, \$1,000 to print the ballots in the general. The total budget of the whole township for everything is \$250,000.

So though \$1,000 sounds tiny to us, it is an enormous financial burden to them. When the township clerk first discovered she had to do this a number of elections ago, the county clerk took mercy on this poor little township clerk and did the ballots for her with paste and Scotch tape, perforated the ballot on her sewing machine at night. They now go to a professional printer, and that is the \$1,000 subsequent cost and no one has ever requested a Spanish ballot.

They feel that to the extent that they can facilitate voting, it would be far more effective to provide Spanish-speaking interpreters and interpreters who teach Spanish at a nearby college have volunteered to do this.

So it seemed to me, Madam Chairman, that this House should make it clear that we do not just want to impose burdens, even where they are unnecessary and where there is a more

low cost efficient helpful way, helpful not just to the township but also helpful to the recipients.

I again repeat that in no election has anyone ever requested one of these ballots, and they feel very strongly, in this harmonious community, that it would be far more helpful to provide an interpreter rather than to go through the cost of printing the ballots that no one uses.

I would like to ask either the chairman of the community or of the subcommittee, what is the intent behind this law?

Mr. EDWARDS of California. Madam Chairman, will the gentleman yield?

Mr. VANDER JAGT. I yield to the gentleman from California.

Mr. EDWARDS of California. Madam Chairman, I compliment the gentleman from Michigan on his attention to this matter because it is of grave importance to him. And we have had considerable discussions on the subcommittee as well as lawyers on both sides.

The gentleman understands now, and his staff understands now, that the law itself and the regulations are not insensitive to this problem. And the law and the regulations will not require ballots necessarily at all in the little township that the gentleman describes.

Alternative methods that still offer and satisfy the requirements of the law, that a person not be discriminated against and is able to vote with the language requirements somehow met with an interpreter or some other way, are perfectly in accordance with the law. I trust that this explanation satisfies the gentleman that there are alternative methods whereby this township can handle this situation.

Section 203 and H.R. 4312 do not demand the unreasonable from jurisdictions. Rather, the act and the regulations take into consideration the concerns of local jurisdictions and are flexible enough to address them. For example, the regulations state that it is the responsibility of the jurisdiction to determine what actions by it are required for compliance with the requirements of section 203. According to the regulations, jurisdictions with small language minority communities may not need to implement language assistance measures identical to those provided in larger jurisdictions. In planning compliance with section 203, a jurisdiction may, where alternative methods of compliance are available, use less costly methods if they are equivalent in their effectiveness to more costly methods.

Mr. VANDER JAGT. Madam Chairman, I thank the gentleman for his explanation. It does totally satisfy this gentleman.

Mr. BROOKS. Madam Chairman, will the gentleman yield?

Mr. VANDER JAGT. I yield to the gentleman from Texas.

Mr. BROOKS. Madam Chairman, we will consider the substance of the amendment in the future.

Mr. VANDER JAGT. Madam Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. MCCOLLUM

Mr. MCCOLLUM. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered 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".

Mr. MCCOLLUM (during the reading). Madam 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 Florida?

There was no objection.

The CHAIRMAN. The gentleman from Florida [Mr. MCCOLLUM] will be recognized for 10 minutes, and the gentleman from Texas [Mr. BROOKS] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

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

This is a very simple amendment. It simply adds the word "to citizens on request" to the existing statutory language to make it absolutely clear to everybody that the only people who are going to get this bilingual voting material are those who are citizens of the United States, and they are normally the only ones eligible to vote. And they are only going to get it if they request it. That is actually the procedure that is currently used. That is the way the current Voting Rights Act guidelines issued by the Department of Justice operate. That is the way I understand most of the supervisors of elections around the country operate. They only give this material out when there is a request.

We ought to put that in statute. It seems to me that that is very important now, especially in light of the fact that at least we have one jurisdiction already in this country, one municipality that is allowing noncitizens to vote. It is my understanding that the city of Washington, DC is considering allowing noncitizens to vote.

I, frankly, do not think we should encourage noncitizen voting. We should discourage it. That is one of the hallmarks of this Nation.

In fact, that is why a lot of people become a citizen, to have the right to vote. It is a very, very precious thing.

It occurs to me that by adopting this amendment in the Voting Rights Act

extension regarding these bilingual ballots, we will make that very clear. We will make a statement by adopting this amendment that we only want citizens to be the ones voting in this country. And this material only should go to citizens. And clearly, that it should only be by request.

There is an interesting study that was found by the U.S. attorney in 1980 who investigated voter registration drives that were allegedly registering noncitizens out in San Francisco. He found that at least 27 percent and possibly as many as two-thirds of the registrants investigated were noncitizens. Investigation revealed that registration of noncitizens stemmed from a translation error in the multilingual registration materials. It did not make it clear to them that only citizens could register to vote, that noncitizens could not.

It would make sense, then, it seems to me to make clear to the registrars, to everyone else that this multilingual material is only to be for citizens because only citizens normally have the right to vote. And again, we do not encourage otherwise; in fact, discourage it, and that again only by request.

It would also save the waste of a lot of cost in some instances, if this is clarified by statute.

I would like to also address one objection that has been made to this already with me. Somebody has said that the amendment will create a separate hurdle that will discourage the use of multilingual voting material, because voters will have to prove they are citizens when they go to vote. That is not true. People who want to register to vote already have to prove they are citizens. You would not have to go through another hurdle to prove you were a citizen when you went to vote.

□ 1230

A person would already have had to prove that in order to be registered to vote, and would not be voting if they were not registered. So I do not think there is any new hurdle created by this amendment. It is simply a clarification, that for the multilingual materials, a person has to be a citizen to get them, and that would be virtually everybody, anyway, who is supposed to be able to vote, with the exception of a couple of cities in the country where that is not true.

Second, it would have to be by request, and that is the standard operating procedure currently. We would not get into one of these situations where somebody could change that down the road.

Mr. FISH. Madam Chairman, will the gentleman yield?

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

Mr. FISH. Madam Chairman, I never thought anybody but an American citizen did vote or was entitled to vote.

I do not understand the "on request." I would ask the gentleman from Florida [Mr. MCCOLLUM] if he could clarify what those two words mean.

Mr. MCCOLLUM. "On request" means a person would not get the bilingual material unless the would-be voter, who is already there, registered to vote, asks for the material that is there and available. They would not get it automatically given.

In other words, a supervisor of elections would not be required or could not be required down the road somewhere under this act to distribute this bilingual material to all his Spanish-speaking or all Asian, potential Asian-speaking Americans who are citizens who are registered to vote under some formula that is figured out. They would have to actually make the request for the material. They would have to come forward and say, "I would like that material." It would be available, but it would not be distributed or mailed out to everybody that is listed as Hispanic or Asian or native American or whatever.

By the way, that is the way it works today. The only way it works today, as I understand it, is by request, anyway. Those are the guidelines that the Justice Department puts out under the law currently as far as how the process works.

Mr. PASTOR. Madam Chairman, will the gentleman yield?

Mr. MCCOLLUM. I am glad to yield to the gentleman from Arizona.

Mr. PASTOR. Madam Chairman, what happens in this situation, at least in Arizona, where the county recorders, in trying to ensure that the electorate is well-informed, they will mail out sample ballots which not only have the names of the candidates but also information on the different initiatives or referendums. People do not request it, it is mailed to them.

At least in the State of Arizona, knowing that we have native Americans, Mexican-Americans, Hispanics who the recorders want to make sure are well-informed, that information is mailed to them. If they could only get it when they request it, many of the people would not be able to be well-informed voters.

Mr. MCCOLLUM. If I can reclaim my time, if a person votes by absentee ballot, they have to request the absentee ballot. They could request the voting material in the bilingual language at the time, just as they would if they were going to the voting booth.

Mr. PASTOR. If the gentleman will continue to yield, the question is not to their ballot or the question is not to the absentee, the question is to the material that is mailed to all the electorate.

Mr. MCCOLLUM. If I can reclaim my time, the States can still do that. They can still publish it. There is no prohibition on that whatsoever.

I think that the law that we are passing today would require that material necessarily to be mailed out that way, anyway. I think what we are dealing with is the material that normally goes out officially, in anything that would go out officially and would be going out under request if it is an absentee request. We do not send that out automatically now to somebody until they go to vote or until they request an absentee ballot, so my proposal would not change that at all.

Madam Chairman, I reserve the balance of my time.

Mr. BROOKS. Madam Chairman, I yield myself 3 minutes.

Madam Chairman, I rise in opposition to this amendment. The current regulations provide more than adequate flexibility to State and local jurisdiction to target language assistance. In some circumstances providing assistance on request may be sufficient to comply with the act, and in others it might not. The language minority citizens obviously will not request information if they do not know anything about it. It is pretty hard to ask for something a person doesn't know exists. What are they going to ask for? Probably the gentleman's address in Florida.

English language mailings sent to registered voters will obviously not assist language minority voters unless, at a minimum, the mail includes information in that minority language regarding how to request help. It is difficult enough to understand elections, ballots, and the language involving them and explaining them for us who are raised in this country and speak some kind of English all our lives. It is still difficult.

Imagine how complex it must be to understand the nuances of election requirements and provisions and bond issues and authority for the various State agencies when it is written out this long, this thick, one big fat paragraph on the ballot in a foreign language. It is difficult. I think it is unconscionable.

The amendment cannot result in the administrative savings for jurisdictions who will need to have materials in minority language on hand, at any rate. This is a bad amendment. Let us kill it and quite worrying about it.

Mr. PEASE. Madam Chairman, will the gentleman yield?

Mr. BROOKS. I yield to my friend, the gentleman from Ohio.

Mr. PEASE. Madam Chairman, I think the chairman raises an excellent point. Perhaps the gentleman from Florida [Mr. MCCOLLUM] could enlighten us. What happens if a Spanish-speaking person, for example, goes into a voting place, a person goes into the voting place which has ballots in the foreign language. Are the people behind the desk at the voting place allowed to say, "Would you like a ballot in this

foreign language," or can they not do that, because under the terms of your amendment the person has to ask for it?

Mr. MCCOLLUM. Madam Chairman, will the gentleman yield?

Mr. BROOKS. I will yield to the gentleman from Florida.

Mr. MCCOLLUM. Madam Chairman, the gentleman has asked a good question. The answer is, of course they can say, "Would you like the ballot?" I cannot imagine they would not do that. There is nothing in here to prohibit a State from going forward, in my opinion, from going forward and doing things exactly the way they are doing them now.

The intention is simply to codify the presently existing practices and make it very clear that the Federal Government cannot go out and mandate the kind of detailed changes that otherwise would cause additional burdens on the States and local governments. We are simply codifying the present practices.

Mr. PEASE. Madam Chairman, I thank the gentleman for his response.

Mr. BROOKS. Madam Chairman, I yield 2 minutes to the distinguished gentleman from Texas [Mr. PICKLE].

Mr. PICKLE. Madam Chairman, I thank the gentleman for yielding time to me.

Madam Chairman, I rise for purposes not directly connected with the pending amendment, but as we discuss this voting rights bill, which I certainly endorse, I want to call the Members' attention to an insert put in the CONGRESSIONAL RECORD on Tuesday of this week on page 18764. It is titled "The Civil Rights Fight Continues." Let me read two or three sentences, because it pertains to a speech by former President Lyndon Johnson.

Madam Chairman, the article reads:

"The Great Society is back in the news," said the Washington Post recently. The occasion, of course, was the contention of some national officials that the social programs of the 1960s were in some way responsible for the Los Angeles riots. "As a reminder of what the Great Society was about and of how another President approached the issues that recurred * * * in Los Angeles," the Post printed excerpts from a speech President Johnson delivered at Howard University in June 1965.

Madam Chairman, I commend this article to the Members' attention. This was the last speech that LBJ gave before he was called away a month later. It is good reading. It is compassionate, it is soulful, it is prophetic and very moving. I hope the Members have occasion to read the article.

Mr. MCCOLLUM. Madam Chairman, I yield 1 minute to the gentleman from California [Mr. THOMAS].

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

Madam Chairman, my understanding is this amendment does two things. One, it says that a person has to be a

citizen before they can vote. Then if the material is bilingual, they can get it on request. It does not define, I understand, the mechanism of request.

The State could include a bilingual postcard in the mailing of information. The gentleman from Arizona [Mr. PASTOR] was concerned about how people were going to get it. If in fact there is material put out to every person in the State, there are any number of ways that the contact could be made through a bilingual document which would allow a person to get that information.

The difficulty comes in terms of enormous amounts of money that are expended in areas in which there is no need or use for the bilingual material but for which they are produced anyway. We lost a vote in terms of getting mandates funded by two votes just a minute ago. This is a way in which we could save an enormous amount of money while putting no burden on anyone who wants material in a language that they feel more comfortable in.

I do hope that no one will vote against this because of the provision that says you have to be a citizen to vote.

□ 1240

Mr. BROOKS. Madam Chairman, I yield 2 minutes to the distinguished gentleman from California [Ms. PELOSI].

Ms. PELOSI. Madam Chairman, I thank the gentleman for yielding me the time.

Madam Chairman, because each and every one of us in this body has a responsibility to the Constitution to remove obstacles of participation to the voting process in this country, I rise in opposition to the McCollum amendment that would require limited-English citizens to affirmatively request bilingual ballot materials. I do this for two reasons, Madam Chairman.

First, as our distinguished chairman pointed out earlier, such a requirement would set up a separate but equal catch-22. How do you know to ask for these materials, how do you know of their existence, and how are you notified of them, perhaps by an English mailing.

Second, and even more important from my perspective, it has a chilling effect not altogether different from a poll tax or a literacy test.

I would like to share with my colleagues our experience in San Francisco on this subject. In the late seventies San Francisco required voters to request language assistance in order to receive it. After complaints from voters, the Justice Department sent out Federal workers to observe the process. These Federal observers found that because of this procedure, limited-English voters were confronted with hostile poll workers. They were not made aware of the existence of the language

assistance materials, and were intimidated and made to feel embarrassed about their language abilities. As a result, many citizens opted not to vote rather than face these daunting obstacles.

Our chairman referred to the targeting that we are required to do. Once the registrar determines what precincts have significant numbers of limited-English voters, then bilingual poll workers can be put in these places at no additional cost to facilitate the use of language assistance materials.

There should not be an undue burden on limited English-speaking voters for appropriate materials. Rather the burden should be on the election officials to encourage and facilitate voting by all citizens.

I strongly urge my colleagues to vote against the McCollum amendment.

Mr. BROOKS. Madam Chairman, I yield 2 minutes to the gentleman from New York [Mr. WEISS].

Mr. WEISS. Madam Chairman, I want to thank the distinguished chairman of the committee for yielding time to me. And I want to speak very briefly now in two capacities, one as an American voter and two, I want to relate the immigrant experience.

I know that Members have probably all had the same experience I have had. You walk into a voting booth sometimes and it just overwhelms you, knowing the language fully. Can you imagine what it is to someone who has limited knowledge of the language, and he finds out or she finds out for the first time when she walks into that booth or he walks into that booth, what you are really doing, and then the word gets out and it is very confusing and hard to tell, and people are discouraged from voting. We should not want to do that. So from that practical sense it really does not make any sense to do it only on request. By that time it is too late.

As an immigrant myself, I know that most immigrants to the United States want to become fully Americanized as quickly as they can. But sometimes circumstances of community and locality and geography work against them. And why should we not encourage the people who want to participate, but who are not fully capable of doing it in English from doing so?

I do not understand the hurdles that are attempted to be put into place. We all brag about how we are a fully participatory democracy and we want everybody to take part. Well darn it, if we want everybody to take part, let us make it easy for people to take part.

Mr. MCCOLLUM. Madam Chairman, I yield myself such time as I have remaining.

Madam Chairman, I think that this amendment is probably being mischaracterized or misunderstood perhaps by some who are arguing against it. It is not in any way in-

tended to put another hurdle in the way of those who cannot speak English to vote. It is in no way intended to be discriminatory or to discourage. It is rather to simply clarify the existing practices as are understood today and make sure we do not see an abuse of those practices that costs the local governments a whole lot more money.

We just had an amendment out here a few moments ago that lost by two votes that would have required us in the Federal Government to pay the expenses of these multilingual voting materials instead of the local communities having to pay for them, thereby costing them more money for these unfunded types of propositions that we so often mandate. It lost by two votes, so local communities are going to have to pay for this material.

And if they have to submit this material, or somebody up here in the Federal Government comes down by regulation under this act and says, "Ah ha, you have to prepare all of this multilingual voting material and provide it out there, and mail it to everybody who registers to vote or who has registered who is a Hispanic American, or an Asian-American, or a Native American, or an Alaskan Aleut, or whoever," then we are going to cause a tremendous cost to the local taxpayer and the local government. It is a ridiculous thing to do.

Instead, my amendment simply says that the material is only going to have to be provided to citizens, and that is the only people I think it should be provided to, upon request, and if that request is made, of course, it will be provided. And the materials can be provided by the supervisor, or certainly they can be by cards and materials that have clearly printed on them that they will be given multilingual ballots and so forth if they request them. In other words, there can be notice of this very easily, and that is what the assumption would be, that the regulations would say that you would have to give notice that the bilingual material was available.

And do not forget, anybody who is a citizen anyway, under the statutes, has to be able to read and write and have a minimum proficiency, so surely they would have enough proficiency and understanding to make the request. That is the way it is done today, and that is the common practice.

I am not suggesting that we change current law. I am not doing that in this amendment. I am simply codifying the fact that only citizens would get the material so that we do not encourage the proliferation of noncitizen voting districts like is happening here now, and that those who do and who are citizens are only going to get it by request so that we do not waste a lot of money or have some regulations promulgated down the road somewhere that will waste a lot of money of the local com-

munities. Since this burden is now on the local communities and they have to pay, we do not want that to happen. We want to keep it here in the simplest form possible, and we want to provide the access to this material to those who really need it. But we want to keep it in a narrow focus, and not waste a lot of money.

So again, my amendment does two things. It provides the requirement that you have to be a citizen in order to get the material. Second, you are required to request that material. And I urge an aye vote on this amendment, because if Members do not vote aye they are going to not be voting the way I think they would want to vote to encourage citizens only voting and request only that saves the local governments some money.

Mr. BROOKS. Madam Chairman, I yield 2 minutes to the distinguished gentleman from California [Mr. MINETA], a former mayor and distinguished administrator.

Mr. MINETA. Madam Chairman, I appreciate the gentleman yielding me the time.

I rise today in strong opposition to the amendment.

The amendment before us would require that counties provide bilingual assistance or bilingual ballots only when citizens request it. On the surface, that seems reasonable.

But in fact, this amendment would make implementation of the bill more complex.

And more importantly, it would write a mandate into Federal law that some voters be singled out for official harassment and intimidation.

When I first saw the gentleman's amendment, I focused on the cost issues involved. Under the bill as reported, counties covered by the bill are allowed to selectively target their assistance to those precincts where it is needed the most.

But by basing the requirement on voter requests, a county would have to be prepared to offer bilingual assistance whenever it is requested: in any covered language at any polling place in the county.

I didn't initially focus on the word "citizen" in the gentleman's amendment. After all, who else but citizens will be registered to vote?

But now I find that the gentleman's amendment is designed to require verification at the polls that bilingual voters are, in fact, citizens.

Madam Chairman, what do we think the registrars of voters in this country are doing?

The implication of this amendment is that, if you can't speak English well, then we will operate on the assumption that you lied when you registered to vote.

Madam Chairman, I have seen nothing, absolutely nothing, to tell me that we've got a problem with fraudulent

registration by immigrants in this country.

If we do, then why focus only on people who aren't English proficient? It would be just as likely that hordes of Canadians, Irish, and Australians are sneaking into this country and attempting to manipulate our elections.

Madam Chairman, I reject the implication that simply because someone can't speak English they are worthy of our distrust.

When they come into a polling place, we cannot mandate the blatant intimidation of pulling them aside to be grilled about their citizenship.

Citizenship should be verified when people register to vote. Singling out one group of voters for interrogation at the polls is blatantly discriminatory.

It will achieve absolutely nothing except the intimidation of American citizens exercising the franchise guaranteed them by the Constitution.

I ask my colleagues to join me in defeating the amendment.

Mr. RICHARDSON. Madam Chairman, the voting process should be open to all those eligible, not just those who request the assistance to exercise a constitutional right.

Providing bilingual voting assistance should not place burdens on the recipients of the materials.

Language minority voters, particularly first time voters, are often hesitant to request help from election authorities.

Requiring an explicit request by a minority voter would likely seriously discourage participation, causing many to forgo bilingual assistance or to forgo voting.

Voters have already been screened before they enter the poll: only voters identified through community groups are targeted with bilingual voting materials. Because of this type of targeting, it should not be necessary for bilingual voters to request such materials.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Florida [Mr. MCCOLLUM].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. MCCOLLUM. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 141, noes 230, not voting 63, as follows:

[Roll No. 316]

AYES—141

Allen	Camp	Dornan (CA)
Archer	Clement	Dreier
Army	Clinger	Duncan
Ballenger	Coble	Emerson
Barrett	Combust	Ewing
Bateman	Cox (CA)	Fawell
Bennett	Crane	Fields
Bentley	Cunningham	Franks (CT)
Bereuter	Dannemeyer	Gallely
Billrakis	DeLay	Gallo
Bliley	Derrick	Gekas
Boehner	Dickinson	Gilchrest
Burton	Dingell	Gillmor
Byron	Doolittle	Gingrich

Goodling	McDade	Rowland
Goss	McEwen	Santorum
Gradison	McGrath	Saxton
Hancock	McMillan (NC)	Schaefer
Hastert	Meyers	Schiff
Henry	Michel	Schulze
Herger	Miller (OH)	Sensenbrenner
Hobson	Montgomery	Shaw
Holloway	Moorhead	Shuster
Hopkins	Myers	Skeen
Houghton	Nichols	Smith (NJ)
Hunter	Nussle	Smith (OR)
Hutto	Orton	Solomon
Inhofe	Oxley	Spence
James	Packard	Stearns
Johnson (SD)	Parker	Stenholm
Johnson (TX)	Paxon	Stump
Kanjorski	Penny	Tanner
Klug	Petri	Tauzin
Kolbe	Pickett	Taylor (MS)
Kyl	Porter	Taylor (NC)
Lagomarsino	Pursell	Thomas (CA)
Lancaster	Ramstad	Upton
Lent	Ravenel	Valentine
Lewis (FL)	Regula	Vander Jagt
Lightfoot	Rhodes	Walker
Lipinski	Ridge	Weber
Lowery (CA)	Rinaldo	Wolf
Machtley	Roberts	Wyllie
Marlenee	Rogers	Young (AK)
McCandless	Rohrabacher	Young (FL)
McCollum	Roth	Zeliff
McCrery	Roukema	Zimmer

NOES—230

Abercromble	Flake	McCloskey
Ackerman	Foglietta	McCurdy
Alexander	Ford (MI)	McDermott
Anderson	Frank (MA)	McHugh
Andrews (ME)	Gejdenson	McMillen (MD)
Andrews (NJ)	Geren	McNulty
Annuzio	Gibbons	Mfume
Applegate	Gilman	Miller (CA)
Aspin	Glickman	Miller (WA)
AuCoin	Gonzalez	Mineta
Baker	Gordon	Mink
Bellenson	Grandy	Moakley
Berman	Green	Mollinari
Bevill	Guarini	Mollohan
Bilbray	Gunderson	Moody
Blackwell	Hall (OH)	Moran
Boehert	Hall (TX)	Morella
Bonior	Hamilton	Murphy
Borski	Harris	Murtha
Brewster	Hayes (IL)	Nagle
Brooks	Hefner	Natcher
Browder	Hertel	Neal (MA)
Bruce	Hoagland	Neal (NC)
Bustamante	Hochbrueckner	Nowak
Campbell (CA)	Horn	Oakar
Cardin	Horton	Oberstar
Carper	Hoyer	Obey
Carr	Hughes	Olin
Chapman	Jacobs	Olver
Clay	Jefferson	Ortiz
Coleman (TX)	Jenkins	Owens (NY)
Collins (IL)	Johnson (CT)	Owens (UT)
Collins (MI)	Johnston	Pallone
Condit	Jones (GA)	Panetta
Cooper	Jones (NC)	Pastor
Costello	Jontz	Patterson
Cox (IL)	Kaptur	Payne (NJ)
Coyne	Kasich	Payne (VA)
Cramer	Kennedy	Pease
Darden	Kennelly	Pelosi
Davis	Kildee	Perkins
de la Garza	Klaczka	Peterson (MN)
DeLauro	Kopetski	Pickle
Dellums	Kostmayer	Poshard
Dixon	LaFalce	Price
Donnelly	Lantos	Quillen
Dooley	LaRocco	Rahall
Dorgan (ND)	Leach	Rangel
Downey	Lehman (CA)	Reed
Durbin	Lehman (FL)	Richardson
Eckart	Levin (MI)	Ritter
Edwards (TX)	Lewis (CA)	Roe
Engel	Lewis (GA)	Roemer
English	Long	Ros-Lehtinen
Erdreich	Lowey (NY)	Rose
Espy	Luken	Rostenkowski
Evans	Manton	Roybal
Fascell	Markey	Russo
Fazio	Mavroules	Sabo
Fish	Mazzoli	Sanders

Sangmeister	Smith (IA)	Visclosky
Sarpalius	Snowe	Volkmer
Savage	Solarz	Vucanovich
Sawyer	Spratt	Walsh
Scheuer	Staggers	Washington
Schroeder	Stallings	Waters
Schumer	Stark	Waxman
Serrano	Stokes	Weiss
Sharp	Studds	Weldon
Shays	Swett	Wheat
Sikorski	Swift	Whittem
Sisisky	Synar	Williams
Skaggs	Thornton	Wise
Skelton	Torres	Wolpe
Slattery	Torricelli	Wyden
Slaughter	Unsoeld	Yates
Smith (FL)	Vento	

NOT VOTING—63

Allard	Dwyer	Levine (CA)
Andrews (TX)	Dymally	Livingston
Anthony	Early	Lloyd
Atkins	Edwards (CA)	Martin
Bacchus	Edwards (OK)	Martinez
Barnard	Feighan	Matsul
Barton	Ford (TN)	Morrison
Boucher	Frost	Mrazek
Boxer	Gaydos	Peterson (FL)
Broomfield	Gephardt	Ray
Brown	Hammerschmidt	Riggs
Bryant	Hansen	Smith (TX)
Bunning	Hatcher	Sundquist
Callahan	Hayes (LA)	Tallon
Campbell (CO)	Hefley	Thomas (GA)
Chandler	Hubbard	Thomas (WY)
Coleman (MO)	Huckaby	Towns
Conyers	Hyde	Trafcant
Coughlin	Ireland	Traxler
DeFazio	Kolter	Wilson
Dicks	Laughlin	Yatron

□ 1308

The Clerk announced the following pairs:

On this vote:

Mr. Riggs for, with Mr. Martinez against.
Mr. Thomas of Wyoming for, with Mr. Andrews of Texas against.

Mrs. VUCANOVICH and Mr. NAGLE changed their vote from "aye" to "no." So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. ROHRBACHER
Mr. ROHRBACHER. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROHRBACHER: 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.

The CHAIRMAN. The gentleman from California [Mr. ROHRBACHER] will be recognized for 10 minutes, and the gentleman from Texas [Mr. BROOKS] will be recognized for 10 minutes.

The Chair recognizes the gentleman from California [Mr. ROHRBACHER].

Mr. ROHRBACHER. Madam Chairman, I yield myself 2 minutes.

Madam Chairman, my amendment is simple and easy to understand. It would simply eliminate the huge expansions of bilingual ballot mandates included in H.R. 4312, leaving only the 15-year extension of the current authorization, which is consistent with the administration position on this bill.

One provision eliminated by my amendment would require Los Angeles

County, for example, to print all election materials in at least five additional languages.

The other provision eliminated by my amendment requires counties to provide election materials in an Indian language, even if it contains only a portion of an Indian reservation—as long as 5 percent of the Indians on the reservation speak another language—even if few or none of those Indians actually live within the county affected.

My amendment removes the most absurd aspects of this bill. If you think it's a good idea to require large counties like mine to print their ballots and other election materials in several languages, vote against my amendment. If you think it's a good idea to make small counties print their materials in Indian languages that may not even be spoken in their county, vote against my amendment.

But if you think it is time to stop imposing more ridiculous unfunded Federal mandates on our State and local governments, then vote for my amendment.

□ 1310

Madam Chairman, I reserve the balance of my time.

Mr. BROOKS. Madam Chairman, I yield 2 minutes to a distinguished Member, the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Madam Chairman, I thank the chairman, JACK BROOKS, for his time and his leadership on this issue.

Madam Chairman, I rise in opposition to the Rohrabacher amendment.

We can make all sorts of excuses, slice it this way, cut it that way, et cetera; whatever we think on general language issues—and all of us hope and pray and want to work toward the fact that everyone will become integrated into America, the melting-pot society—that the most precious right is that to vote. People understand this Constitution was written with the belief that everybody ought to have that right to vote no matter who they are, no matter what language they speak. You take away people's effective right to vote, you are taking away the thing that our forefathers died for.

So I say to my colleagues this is special, and that, yes, States and counties and localities should go out of their way to assure that people are enfranchised.

There are no ifs about this, this is not something where you can cut the line here or cut the line there. If people cannot vote, for whatever reason, and you can say, "Well, they haven't made the effort to learn English, they haven't done this, they haven't done that," they are disenfranchised.

One thing history teaches us, when a sizable segment of the population anywhere in the world, certainly in this country, is disenfranchised, the country loses.

Madam Chairman, we are in a new world. We need every citizen of America to be part of our team, part of our Army to keep America No. 1.

Madam Chairman, this is a way to do that. This bill is a way to do that. This amendment is a way to stop that from happening.

I hope we will oppose the Rohrabacher amendment, support the bill and move this into law.

Mr. ROHRABACHER. Madam Chairman, I yield 2 minutes to my colleague, the gentleman from California [Mr. HERGER].

Mr. HERGER. Madam Chairman, I rise in support of the Rohrabacher amendment, which would eliminate some of the confusion that this legislation will certainly cause. Without this amendment, we will continue another unnecessary congressional mandate on State and local governments. There is no proven need for federally mandated bilingual ballots, nor is there evidence that providing ballots and election information in numerous languages actually increases political participation by minorities.

The public strongly opposes the direction of this bill. In my State of California, 70 percent of the voters approved an initiative to eliminate foreign language ballots. In 1986, California's voters passed an English Language amendment by 72 percent of the vote.

These decisions, contrary to the claims of some, are not the result of racism, but common sense. In fact, minorities strongly support official status for English. In a poll by the San Francisco Chronicle, overwhelming numbers, including 78 percent of Hispanics, supported official English.

Foreign language ballots are just another step in the efforts of some to divide Americans by race, class, language, and religion. It is ironic that the party which only a week ago was attacking the President for supposedly dividing Americans between us and them is happy to divide people at the ballot box.

We should instead be working to unite this country, and a common language is the most effective tool for that. I am reminded of my father, who like so many others did not speak any English at all until he started school, but learned it because it was required and because it was needed to be successful in this country.

Bilingual education and foreign language ballots are crutches, which keep people from learning our national language rapidly and effectively. I urge adoption of the Rohrabacher amendment.

Mr. BROOKS. Madam Chairman, I yield 1 minute to the distinguished gentleman from Pennsylvania [Mr. FOGLETTA].

Mr. FOGLETTA. Madam Chairman, I rise in opposition to the Rohrabacher amendment.

Madam Chairman, today, we are attempting to pass another piece of legislation to empower the American people. This time, it is legislation to help language minorities at the polling place.

A few weeks ago we passed a bill to increase voter registration with the so-called motor voter bill. Unfortunately, the President vetoed it—as the American people tried to celebrate the Fourth of July.

Is there any mystery why the American people have turned off to politics? With that veto, the President said: We don't care about your vote.

Despite that very cynical act by our President, we have to send another message today to the American people, all American people: We want you to care about the political process, we want you to get involved, we want you to vote.

I urge my colleagues to vote "no" on the Rohrabacher amendment. "Yes" on the Voting Rights Language Assistance Act.

Mr. ROHRABACHER. Madam Chairman, I yield myself 2½ minutes.

Madam Chairman, there are a lot of Americans who are listening to this debate today, and they are Americans of goodwill, because all Americans come here from somewhere else. All of us have our ancestors coming from some other land. Most of us, most of those relatives came speaking another language. But today we are talking about something that does go to the heart and soul of America, it goes to our unity as a people, it goes to the opportunities available to the individual.

With the best of intentions, this bilingual nonsense is leading to linguistic segregation of the new immigrants of America. It is a bad idea for America. It is a bad idea for the individual citizens who are frozen out of America's opportunities, for lack of proficiency in the English language.

People all over the world are struggling to learn English. They make great sacrifices so their children can learn English, knowing that such knowledge will open up new opportunities for self-betterment.

How tragic it is that the bilingual balance and bilingual education that we are encouraging large numbers of our own people to freeze themselves out of the social and economic mainstream and to limit their own abilities to improve their lot in life.

With the best of intentions, this policy of bilingual balance and bilingual education is linguistically segregating America. It hurts each and every one of our citizens who does not then become proficient in English language.

I do not doubt the goodwill on that side of the aisle, those people who are advocating this type of bilingual policy for America; I would suggest that it is having the opposite impact and in the long run it is going to harm the very people that they seek to help.

Madam Chairman, I reserve the balance of my time.

□ 1320

Mr. BROOKS. Madam Chairman, I yield such time as he may consume to the gentleman from California [Mr. TORRES].

Mr. TORRES. Madam Chairman, this Congress has had the honor to enact some very important civil rights laws, the American with Disabilities Act and the Civil Rights Act of 1991. I ask you, how can we make laws that prevent gender, skin color, and physical disability discrimination for jobs and housing, yet continue to alienate and discriminate against half the citizens of this country by depriving them of one of the most fundamental rights of democracy, the right to vote? We have a chance today to correct some horrendous mistakes made to our voting rights laws, to guarantee that all of our citizens are able to exercise their right to vote.

In 1975, section 203, together with two other language assistance provisions was added to the Voting Rights Act. Section 203 was added to increase the participation of American citizens who have problems voting in English. Section 203 was based upon the congressional finding that the unequal educational opportunities commonly suffered by limited English citizens often prevent these citizens from exercising their right to vote.

The intent of section 203 was to stop a discriminatory voting practice which violates the equal protection clause of the 14th amendment and the 15th amendment's guarantee to all eligible citizens of their right to vote. The practice in question is the failure of a jurisdiction to print ballots in a language other than English when another language is more fully understood by a significant number of voting age citizens. It is unrealistic and illogical to assume that people, regardless of color, have automatically learned English in school, when 1 in 5 adults in the United States are illiterate. In the late seventies Los Angeles County was required to print ballots in Spanish, but that requirement was lifted during the Reagan administration.

Section 203 was amended in 1982 to provide new guidelines for language assistance, this was suppose to ensure that those really needing language assistance received it. Unfortunately, the formula now used to decide who meets the language assistance criteria is seriously flawed. Now bilingual assistance is determined by an ill-conceived census question.

A county only has to provide bilingual help if the census shows that 5 percent of the limited English citizenry does not speak English well enough to make an informed vote. As a result, some highly populated areas are no longer covered because the total population overshadows the minority communities. For example, my own county of Los Angeles is no longer covered.

Even though Los Angeles County has approximately 8 million people which includes over 3 million Hispanics, Los Angeles is not covered by section 203. According to the census, the 200,000 voting age Hispanics who speak English poorly comprise less than 5 percent of the Los Angeles County's total population.

Ballots in Los Angeles County used to also be printed in Spanish, now ballots in the Los Angeles area are printed only in English. And, for the 200,000 Hispanic voters who are U.S. citizens, the Los Angeles County ballots are unintelligible—200,000 people, that's four packed RFK Stadiums; or 4,445 busloads of people; it's also half the population of Wyoming.

All U.S. citizens have a right to be equally informed, and if need be, ballots need to be translated in order for them to cast a proper vote, that is just common sense. Consequently, the right to vote has effectively been denied to a large portion of limited and non-English speaking U.S. citizens.

The Voting Rights Improvement Act of 1992 would reauthorize and expand the bilingual provisions of the Voting Rights Act, section 203, to require jurisdictions with large language minority populations to provide both bilingual assistance and material to voters. Section 203 is due to expire on August 6, 1992, at which time 68 counties that are currently covered only by section 203—3 of which provide assistance in two languages other than English—will no longer be required to provide bilingual voting assistance. The Voting Rights Improvement Act of 1992 will give all citizens, including non-English speaking citizens, the right to cast an independent, informed vote. The amendment would also recognize native American reservation boundaries when determining bilingual voting assistance.

Non-English speaking voters need to be guaranteed the same assistance and explanatory materials as English-speaking voters.

The Voting Rights Improvement Act is not about immigration or patriotism. The bill is about the right of every citizen to be able to participate fully in their rights of citizenship.

Don't you think that we have a fundamental responsibility to ensure that all citizens have the opportunity to be part of the voting process and cast an informed vote? We, as legislators, should do everything in our power to ensure that all citizens of this country will be guaranteed their right to be part of the electoral process regardless of nationality or race.

Mr. BROOKS. Madam Chairman, I yield such time as he may consume to the gentleman from California [Mr. MINETA].

Mr. MINETA. Madam Chairman, I rise in opposition to the amendment offered by the gentleman from California [Mr. ROHRBACHER].

Like many of us in the House, I am the son of immigrants. My father came to this country in 1902, and my mother in the twenties.

It was not until 1953, 51 years after he arrived in this country, that my father was allowed to become a citizen. Until that time, it was against the law in this Nation for any Asian immigrant to be naturalized.

Mr. Chairman, just as surely as those racial exclusion laws excluded my parents from citizenship, the Rohrabacher amendment would exclude the voices of today's newest Americans from our political life.

There are some in this country who argue that bilingual ballots will convince immigrants that learning English is not necessary. They believe that bilingual ballots are some kind of handout to lazy immigrants who can't be bothered to learn English.

Well, Madam Chairman, I have seen the community organizations and the schools straining to meet the demand for English classes.

I've spoken with the people we are discussing today: Good, honorable and loyal Americans who struggle every day to build a better life for their families.

They stand in line for English classes, and all too often end up on waiting lists or in overcrowded classrooms.

Should their voices be given any less weight because they are not yet English voices? Are their children less important to our country's future? Are they any less a part of America? Of course not.

They do not need politicians to tell them the importance of learning English. Cold hard reality is a much more effective, and much less patronizing teacher.

Bilingual ballots will not remove the barriers to getting a good job or going to college. They will not make it easier to report a crime to a policeman or tell a doctor that your child is sick.

But bilingual ballots can remove one roadblock to their full participation in our society by making something available to them that is the right of every American: The franchise.

The numerical threshold is crucial to that goal. This bill recognizes that. The Justice Department recognizes it, and the White House recognizes it.

I ask my colleagues to join me in opposing the amendment.

Mr. BROOKS. Madam Chairman, I yield such time as she may consume to the gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK. Madam Chairman, I rise today in strong opposition to the Rohrabacher amendment, which strikes the very heart of this bill—the new benchmark which will trigger the requirement for language assistance.

Through the implementation of section 203 of the Voting Rights Act over the last 13 years we have found an enormous loophole, which has left thousands of individuals in our Nation without the necessary assistance to exercise the most fundamental right to vote.

And what the gentleman is asking us to do today, is to ignore the fact that this loophole exists; to return to current law; and to knowingly deny citizens of this Nation protection against language discrimination at the polls.

Under current law, language assistance is required only if the eligible voting population of the language minority with limited English proficiency totals 5-percent of the population of the entire country. This 5-percent requirement has excluded certain communities which have a high number of language minorities yet when counted along with the entire county do not meet the 5-percent benchmark.

Opponents to the new benchmark say that it will be too onerous and costly on local government. Madam Chairman, it will take money and effort to accomplish this. However, we are not talking about a frivolous program of numerous benefits and services. We are talking about protecting the most fundamental right in the Nation, the right to vote. And we cannot knowingly deny people of that right.

The bill sets forth a fair and sound benchmark of 10,000 limited English proficient individuals within a county.

The new benchmark is vital to the Asian-American community and their participation in our electoral process. Under the 5-percent trigger only three counties in the entire Nation were required to provide language assistance in one Asian language, Japanese. Those three counties happen to be in my district.

With the new benchmark the Census Bureau tells us that according to the 1990 census data 10 counties across the Nation will be required to provide Asian language assistance, which include four different Asian languages.

It is important to remember that while Asian-American as a collective group make up the fastest growing minority in the Nation it has been difficult for them to qualify for language assistance because each separate Asian language must meet the 5-percent trigger.

Even States like California, New York, Texas, and Illinois, which comprise 57 percent of the total mainland Asian-American population, cannot meet the 5-percent benchmark for any Asian language assistance.

The 10,000 person benchmark is essential to providing Asian Americans with the assistance needed to become full-fledged participants in our democracy.

Madam Chairman, I urge my colleagues to protect and preserve the constitutional rights of all citizens and vote against the Rohrabacher amendment.

Mr. BROOKS. Madam Chairman, I yield such time as he may consume to the gentleman from Arizona [Mr. PASTOR].

Mr. PASTOR. Madam Chairman, I rise in strong opposition to this amendment and urge my colleagues to join me in supporting H.R. 4312, the Voting Rights Improvement Act of 1992. This bill reauthorizes the bilingual provisions of the Voting Rights Act, section 203, and amends that section to better identify Hispanic, Asian and native American citizens who need language assistance in order to cast meaningful votes during an election.

The Second Congressional District of Arizona, of which I am privileged to represent, consists of large numbers of Hispanic-Americans and native Americans. About half of my constituents belong to these minority groups. Many of my native American and Hispanic constituents do not understand English well enough to use voting materials written in English.

In many other communities in the country—such as the Hispanic community in Los Angeles County or the Asian-American community in San Francisco—minority language citizens need bilingual voting assistance. Without proper translations, these citizens cannot exercise their fundamental voting right and as a result cannot take part in our representative Government. The language assistance provided by section 203 enables them to make their voices heard at the polls.

H.R. 4312 has special significance for native Americans because it improves section 203's coverage of native Americans living on Indian reservations who have limited English language skills. The current standard in section 203 excludes many reservations with significant populations of limited English proficient native Americans. Elsewhere, only parts of reservations are covered. This occurs because

the current coverage standard does not consider the unique history and demography of native Americans. Native Americans living on reservations and other Indian lands comprise less than one-third of 1 percent of the total United States population. These relatively small populations are split by State and county lines, which were often drawn without regard for reservation boundaries when States entered the Union. As a result, most limited English proficient native Americans do not exceed 5 percent of a county's voting age population.

The legislation before us today, H.R. 4312, provides an alternative coverage standard for native Americans which more accurately identifies those needing language assistance: Where you have more than 5 percent of the native Americans voting age population of a reservation you will have to provide it under section 203. This alternative standard is necessary in order for section 203 to have real meaning for native Americans. Without it, only 4 of the more than 500 native American nations in the United States would receive assistance under section 203 alone.

I can offer a good example from my own district in Arizona. The Tohono O'odham Nation is the fifth largest native American nation in the United States. Its reservation spans three counties in southern Arizona. According to the Census Bureau, several thousand voting age Tohono O'odham members cannot speak English well enough to be well-informed in the electoral process. Nevertheless, none of the three counties on the Tohono O'odham Reservation provide language assistance under section 203. The reason is that most Tohono O'odham members live in the same county as the large, off-reservation city of Tucson, which has more than half a million residents. Even though the Tohono O'odham members number in the thousands, they do not comprise more than 5 percent of the county's total voting population. Under H.R. 4312, the Tohono O'odham nation would receive language assistance under section 203, according to preliminary Census Bureau predictions.

Some counties covered under H.R. 4312's proposed standard will have few native Americans who need assistance, simply because the incidence of native Americans in the population overall is low compared to other language minority groups by section 203. I do not believe this will present a hardship to covered counties because only oral assistance is required where languages have no common written form, as is true of most native American languages. The cost of oral assistance is minimal, according to a 1986 GAO report. Also, the Department of Justice regulations, which implement section 203, permit counties to target assistance only to those who need it. For example, if all the native language speakers live on the reservation portion of a covered county, that county can provide assistance only in the reservation precincts.

Native Americans have the right to use their languages in public proceedings, according to the Native American Languages Act of 1990. H.R. 4312 makes this right a reality by providing the language assistance which many native Americans—and other language minority groups—need to fully participate in the electoral process. We need to encourage more

participation in our elections and not provide obstacles to participation.

I strongly urge my colleagues to join me in supporting H.R. 4312 in order to improve our civic responsibility to participate in the political process.

Mr. SOLARZ. Madam Chairman, I wish to declare my strong support for H.R. 4312, the Voting Rights Language Assistance Act. I am convinced that this legislation not only protects our cherished democratic system, but also promotes public participation in the electoral affairs of the Nation.

By reauthorizing the provisions of the Voting Rights Act that mandate bilingual voting assistance, this legislation ensures that those citizens who need bilingual assistance will continue to receive this essential service.

If, on the other hand, the Congress fails to adopt this legislation, 68 counties in the United States will no longer provide bilingual voting assistance, and hundreds of thousands, if not millions, of American citizens will effectively lose the franchise.

This bill will also ensure that more of our citizens who do not yet have full command of the English language will receive assistance in voting. Under current law, sizable communities of Hispanic and other voters are not afforded bilingual voting assistance. In California, for instance, Los Angeles County, even though it contains over 3 million Hispanics, is not required to provide such assistance. This bill, on the other hand, mandates such services in any county of the country that contains more than 10,000 voters who do not speak English well enough to make an informed vote.

The right to vote is one of the most basic of all American rights. If we make it more difficult for many of our citizens to play a role in electing their representatives, we undermine one of the cornerstones of democracy.

At a time when an ever larger percentage of the American electorate fails to vote, at a time when plummeting voter participation is the cause of considerable consternation and alarm, it is more important than ever that we adopt this legislation.

Indeed, in an election year marked by apathy and disillusionment, one might even make the case that this is one of the most important items on the congressional calendar this year.

This legislation can also serve an important cohesive function in American society. By giving Hispanics, Asian-Americans, Native Americans, and other minority citizens an opportunity to participate in the political process, this legislation will assist in cultivating a sense of civic duty, and help integrate all our citizens into the fabric of American society.

America—to its great credit—has long been seen as a land of opportunity and a home to freedom. Throughout our history, we have systematically redefined the concept of opportunity and expanded the scope of freedom, to include an ever larger number of Americans. Once again we have that chance. We must adopt this legislation—so that no citizen shall be inhibited from voting because he is not sufficiently proficient in English to master the intricacies of registration or the operation of voting machines.

This legislation has been endorsed by a wide coalition of civic and public interest groups, including: the AFL-CIO, the National

Puerto Rican Forum, the Chinese American Citizens Alliance, the Asian Law Caucus, the Puerto Rican Legal Defense and Education Fund, the National Urban League, the American Jewish Congress, and the ACLU.

Like these institutional sponsors, I, too, am convinced that this legislation is an essential tool in empowering disenfranchised communities, and I urge the Congress to move quickly in approving this important measure.

Mr. RANGEL. Madam Chairman, as an original cosponsor of this important legislation, I rise in strong support of the Voting Rights Language Assistance Act.

When my colleagues and I in Congress passed the Voting Rights Act in 1975, we included section 203 to require counties that have large numbers of minority language citizens to provide bilingual voting assistance.

Since then, millions of Americans—Hispanics, Asian Americans, native Americans, and others throughout the United States who would otherwise have been disenfranchised—have benefited from this support and have exercised their most precious right: the right to vote.

Mr. Speaker, the American people still need this legislation. The Voting Rights Language Assistance Act would reauthorize and refine the bilingual provisions of the Voting Rights Act, which are due to expire this year.

The bill extends bilingual voting assistance for 15 years, through 2007, while tightening current law to ensure that minority language communities are covered by the bilingual provisions of the Voting Rights Act.

To date, counties are only required to provide support if 5 percent of voting age citizens do not speak English well enough to cast a ballot. In densely populated cities like New York, however, huge limited-English proficient populations may still comprise less than the required 5 percent. The Voting Rights Language Assistance Act would require that a county provide assistance if it meets the 5-percent minimum or if it has more than 10,000 voters who speak English poorly.

Most importantly, bilingual voting assistance helps to guarantee a fundamental American right: the right to vote.

Our democracy, Mr. Speaker, will succeed only if its citizens are able to choose their leaders and thereby influence the operation of their Government. When a community is disenfranchised because it has not yet become proficient in English, everyone loses the benefit of its contribution to our valued democratic process.

Bilingual voting assistance helps to bring diverse American communities closer together. No one, Mr. Speaker, can deny that a deepening divide separates Americans of different races. This bill will strengthen the American democracy by enhancing the quality of the political process.

Moreover, providing written assistance averaged 7.6 percent of total election costs, according to the General Accounting Office, which predicted that costs would only decrease as election materials were recycled and election officials gain experience in providing bilingual assistance.

Section 203 clearly works. In New York alone, hundreds of thousands of Latino voters

use bilingual voting assistance, and four out of five Asian American voters would be more inclined to vote if ballots were also written in their native language.

For generations, Mr. Speaker, good and honorable people have come to the shores of the United States from every continent, from every country on Earth.

They bring with them their desire to succeed, their love of freedom, and their own culture and language.

From the beginning, the United States has benefited and been enriched by these immigrants, different as they look and sound.

The music of many languages flows through the streets of New York; it is a rich heritage that should be nurtured, cherished, and promoted.

When someone comes to America, they do not leave their language, history, and culture at the door. And we should not insist that they do.

I strongly urge my colleagues to pass the Voting Rights Language Assistance Act without any weakening amendments. Millions of Americans depend on this legislation. We must not let them down.

Mr. ROYBAL. Madam Chairman, I rise in strong support of H.R. 4312, the Voting Rights Language Assistance Act. I commend Congressman SERRANO, Chairman BROOKS, and Chairman EDWARDS for moving this important piece of legislation.

As you know, this bill reauthorizes section 203 of the 1975 Voting Rights Act, requiring certain counties to provide bilingual voting assistance for minority language citizens—Hispanics, Alaskan Natives, Asian-Americans, and native Americans. In addition, this legislation expands the number of counties that are required to provide such bilingual assistance. This bill is needed to address the needs of language minority American citizens who are still removed from the voting process.

This legislation includes a vital provision which requires counties to provide bilingual assistance in metropolitan areas which were previously excluded. Counties are currently required to provide bilingual assistance only if 5 percent or more of the voting age citizens speak a minority language. This new provision mandates bilingual assistance in areas where 10,000 or more citizens share one minority language. This is essential in densely populated urban counties such as Los Angeles, which has over 3 million Hispanics, and is not currently covered because the total population dwarfs the minority language community. Additionally, this measure serves to enhance the voting rights of many non-English speaking native Americans by applying the 5 percent requirement to Indian reservations, rather than counties as under current law.

The right to vote is the most important characteristic of a true democracy, one that is essential to the legitimacy of government. This bill extends that right to millions of Hispanic, Asian, Alaskan Native, and native American citizens to ensure that they have access to the American political process and a voice in determining their future. However, for many of these Americans, the doors to the political

process have been closed due to linguistic barriers. The Voting Right Language Assistance Act breaks through these barriers by providing bilingual voting assistance, thus enhancing the fundamental right to vote for all Americans.

I urge all my colleagues to stand up for the rights of all Americans when casting their vote for this bill. Support H.R. 4312, the Voting Rights Language Assistance Act and oppose all amendments designed to weaken this crucial legislation.

Mr. MATSUI. Madam Chairman, I rise today in strong support of H.R. 4312, the Voting Rights Language Assistance Act of 1992. This bill will help us make significant strides toward addressing historical discrimination against minorities in the United States.

In 1975, Congress recognized that many Asian Americans were being effectively deprived of their fundamental right to vote. Well-intended but virtually ineffective legislation aimed at ending this inequality was enacted that year. Under the 5 percent limited-English proficient voting age population trigger, not a single Asian American in the entire United States qualified for assistance. In fact, the 1990 census shows that only the Chinese American community in San Francisco would be eligible this decade for bilingual registration and voting assistance under section 203 of the Voting Rights Act.

Many Hispanic communities are also denied much-needed assistance under the legislation. For instance, almost 40,000 limited-English proficient Hispanic citizens in just three jurisdictions—Broward County, FL; Boston, MA; and Union City, NJ—are effectively denied their right to vote because they do not comprise 5 percent of their county's voting age citizen populations. The obstacles faced by these communities exemplifies the predicament confronting thousands of citizens across the country. H.R. 4312 not only preserves help for citizens who both need and desire language assistance, it also extends assistance to citizens for whom the legislation was initially intended.

The right to vote is fundamental to liberty, justice, and equity. The United States must preserve this right for all its citizens, and H.R. 4312 will help safeguard this constitutional right for all, regardless of race, color, national origin, or minority status.

Mr. BROOKS. Madam Chairman, I yield such time as he may consume to the gentleman from New York [Mr. SERRANO].

Mr. SERRANO. Madam Chairman, I rise in opposition to this horrible amendment.

Mr. BROOKS. Madam Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. ORTIZ].

Mr. ORTIZ. Madam Chairman, I ask my colleagues to defeat this amendment and pass the bill.

Mr. BROOKS. Madam Chairman, I yield 1½ minutes to the gentleman

from Texas [Mr. WASHINGTON], and then we will have our final speaker, the gentleman from New Mexico [Mr. RICHARDSON], and Chief RICHARDSON will wrap up for us.

Mr. WASHINGTON. Madam Chairman, I thank the gentleman from Texas [Mr. BROOKS] for yielding this time to me, and I wish, I say to my good friend from California, that linguistic segregation was the only problem that we had left in our country, and, if it were, I think that we would be a lot closer to realizing the dream which the gentleman and I would like to have fulfilled. I will vote for bilingual Head Start next Congress. I will vote for bilingual education for elementary school children, secondary school children. I will vote for bilingual adult education. The bottom line of this amendment has nothing to do with that. I think the gentleman and I are going to get to the answers to the problem.

I say to the gentleman, "You and I want one society, and we move closer to that society when all people feel able to participate. But when we let the door down on one group, it's suspicious to them, and it's suspicious to others who have been similarly situated in the past."

Our average congressional district is about 500,000 people. Ten thousand people will be 2 percent. There are no Members of Congress in this room who would delude themselves, or the rest of us, by telling us if they had 10,000 voters out there who did not speak English that they would not find a way to communicate with them if my colleagues thought that they would vote for them. I say to my colleagues, "You wouldn't. You know you wouldn't."

So, Madam Chairman, the gentleman wants to take out the amendment to make it 10 percent of the people, and 5 percent of the people is 25,000 voters. He wants to raise the threshold to 25,000 voters, and he is saying that if there were 24,000 people, or 23,000, or 22,000, or 21,000, he would not want them to be able to vote for him. He would not want to communicate with them in Spanish, or Vietnamese, or whatever language.

I say to my colleagues, "You know that's not true. Let's kill that amendment."

Mr. BROOKS. Madam Chairman, I yield 2 minutes to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Madam Chairman, I cannot think of a more un-American amendment than this amendment. What this amendment would do is, the first Americans in this country, the native Americans, would be totally disenfranchised. No Indian reservation would be covered if this amendment is adopted because, by changing the jurisdiction by county, instead of reservation, one is disenfranchising the native American

peoples of this country that are our first Americans. Nine percent of them vote right now because they are upset. They are forgotten, and they do not want to participate. I say to my colleagues, "If you want to take them out completely and also recognize that they are being disenfranchised, this amendment will eliminate all reservations in this country from participating in the electoral process."

I also want to emphasize the practical effect of this amendment in Orange County. It eliminates Vietnamese. It eliminates Chinese. Under the 5-percent trigger, several of the largest communities of Hispanic and Asian minority voters are not covered simply because these communities reside in very large metropolitan areas: only Los Angeles, New York, San Francisco, and Chicago.

We have had a long struggle, whether we are Hispanic, native American, Asian, to fully participate in this country. In one fell swoop the electoral process, by adopting this amendment, that disenfranchisement will take place.

Vote "no" on the Rohrabacher amendment.

Mr. BROOKS. Madam Chairman, I yield 2 minutes to the distinguished gentleman from New York [Mr. FISH], the ranking Republican on the Committee on the Judiciary.

Mr. FISH. Madam Chairman, we know that this amendment is a straight reauthorization. Therefore it knocks out the purpose of our being here. We have come to the realization that there are these large minority groups in large cities that simply do not count, are not counted under the threshold. I think everybody is aware of that, and that is the problem with this amendment.

There are some underlying currents here I would like to address for a minute. There is concern that by providing language assistance to limited English proficient citizens we may be fostering separatism by discouraging people from learning English. I think it is stretching things to say that facilitating a few moments at the polling place once a year is going to have a major effect on discouraging people from learning English. Separatism has not been the history of this country with large foreign language populations. It has been quite the reverse, an eventual total assimilation.

The second thing I would like to emphasize is that we are trying to allow more people into the system by this legislation, and the amendment before us would freeze them. We live in a time of diminishing participation in the electoral process and greater voter apathy. Faced with this situation, I think we should do everything within our power to encourage citizens to vote. It seems to me that by enabling language minority citizens to vote in an effec-

tive and informed manner, we are giving them a stake in our society. This assistance provides true access to government that, I trust, will lead to more, not less, integration and inclusion of these citizens in our mainstream.

Madam Chairman, I think those are the two points I would like to leave my colleagues with as we approach the end of the consideration of this legislation. I think it is critically important we defeat this amendment and go on and pass the bill.

Mr. BROOKS. Madam Chairman, I yield 1 minute to the gentleman from Kentucky [Mr. MAZZOLI], a graduate of Notre Dame and a distinguished lawyer.

Mr. MAZZOLI. Madam Chairman, I thank the gentleman from Texas [Mr. BROOKS] for that endorsement. I appreciate it.

Madam Chairman, I rise in opposition to the amendment offered by the gentleman from California [Mr. ROHRABACHER], and I salute the gentleman from New York [Mr. FISH], my friend, on his statement to commend my chairman, the gentleman from Texas, for having brought the bill up and the gentleman from California [Mr. EDWARDS] who has shepherded it to this point.

Let me just broaden the situation. I think we should not change the bill as the gentleman from California [Mr. ROHRABACHER] would wish, but beyond that we need to talk about encouraging people to vote.

Unfortunately, as I said earlier today, the President vetoed the motor-voter bill. The President vetoed the campaign finance reform bill. It is almost as if, whether it is his own desire or he is getting terrible information and advice, it is almost as if the President does not want people to vote. They are afraid of the people.

So, Madam Chairman, I encourage defeat of the Rohrabacher amendment. Support the gentleman from Texas' bill. Let us show the American people that we are not afraid if they are going to the polls. In fact, Madam Chairman, let us show them that we want them to come to the polls to vote.

Mr. BROOKS. Madam Chairman, I reserve the balance of my time, but I am ready to vote.

Mr. ROHRABACHER. Madam Chairman, I yield myself the balance of my time.

Madam Chairman, let us get some facts straight. Madam Chairman, we have heard a lot of inflated rhetoric on this floor. Some of the rhetoric we just heard is so detached from reality.

Let me note that 176 jurisdictions, if my amendment passes, will still be

covered by this requirement in the Voting Rights Act, and let me note that my amendment does not change the status quo of the Voting Rights Act. It keeps it the same in terms of the bilingual requirements.

□ 1330

Everyone is talking about these massive numbers of people who will be disenfranchised. Those people are totally disenfranchised now. This is rhetoric that is way beyond reality.

Madam Chairman, let me note in terms of the discussions we have had about the effect on Indian reservations, under the 5-percent threshold, 18 jurisdictions are required to provide language assistance to 14,000 Indian voters. The new formula as presently drafted, that is, what we have today, and that will not change, 18 jurisdictions with 14,000 Indian voters. Under the new formula as presented in the draft, it will add 59 jurisdictions, but will only cover 4,900 voters. That is what we are talking about.

Over half of those jurisdictions, I might add, have fewer than 50 voters who will need assistance. Several of them have no native Americans who will need voting assistance at all, but they will still be covered under the Act.

I think that we have got to look at this whole issue of bilingual ballots and bilingual education and bilingualism in America.

Let me just note this: I would hope and I would pray that people in this body accept that people of good will can differ on this fundamental issue. I certainly have no problem at all in accepting that the people on that side of the aisle have the very best of intentions in mind. I happen to believe that this whole idea of separating America into separate linguistic groups is going to destroy the America I love and destroy the opportunity of those individuals who are involved. I am concerned, and I love those people we are talking about.

Mr. WASHINGTON. Madam Chairman, will the gentleman yield?

Mr. ROHRABACHER. I would really like a chance to finish this because I have been under attack here, but I will yield quickly.

Mr. WASHINGTON. Madam Chairman, does the gentleman from California [Mr. ROHRABACHER] send out any campaign material or will he send out any in any other language other than English?

Mr. ROHRABACHER. Madam Chairman, I would send out campaign material in languages other than English, but this bill simply eliminates the requirement for the local governments to do so. They can still do it if the local community feels it is necessary. They can still send out bilingual information. But should the Federal Government mandate this?

Let me note, the American dream is that we have an experiment here where people have come from all over the world, of every background, of every race, of every religion, to pray and worship God as they see fit, to improve their lot, to live in freedom.

The one thing that kept us together and kept that dream alive was a love of liberty, and another thing was the English language. If you dilute either the love of liberty or the English language, you are diluting the American dream for the people you are trying to help.

Mr. BROOKS. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. ROHRABACHER].

The question was taken; and the Chairman announced that the yeas appeared to have it.

RECORDED VOTE

Mr. ROHRABACHER. Madam Chairman, I demand a recorded vote.

A recovered vote was ordered.

The vote was taken by electronic device, and there were—ayes 115, noes 253, not voting 66, as follows:

[Roll No. 317]

AYES—115

Allen	Hancock	Petri
Archer	Hastert	Porter
Army	Henry	Pursell
Ballenger	Herger	Ramstad
Barrett	Holloway	Regula
Bateman	Hopkins	Rhodes
Beilenson	Houghton	Ridge
Bentley	Inhofe	Rinaldo
Billrakis	James	Roberts
Billey	Johnson (SD)	Rogers
Boehner	Johnson (TX)	Rohrabacher
Burton	Kanjorski	Roth
Clinger	Klug	Roukema
Coble	Kolbe	Santorum
Combest	Kyl	Saxton
Cox (CA)	Lagomarsino	Schaefer
Crane	Lent	Schulze
Cunningham	Lewis (CA)	Sensenbrenner
Dannemeyer	Lewis (FL)	Shaw
Davis	Lightfoot	Shuster
DeLay	Lipinski	Smith (NJ)
Derrick	Lowery (CA)	Smith (OR)
Dickinson	Marlenee	Solomon
Doolittle	McCandless	Spence
Dornan (CA)	McCollum	Stearns
Dreier	McCrery	Stump
Duncan	McEwen	Taylor (MS)
Emerson	McMillan (NC)	Taylor (NC)
Ewing	Meyers	Thomas (CA)
Fawell	Michel	Vander Jagt
Fields	Miller (OH)	Walsh
Franks (CT)	Moorhead	Wolf
Gallely	Myers	Wylie
Gallo	Nichols	Young (AK)
Gekas	Nussle	Young (FL)
Gillmor	Oxley	Zeliff
Goodling	Packard	Zimmer
Goss	Patterson	
Gradison	Paxon	

NOES—253

Abercrombie	Berman	Byron
Ackerman	Bevill	Camp
Alexander	Blibray	Campbell (CA)
Anderson	Blackwell	Cardin
Andrews (ME)	Boehlert	Carper
Andrews (NJ)	Bonior	Carr
Annuzio	Borski	Chapman
Applegate	Brewster	Clay
Aspin	Brooks	Coleman (TX)
AuCoin	Browder	Collins (IL)
Bennett	Bruce	Condit
Bereuter	Bustamante	Costello

Cox (IL)	LaFalce	Richardson
Coyne	Lancaster	Ritter
Cramer	Lantos	Roe
Darden	LaRocco	Roemer
de la Garza	Leach	Ros-Lehtinen
DeLauro	Lehman (CA)	Rose
Dellums	Lehman (FL)	Rostenkowski
Dingell	Levin (MI)	Rowland
Dixon	Lewis (GA)	Roybal
Donnelly	Long	Russo
Dooley	Lowe (NY)	Sabo
Dorgan (ND)	Luken	Sanders
Downey	Machtley	Sangmeister
Durbin	Manton	Sarpalius
Eckart	Markey	Savage
Edwards (CA)	Mavroules	Sawyer
Edwards (TX)	Mazzoli	Scheuer
Engel	McCloskey	Schiff
English	McCurdy	Schroeder
Erdreich	McDade	Schumer
Espy	McDermott	Serrano
Evans	McGrath	Sharp
Fascell	McHugh	Shays
Fazio	McMillen (MD)	Sikorski
Flake	McNulty	Sisisky
Foglietta	Mfume	Skaggs
Ford (MI)	Miller (CA)	Skeen
Frank (MA)	Miller (WA)	Skelton
Gejdenson	Mineta	Slattery
Geren	Mink	Slaughter
Gibbons	Moakley	Smith (FL)
Gilchrist	Mollinari	Smith (IA)
Gilman	Mollohan	Snowe
Gingrich	Montgomery	Solarz
Glickman	Moody	Spratt
Gonzalez	Moran	Staggers
Gordon	Morella	Stallings
Grandy	Murphy	Stark
Green	Murtha	Stenholm
Guarini	Nagle	Stokes
Gunderson	Natcher	Studds
Hall (OH)	Neal (MA)	Swett
Hall (TX)	Neal (NC)	Swift
Hamilton	Nowak	Synar
Harris	Oakar	Tanner
Hayes (IL)	Oberstar	Tauzin
Hefner	Obey	Thornton
Hertel	Olin	Torres
Hoagland	Oliver	Torricelli
Hobson	Ortiz	Towns
Hochbrueckner	Orton	Unsoeld
Horn	Owens (NY)	Upton
Horton	Owens (UT)	Valentine
Hoyer	Pallone	Vento
Hubbard	Panetta	Visclosky
Hughes	Parker	Volkmer
Hutto	Pastor	Vucanovich
Jacobs	Payne (NJ)	Walker
Jefferson	Payne (VA)	Washington
Jenkins	Pease	Waters
Johnson (CT)	Pelosi	Waxman
Johnston	Penny	Weber
Jones (GA)	Perkins	Weiss
Jones (NC)	Peterson (MN)	Weldon
Jontz	Pickett	Wheat
Kaptur	Pickle	Whitten
Kasich	Poshard	Williams
Kennedy	Price	Wise
Kennelly	Quillen	Wolpe
Kildee	Rahall	Wyden
Klecza	Rangel	Yates
Kopetski	Ravenel	
Kostmayer	Reed	

NOT VOTING—66

Allard	Conyers	Huckaby
Andrews (TX)	Cooper	Hunter
Anthony	Coughlin	Hyde
Atkins	DeFazio	Ireland
Bacchus	Dicks	Kolter
Baker	Dwyer	Laughlin
Barnard	Dymally	Levine (CA)
Barton	Early	Livingston
Boucher	Edwards (OK)	Lloyd
Boxer	Feighan	Martin
Broomfield	Fish	Martinez
Brown	Ford (TN)	Matsui
Bryant	Frost	Morrison
Bunning	Gaydos	Mrazek
Callahan	Gephardt	Peterson (FL)
Campbell (CO)	Hammerschmidt	Ray
Chandler	Hansen	Riggs
Clement	Hatcher	Smith (TX)
Coleman (MO)	Hayes (LA)	Sundquist
Collins (MI)	Hefley	Tallon

Thomas (GA) Trafficant Wilson
Thomas (WY) Traxler Yatron

□ 1353

Mrs. VUCANOVICH changed her vote from "aye" to "no."

Mr. GEKAS changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

□ 1355

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. HOYER] having assumed the chair, Mrs. UNSOELD, 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. 4312) to amend the Voting Rights Act of 1965 with respect to bilingual election requirements, pursuant to House Resolution 522, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

The SPEAKER pro tempore. The question is on the passage of the bill.

MOTION TO RECOMMIT OFFERED BY MR. MCCOLLUM

Mr. MCCOLLUM. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. MCCOLLUM. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MCCOLLUM of Florida moves to recommit the bill, H.R. 4312 to the Committee on Judiciary with instructions to report the same back forthwith with the following amendment:

On page 7, line 2, after "State." insert "The prohibitions of this subsection also do not apply with respect to any State or political subdivision that does not receive a Federal grant to cover all expenses resulting from compliance with this subsection. The Attorney General may make such grants."

The SPEAKER pro tempore. The gentleman from Florida [Mr. MCCOLLUM] will be recognized for 5 minutes in support of his motion to recommit, and the gentleman from Texas [Mr. BROOKS] will be recognized for 5 minutes in opposition.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Speaker, the motion to recommit with instructions I have just offered is very simple. It is a revote of the Condit amendment that was defeated a few minutes ago by a vote of 184 to 186. It is a straight revote of that particular provision. It seems to me that the Members ought to have an opportunity to reconsider that.

If the Members will recall, the Condit amendment very straightforwardly simply ends the unfunded aspects of this bill as far as States and local governments are concerned, and says the Federal Government must pay for the cost of these bilingual ballots. We must pay for them. If we do not pay for them, then they do not have to abide by the restrictions we put out there.

This is the first of what we all hope will be a series of these types of votes we will take in the future that will end once and for all the kind of unfunded mandates that the Federal Government has been so prone to put down on the local governments. I would submit to my colleagues, for those of them who may not have understood it before, they should have no question about this. This amendment is not devious. It does not do anything else. It is very straightforward. It is simply an effort to end unfunded mandates to the State and local governments as far as this bill is concerned, and hopefully a precedent for other bills.

The gentleman from California [Mr. CONDIT] I think offered a very good amendment in the committee earlier, and now we will have a chance to revote this amendment. That is all this does. It would provide that Federal funds must be used in order to implement the law that we are passing today, in order to have the ballots printed and distributed, so the local communities will not have to bear that cost. Again, that is all that is involved, is a revote of the Condit amendment.

I would urge an "aye" vote on the motion to recommit with instructions to do this, and we can all get out of here and feel better about this bill.

Mr. BROOKS. Mr. Speaker, I oppose the motion to recommit. We just voted down this amendment about an hour ago. It is a killer amendment designed to deny States and other groups, counties, et cetera, an opportunity to pay for these ballots and just try to set another hurdle, a more difficult way for people to vote.

I hope that we can get this bill on the way and vote this motion to recommit down.

Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Texas [Mr. WASHINGTON].

□ 1400

Mr. WASHINGTON. Mr. Speaker, this amendment reminds me of the old shell game that people used to play where

they would take one little eraser off a pencil and three little walnut shells and put them down, and then the object of the game was to figure out which one of the shells contained the little eraser, except the person with an adroit two fingers could remove them while they were switching them around, so whichever one you guessed, it was not going to be under any one of them. So the object of the game was for you to lose, regardless.

What this amendment says is we delegate the responsibility to the Attorney General of the United States to decide when, and under what circumstances, and where the Voting Rights Act will be enforced, because if the Congress does not fund it, and the Attorney General does not provide the money, then the Voting Rights Act does not mean anything. It is a wrong for which there is no remedy if the Attorney General does not enforce it. And the same people who want this would not vote to appropriate the money.

We understand the game. The game is to vote no, and let us get out of here, but feel good about ourselves by doing what is right, and the way we do that is to defeat the motion to recommit.

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

The SPEAKER pro tempore [Mr. HOYER]. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

Mr. MCCOLLUM. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule XV, 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 question of the passage of the bill.

This will be a 15-minute vote followed by a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 172, nays 195, not voting 67, as follows:

[Roll No. 318]

YEAS—172

Allen	Camp	Donnelly
Applegate	Campbell (CA)	Doolittle
Archer	Clinger	Dornan (CA)
Army	Coble	Dreier
Ballenger	Combest	Duncan
Barrett	Condit	Emerson
Bateman	Cox (CA)	English
Bentley	Cramer	Erdreich
Bevill	Crane	Ewing
Billrakis	Cunningham	Fawell
Bliley	Dannemeyer	Fields
Boehner	Darden	Franks (CT)
Brewster	Davis	Gallely
Browder	DeLay	Gallo
Burton	Derrick	Gekas
Byron	Dickinson	Geren

Gilchrest
Gillmor
Gingrich
Goodling
Goss
Gradison
Gunderson
Hall (TX)
Hancock
Harris
Hastert
Henry
Henger
Hobson
Holloway
Hopkins
Hubbard
Hunter
Hutto
Inhofe
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Kanjorski
Klug
Kolbe
Kyl
Lagomarsino
Lancaster
Lehman (CA)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Lowery (CA)
Luken
Machtley
Marlenee
McCandless
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McMillan (NC)
McMillan (MD)
Meyers
Michel
Miller (OH)
Miller (WA)
Montgomery
Moorhead
Moran
Myers
Nichols
Nussle
Orton
Oxley
Packard
Parker
Patterson
Paxon
Payne (VA)
Petri
Pickett
Porter
Pursell
Ramstad
Ravenel
Regula
Rhodes
Ridge
Rinaldo
Ritter
Roberts
Roemer
Rogers
Rohrabacher
Roth
Roukema

Rowland
Sangmeister
Santorum
Saxton
Schaefer
Schulze
Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (NJ)
Smith (OR)
Snowe
Solomon
Spence
Staggers
Stearns
Stenholm
Stump
Swett
Tanner
Taylor (MS)
Taylor (NC)
Thomas (CA)
Upton
Valentine
Vander Jagt
Vucanovich
Walker
Walsh
Weldon
Wolf
Wyllie
Young (AK)
Young (FL)
Zellmer

Sarpallus
Savage
Sawyer
Scheuer
Schiff
Schroeder
Schumer
Serrano
Sharp
Sikorski
Skaggs
Slattery
Slaughter
Smith (FL)

Smith (IA)
Solarz
Spratt
Stallings
Stark
Stokes
Studds
Swift
Synar
Thornton
Torres
Torricelli
Towns
Unsoeld

Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Weber
Weiss
Wheat
Whitten
Williams
Wise
Wolpe
Yates

Gejdenson
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Gradison
Grandy
Green
Guarini
Gunderson

Mavrroules
Mazzoli
McCloskey
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (MD)
Mfume
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Moody
Moran
Morella
Murtha

Hall (OH)
Hall (TX)
Hamilton
Hayes (IL)
Hefner
Hertel
Hoagland
Hobson
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Hughes
Jacobs
Jefferson
Johnson (CT)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Klecza
Kolbe
Kopetski
Kyl
LaFalce
Lantos
LaRocco
Leach
Lehman (CA)
Lehman (FL)
Levin (MI)
Lewis (GA)
Long
Lowey (NY)
Luken
Machtley
Manton
Markay

NAYS—125
Allen
Archer
Army
Ballenger
Barrett
Bateman
Bellenson
Bentley
Bereuter
Bevill
Billirakis
Billie
Boehner
Brewster
Browder
Burton
Byron
Clinger
Coble
Combest
Cox (CA)
Cramer
Crane
Cunningham
Dannemeyer
Davis
DeLay
Derrick
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Emerson

Sabo
Sanders
Sangmeister
Sarpallus
Savage
Sawyer
Scheuer
Schiff
Schulze
Schumer
Serrano
Sharp
Shaw
Shays
Sikorski
Sisisky
Skeen
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Solarz
Spratt
Staggers
Stallings
Stark
Stokes
Studds
Swett
Swift
Synar
Tanner
Thornton
Torres
Torricelli
Towns
Unsoeld
Upton
Valentine
Vento
Visclosky
Volkmer
Vucanovich
Walker
Washington
Waters
Waxman
Weber
Weiss
Weldon
Wheat
Williams
Wise
Wolf
Wolpe
Yates
Young (FL)

NOT VOTING—67

Abercrombie
Allard
Andrews (TX)
Anthony
Atkins
Bacchus
Baker
Barnard
Barton
Boucher
Boxer
Broomfield
Brown
Bryant
Bunning
Callahan
Campbell (CO)
Chandler
Clement
Coleman (MO)
Collins (MI)
Conyers
Coughlin

DeFazio
Dicks
Dwyer
Dymally
Early
Edwards (OK)
Feighan
Ford (TN)
Frost
Gaydos
Gephardt
Hammerschmidt
Hansen
Hatcher
Hayes (LA)
Hefley
Huckaby
Hyde
Ireland
Kolter
Laughlin
Levine (CA)
Livingston

Lloyd
Martin
Martinez
Matsul
Morrison
Mrazek
Peterson (FL)
Pickle
Ray
Riggs
Smith (TX)
Sundquist
Tallon
Tauzin
Thomas (GA)
Thomas (WY)
Traficant
Traxler
Wilson
Wyden
Yatron

□ 1419

Mr. McGRATH and Mr. VALENTINE changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

□ 1420

The SPEAKER pro tempore (Mr. HOYER). The question is on the passage of the bill.

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

Mr. MCCOLLUM. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered. The Speaker pro tempore. The Chair would remind Members that this is a 5-minute vote on final passage.

The vote was taken by electronic device, and there were—yeas 237, nays 125, not voting 72, as follows:

[Roll No. 319]

YEAS—237

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Annunzio
Applegate
Aspin
AuCoin
Bennett
Berman
Bilbray
Blackwell
Boehlert
Bonior
Borski
Brooks
Bruce
Bustamante

Camp
Campbell (CA)
Cardin
Carper
Carr
Chapman
Clay
Coleman (TX)
Collins (IL)
Condit
Cooper
Costello
Cox (IL)
Coyne
Darden
de la Garza
DeLauro
Dellums
Dingell
Dixon

Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Eckart
Eckart
Espy
Evans
Fascell
Fazio
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Gallegly

Gedensson
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Gradison
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hayes (IL)
Hefner
Hertel
Hoagland
Hobson
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Hughes
Jacobs
Jefferson
Johnson (CT)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Klecza
Kolbe
Kopetski
Kyl
LaFalce
Lantos
LaRocco
Leach
Lehman (CA)
Lehman (FL)
Levin (MI)
Lewis (GA)
Long
Lowey (NY)
Luken
Machtley
Manton
Markay

McDermott
McHugh
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Molinari
Mollohan
Moody
Moran
Morella
Murtha
Natcher
Neal (MA)
Neal (NC)
Nowak
Oberstar
Obey
Olin
Oliver
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta
Pastor
Payne (NJ)
Pease
Pelosi
Penny
Perkins
Peterson (MN)
Poshard
Price
Quillen
Rahall
Rangel
Reed
Richardson
Roe
Ros-Lehtinen
Rose
Rostenkowski
Roybal
Russo
Sabo
Sanders

NAYS—195

Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Annunzio
Aspin
AuCoin
Bellenson
Bennett
Bereuter
Berman
Bilbray
Blackwell
Boehlert
Bonior
Borski
Brooks
Bruce
Bustamante
Cardin
Carper
Carr
Chapman
Clay
Coleman (TX)
Collins (IL)
Cooper
Costello
Cox (IL)
Coyne
de la Garza
DeLauro
Dellums
Dingell
Dixon
Dooley
Dorgan (ND)
Downey
Durbin
Eckart
Edwards (CA)
Edwards (TX)
Engel
Espy
Evans
Fascell
Fazio
Fish
Flake
Foglietta

Ford (MI)
Frank (MA)
Gejdenson
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Grandy
Green
Guarini
Hall (OH)
Hamilton
Hayes (IL)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hughes
Jacobs
Jefferson
Johnston
Jones (GA)
Jones (NC)
Jontz
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Klecza
Kopetski
Kostmayer
LaFalce
Lantos
LaRocco
Leach
Lehman (FL)
Levin (MI)
Lewis (GA)
Long
Lowey (NY)
Manton
Markay
Mavrroules
Mazzoli
McCloskey

McDermott
McHugh
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Molinari
Mollohan
Moody
Morella
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Oliver
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta
Pastor
Payne (NJ)
Pease
Pelosi
Penny
Perkins
Peterson (MN)
Poshard
Price
Quillen
Rahall
Rangel
Reed
Richardson
Roe
Ros-Lehtinen
Rose
Rostenkowski
Roybal
Russo
Sabo
Sanders

Roukema	Solomon	Vander Jagt
Rowland	Spence	Walsh
Santorum	Stearns	Whitten
Saxton	Stenholm	Wylie
Sensenbrenner	Stump	Young (AK)
Shuster	Taylor (MS)	Zeliff
Skelton	Taylor (NC)	Zimmer
Smith (OR)	Thomas (CA)	

NOT VOTING—72

Allard	Dwyer	Martinez
Andrews (TX)	Dymally	Matsui
Anthony	Early	McNulty
Atkins	Edwards (OK)	Morrison
Bacchus	Feighan	Mrazek
Baker	Ford (TN)	Owens (UT)
Barnard	Frost	Peterson (FL)
Barton	Gaydos	Pickle
Boucher	Gephardt	Ray
Boxer	Gingrich	Riggs
Broomfield	Hammerschmidt	Schaefer
Brown	Hansen	Schroeder
Bryant	Hatcher	Skaggs
Bunning	Hayes (LA)	Smith (TX)
Callahan	Hefley	Sundquist
Campbell (CO)	Huckaby	Tallon
Chandler	Hyde	Tauzin
Clement	Ireland	Thomas (GA)
Coleman (MO)	Kolter	Thomas (WY)
Collins (MI)	Laughlin	Trafficant
Conyers	Levine (CA)	Traxler
Coughlin	Livingston	Wilson
DeFazio	Lloyd	Wyden
Dicks	Martin	Yatron

□ 1431

The Clerk announced the following pairs:

On this vote:

Mr. McNulty for, with Mr. Huckaby against.

Mr. Thomas of Wyoming for, with Mr. Ireland against.

Mr. Pickle for, with Mr. Livingston against.

Mr. Wyden for, with Mr. Riggs against.

Messrs. HARRIS, CRAMER and BEVILL changed their vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

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

The SPEAKER pro tempore (Mr. HOYER). Is there objection to the request of the gentleman from Texas?

There was no objection.

THE JOURNAL

The SPEAKER pro tempore. The pending business is the question of the Chair's approval of the Journal.

The question is on the Chair's approval of the Journal.

The Journal was approved.

COMMUNICATION FROM THE SERGEANT AT ARMS OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Sergeant at Arms of the House of Representatives:

HOUSE OF REPRESENTATIVES

Washington, DC, July 24, 1992.

Hon. THOMAS S. FOLEY,

Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to inform you pursuant to Rule L (50) of the Rules of the House that five current or former employees of the Office of the Sergeant at Arms have been served with subpoenas issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the Clerk of the House, it has been determined that compliance with these subpoenas would not be inconsistent with the privileges and precedents of the House.

Sincerely,

WERNER W. BRANDT,
Sergeant at Arms.

BUFFALO SOLDIERS DAY

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 92) to designate July 28, 1992, as "Buffalo Soldiers Day," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

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

Mrs. MORELLA. Mr. Speaker, reserving the right to object, I have no objection, but would like to yield for an explanation of this very important piece of legislation to the gentleman from Kansas [Mr. SLATTERY].

Mr. SLATTERY. I thank the gentleman from Maryland for yielding to me.

Mr. Speaker, I am pleased and honored to sponsor Senate Joint Resolution 92, which will designate July 28, 1992, as "Buffalo Soldiers Day." I am proud to share sponsorship of this resolution with my good friend, the gentleman from Michigan, Mr. JOHN CONYERS.

In 1866, Congress created six regular Army regiments composed entirely of African-American soldiers. These regiments served with distinction and valor as Americans moved to settle the West.

Although history has often ignored or forgotten the contributions of these brave African-Americans, today we recognize the tremendous sacrifices made by the more than 180,000 Buffalo Soldiers and honor their memory as some of America's greatest soldiers.

Dubbed Buffalo Soldiers by native American tribes who respected the buffalo for its courage, these African-Americans were subjected to discrimination and received the lowest quality equipment, food, and housing.

Despite these bleak conditions, the Buffalo Soldiers had the lowest desertion rates in the Army and members of these units received 19 individual Congressional Medals of Honor.

More than 100 years after these brave African-Americans volunteered to serve their country, I am pleased that we will finally recognize the contributions of the Buffalo Soldiers with the dedication of a monument in Fort Leavenworth, KS.

This monument, which is located at the site of Buffalo Soldier camps during the late 19th and early 20th centuries, will serve as a lasting reminder of the sacrifices made by dedicated and patriotic African-Americans.

Mr. Speaker, I again thank the gentlewoman for yielding.

Mrs. MORELLA. Further reserving the right to object, Mr. Speaker, I want to thank the gentleman from Kansas [Mr. SLATTERY] for his sponsorship. This is a very important resolution for the Buffalo Soldiers.

Mr. Speaker, I yield to the chairman of the Subcommittee on Census and Population of the Committee on Post Office and Civil Service, the gentleman from Ohio [Mr. SAWYER].

Mr. SAWYER. I thank the gentlewoman from Maryland for yielding to me.

Mr. Speaker, I pause only to associate myself with the gentlewoman's remarks on behalf of the two sponsors, the gentleman from Kansas [Mr. SLATTERY] and the gentleman from Michigan [Mr. CONYERS], who have toiled mightily over the last couple of days to gather the signatures necessary for this important and worthwhile commemorative resolution.

Mr. Speaker, resolutions of this kind are often misunderstood, particularly when their names do not lend themselves easily to broad public recognition. But it is for precisely that reason that these resolutions are important in order to share the broad understanding across this body and to spread upon the public pages of its RECORD for all Americans to recognize the enormous contributions of those who are honored in this way. I pause today only to express particular thanks to the gentleman from Kansas [Mr. SLATTERY] and the gentleman from Michigan [Mr. CONYERS] for their efforts in bringing this long-overdue recognition to this Chamber on this occasion.

Mrs. MORELLA. Mr. Speaker, further reserving the right to object, I think it is important we do give recognition to these Buffalo Soldiers, who have served through the years with great, high morale, productivity, and great patriotism.

So, again I commend the leaders in this effort, the gentleman from Kansas [Mr. SLATTERY] and the gentleman from Michigan [Mr. CONYERS].

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 92

Whereas the Congress responded to the brave Civil War service of more than 180,000 African-American troops by voting on July 28, 1866, to create 6 regular Army regiments composed of African-American enlisted soldiers;

Whereas the 9th and 10th Cavalry regiments were among those regiments, which consisted of veterans of the Civil War and free men of color;

Whereas the 9th Cavalry was stationed at Greenville, Louisiana, and the 10th Cavalry was stationed at Fort Leavenworth, Kansas, from where they played a key role in the history of the American West, guarding wagon trains, surveying roads, building forts, and protecting settlers;

Whereas after a battle in 1867 near Fort Hays, Kansas, Cheyenne warriors remarked that the African-American soldiers fought as fiercely as buffaloes, and the cavalry thereafter adopted the name "Buffalo Soldiers" as a badge of honor;

Whereas the Buffalo Soldiers were an important part of American history and served the United States in many States and Nations, including Arizona, California, Kansas, Louisiana, Montana, Nebraska, New York, Oklahoma, Texas, Utah, Vermont, Virginia, Cuba, Mexico, and the Philippines;

Whereas the Buffalo Soldiers' military heroics included serving with Theodore Roosevelt and the Rough Riders during the Spanish-American War, and helping to capture Billy the Kid and Pancho Villa;

Whereas some Buffalo Soldiers became famous African-American military officers, including Henry Flipper, Charles Young, and Benjamin Davis;

Whereas the Buffalo Soldiers served with pride and maintained high morale and the lowest desertion rate in the Army, despite receiving the worst equipment and food, living in inadequate housing, and being subjected to discrimination;

Whereas the Buffalo Soldiers were repeatedly cited for heroism and dedication to duty, including numerous campaign and unit citations, as well as 22 individual Congressional Medals of Honor;

Whereas the Buffalo Soldiers served in the highest tradition of the United States military, but still have not been given their proper place in American history;

Whereas General Colin Powell, Chairman of the Joint Chiefs of Staff, recognized this omission in 1982 while serving as Deputy Commander at Fort Leavenworth, and set in motion efforts to construct a monument to these forgotten heroes;

Whereas a monument to the Buffalo Soldiers will be dedicated at Fort Leavenworth, Kansas, in July 1992, on a site where Buffalo Soldiers camped during the late 19th and early 20th centuries; and

Whereas the Buffalo Soldier Monument will appropriately recognize the great sacrifices and outstanding performance of the Buffalo Soldiers and their contributions to our Nation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That July 28, 1992, is designated as "Buffalo Soldiers Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the Senate joint resolution just passed.

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

There was no objection.

LEGISLATIVE PROGRAM

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

Mr. SOLOMON. Mr. Speaker, I request this time in order to engage the majority whip, the gentleman from Michigan [Mr. BONIOR], in a colloquy as to the schedule for the remainder of the week and for next week.

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

Mr. SOLOMON. I am happy to yield to the majority whip, and welcome him back to the floor.

Mr. BONIOR. I thank the gentleman from New York. It is nice to be back.

Mr. Speaker, we will meet on Monday next. We have a large number of suspensions, as the gentleman probably knows, 27 suspensions.

On Tuesday we will have votes by noon; Members should expect votes by noon on Tuesday next. Suspension votes will also be taken from the previous day, Monday.

On Wednesday, the 29th, and the balance of the week, the following bills will be considered: Wednesday has been designated as district day. That bill has not been pulled yet.

Let me just move on and suggest to my friend from New York that we will be doing the following bills for the balance of the week: On Wednesday, Thursday, and Friday we will meet, and I should tell my colleague that on Wednesday the annual gym dinner will be taking place. We are aware of that. We want to make sure our colleagues are aware of the fact that we understand that, although business will be conducted.

The bills that will be considered on Wednesday next will be the VA, HUD, and independent agencies appropriations; the Commerce, Justice, State appropriations for fiscal year 1993; the Voting Rights Extension Act of 1992, subject to a rule. That issue is still being discussed and considered, I might tell my friend from New York. Also, the Miscellaneous Tariff Act bill will also be on the agenda for the latter part of the week; and the Small Business Equity Enhancement Act.

Any votes, we will try to finish as we did today, by 3 next Friday.

Mr. SOLOMON. Let me clarify what the majority whip has said. We will take up 27 suspension bills on Monday, then we go to Tuesday and the majority whip did not mention two appropriation bills.

Mr. BONIOR. The gentleman from New York is correct. The urgent supplemental appropriations, 1992, which we had hoped to take up this afternoon but did not, will be up, as well as the Labor, Health and Human Services appropriations for fiscal year 1993.

Mr. SOLOMON. Very well. So there would then be no votes on Monday; we would come in and we would take up the 13 suspensions first on Tuesday before those 2 appropriation bills?

□ 1440

Mr. BONIOR. We will do the appropriation bills first.

Mr. SOLOMON. Therefore, the votes on the 27 suspensions, if ordered, would then come after the debate on the 13 suspension bills which would take place after the 2 appropriation bills were dealt with.

Mr. BONIOR. The votes on the 27 suspensions, if ordered, will be taken at the end of the day on Tuesday.

Now I cannot tell the gentleman with assurance. It depends upon the length of HHS and the urgent supplemental as to where we will be with the other 13 suspension bills.

Mr. SOLOMON. I see.

If I could, I would just call to the attention of the majority whip the second page, the list of suspensions on Tuesday, No. 11. That is H.R. 3161, which is the Federal Property Administrative Service Authorization Act. I would just point out to the majority whip that that is a very controversial bill. It is opposed by the ranking member of the relevant committee, as well as the administration, and certainly has no chance of passing on suspension. I would just call that to the gentleman's attention and hope that it could be pulled.

Mr. BONIOR. The whip is aware of the controversy on the bill, and I think, suffice to say, the awareness of its controversy is something that we will have to deal with in the coming days.

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

Mr. SOLOMON. I yield to the gentleman from Iowa.

Mr. LEACH. If I could, Mr. Speaker, I would just like to raise this with the distinguished whip. This Member has been very concerned about the timely consideration of the Russian aid package, and I stress this: As my colleague knows, the President requested the IMF replenishment 16 months ago. He made a very special request to the Congress to act by June. The other body has acted.

Mr. BONIOR. That is correct.

Mr. LEACH. And one of the great concerns is, as we all know, we have the convention and the political dimension of the process. We also have a circumstance that it would be handy, and by "handy" I mean profoundly handy, to have it out of the way before

the recess and in time for a House-Senate conference on the subject so that we do not delay further. And I would only raise one other aspect, and I do this as carefully as I can:

This is one of the few bills in the history of the United States in which we are restraining German, French, Japanese participation and assistance by our delay; that is, the delay of the Congress halts their assistance because it is tied with international financial institutions in the majority. And so, as plaintively as I can, and given the presence this week of Ambassador Strauss in Washington, I would urge the earliest possible consideration and suggest that perhaps even next week would be appropriate, and is there any reason it could not be brought up next week?

I realize there is the gym dinner. But perhaps this could be fit in before the dinner.

Mr. SOLOMON. Mr. Speaker, before yielding to the majority whip, I might just say there are a number of us who are members of the platform committee of the Republican National Convention who do have to be down in Houston on the Monday, Tuesday, and Wednesday before the convention, even though we are in session. Since the Democrat side was taken care of with a light schedule before their convention, I certainly hope we would get that kind of consideration.

I yield to the gentleman from Michigan.

Mr. BONIOR. On your point, I would say to the gentleman from New York [Mr. SOLOMON], we had a meeting earlier this afternoon with the minority leader and the minority whip, and they expressed to us your very concern, and I think we'll do the best we can to be accommodating. My sense is that we will be accommodating as best we can to take into consideration the concerns that you have and your needs that last week.

On the Russian aid issue, Mr. Speaker, I will tell my friend, the gentleman from Iowa [Mr. LEACH], that we had, as he correctly stated, meetings with Ambassador Strauss throughout the week. I had two meetings with him yesterday, as well as a number of my other colleagues, and I want to tell my colleague that having the vote is critical, and I understand his need, and the need to move in an expeditious and a timely manner, and the historical significance of this vote. I do not deny that this is one of the most historically significant pieces of foreign legislation that we could address.

Let me also add, to my friend from Iowa, that we, some of us, here are trying to get the administration to understand the significance of some of the domestic needs that we have here at home, and, without getting into that whole debate here late on a Friday afternoon, it is with deep respect that I made suggestions to the Ambassador,

as well as others, that he take back to the White House, and he has because I talked to him today about it, with respect to legislation that would create some public works jobs and put some people to work here in this country.

Now that is not to suggest that all of the people on our side of the aisle feel that this linkage is something that has to happen. I am just suggesting that I think we have a mutual concern here. Both of us are concerned about the need to take care of something as delicate as what is happening in the former Soviet Union in regard to making sure international obligations are met and that the French, and Germans and others can feel fully complemented in what they have done, and we can move expeditiously.

On the other hand, Mr. Speaker, I think many Members on the other side of the aisle, as well as us here, feel that we need to take that last step. We have done unemployment compensation extension, we are about to do an urban aid package, and we hope the public works job component, which many of us on both sides of the aisle have argued for, will bring us all together and that we will be able to do this in a very short order.

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

Mr. SOLOMON. I yield to the gentleman from Iowa.

Mr. LEACH. Mr. Speaker, I appreciate what the gentleman from Michigan [Mr. BONIOR] is saying, but I would just say as strongly as I can that there have been a whole series of linkages that have been put forth by his party. This gentleman has been supportive of most all of them, and all I would say is:

Those are important issues that we are prepared to deal with forthrightly, but that doesn't mean they have to be linked, and I would certainly hope that this Congress acts in its own discretion, in its own way, on the merits of the issue, and this gentleman is prepared to be constructive in all of these issues.

For the sake of historical circumstance, Mr. Speaker, I would certainly, as strongly as I can, suggest that the likelihood of a sympathetic package of this type of measure in my judgment declines over time rather than increases, and I hope we do not delay too much longer.

Mr. SOLOMON. Reclaiming my time, Mr. Speaker, I think the majority whip wants to respond to that, but let me make one thing perfectly clear:

I hope there is no linkage between Russian aid and some domestic program, I would say to the gentleman from Michigan. Don't think for a minute that the Russian aid program is an exclusively Republican initiative by the White House. It is a bipartisan effort of both political parties, I can assure you. Some of us in my political party do not support aid in the form of

gifts and grants to the former Soviet Union, not after what they put us through all during the 1980's when we went through a peace-through-strength program, building up our military. We eventually brought down the Soviet Union at great expense to the taxpayers of this Nation.

So, let us get one thing straight. Let us make sure there is no linkage here; and, if there is going to be aid to the former Soviet Union, it will be bipartisan because it will never come from the Republican side of the aisle alone. I will see to it.

I yield to the minority whip.

Mr. BONIOR. When and if it goes ahead, and I expect that it will, it will go ahead in a bipartisan fashion, and when and if the last component, and important component on domestic jobs for people here in this country goes ahead, I expect it will go ahead, as well, with Republican and Democratic support.

Mr. SOLOMON. I thank the gentleman from Michigan [Mr. BONIOR], and I would just like to ask one further question on the schedule. I hate to take up the majority whip's time, but I do call attention to the fact that the House will meet at 10 o'clock on Tuesday, and that is unusual. We normally meet at 12. I would just ask this question: If the urgent supplemental is going to be brought up, there will be a vote on that rule, so there will be a vote early in the day. If the Labor and Health and Human Services appropriation bill is being brought up first, there will be no rule on that, so we would not expect an early vote. I would just ask if the majority whip knows which one of those bills would be brought up first.

□ 1450

Mr. BONIOR. Mr. Speaker, Labor-HHS would be first.

Mr. SOLOMON. I think that would accommodate the Members, too.

Mr. BONIOR. We are hopeful that at some point we can negotiate out, at least at this point in the week, next week that we come in at 9 o'clock on Thursday and Friday so we can get an earlier start and Members can have more time to work and Members can get back home to their families in the evening.

Mr. SOLOMON. That sounds good to me, Mr. Majority Whip.

ADJOURNMENT TO MONDAY, JULY 27, 1992

Mr. BONIOR. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore (Mr. McMILLEN of Maryland). Is there objection to the request of the gentleman from Michigan?

There was no objection.

DISPENSING WITH CALENDAR
WEDNESDAY BUSINESS ON
WEDNESDAY NEXT

Mr. BONIOR. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

HOUR OF MEETING ON TUESDAY,
JULY 28, 1992 AND THURSDAY,
JULY 30, 1992

Mr. BONIOR. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, July 27, 1992 it adjourn to meet at 10 a.m., on Tuesday, July 28, 1992; and that when the House adjourns on Wednesday, July 29, 1992, it adjourn to meet at 9 a.m., on Thursday, July 30, 1992.

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

There was no objection.

HOUR OF MEETING ON FRIDAY,
SEPTEMBER 11, 1992

Mr. BONIOR. Mr. Speaker, I ask unanimous consent that when the House adjourns on Thursday, September 10, 1992, it adjourn to meet at noon on Friday, September 11, 1992.

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

There was no objection.

NAFTA AND MOVE OF SMITH-
CORONA TO MEXICO

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois [Mrs. COLLINS] is recognized for 5 minutes.

Mrs. COLLINS of Illinois. Mr. Speaker, as President Bush and his advisors are rushing to complete a free-trade agreement with Mexico, some companies are rushing to Mexico even faster.

Earlier this week Smith Corona announced that it was closing down its manufacturing operations in Cortland, NY, and moving them to Mexico. It will mean the loss of 775 permanent local jobs and 100 temporary positions.

The move will have a devastating impact on the local economy. According to a State labor department official, the pullout will increase the county's unemployment rate by 50 percent to about 11 percent. Most importantly, the manufacturing jobs were good high paying jobs in the community.

Smith Corona is not an economically troubled company. In fact, its net income was \$22.1 million, an increase over its earnings of \$19.6 million a year earlier. Nonetheless, the prospect of

cheap Mexican labor appeared irresistible to corporate management.

According to the company president, the move will cut production costs by 80 percent and save \$15 million.

As President Bush and his trade advisers rush to put their signatures on a North American Free-Trade Agreement to make it still easier for companies to rush to Mexico for cheap labor, there has been little word from the White House about their strategy for dealing with the problems of these devastating job losses and the huge numbers of unemployed workers in the United States who have already lost their jobs to countries overseas.

Smith Corona's move to Mexico tells us that with or without a free-trade agreement, there will continue to be manufacturing job losses to Mexico. When the President argued for fast-track authority for the approval of trade agreements, he promised that the agreements would be good, because they would provide side benefits, such as environmental protection, health and safety protections, and provisions for displaced workers. My question today is where are those provisions for those already displaced? The President is on record as being basically opposed to giving added unemployment compensation to those workers whose jobs he has already sent to Mexico, Japan, Germany, as well as Asian countries.

The Bush administration appears to view the loss of good high-paying manufacturing jobs in the U.S. economy to be inevitable. Perhaps that is why the announcement by Smith Corona seems to have generated no response by the White House. Instead they choose to stay the course toward a North American Free-Trade Agreement, with no explanation of how to restore these high-paying quality jobs to the economy.

Therefore, I have seen little evidence of these side benefits being seriously negotiated. An environmental catastrophe exists for both Mexico and the United States along our border, yet there is little serious consideration of how the cleanup costs will be paid. There appears to be no consideration given to making companies like Smith Corona that are moving to Mexico to exploit its cheap labor to pay these costs.

While the environmental benefits remain in doubt, there is also concern that the free trade agreement, along with the GATT agreement currently being negotiated, will actually be used to weaken health and safety and environmental laws in the United States.

Increasingly, U.S. laws, such as the requirement in the Marine Mammal Protection Act for dolphin-safe tuna fishing practices, have been attacked as being contrary to international trade agreements.

The Committee on Energy and Commerce recently reported House Concur-

rent Resolution 246 to express the sense of Congress that international trade agreements should not be allowed to weaken our laws on the environment and health and safety. The President has promised that these laws will not be threatened, but the Congress will have an opportunity soon to vote to make clear that it will not approve any agreement that jeopardizes these laws.

ANOTHER ATTACK ON THE
CONSTITUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 5 minutes.

Mrs. BENTLEY. Mr. Speaker, I want to say at the outset I agree with the gentlewoman from Illinois [Mrs. COLLINS]. In fact, I am going to talk on another aspect of that matter right now.

Mr. Speaker, the State of California has been notified by the U.S. Department of Transportation that commercial driver's licenses from Mexico must be honored by the State police. If California does not follow this directive, then Federal highway funds will be withheld.

This action is an attack on the Federal system both at the State level and in the separation of powers between the executive branch and the Congress.

I understand that State law cannot be preempted by any agency or court unless it is nonconforming with existing Federal law or is an unconstitutional act. The California commercial driver license standards, to the contrary, were the result of a 1986 Federal law—passed by this body, supported by the Department of Transportation, requiring in all States, among other things, an understanding of English for the driver to be allowed on the roads with commercial loads.

This being the case—has the power of the State of California and the Congress been circumvented—in a memorandum of understanding signed between the President and the Government of Mexico last fall?

Yet another agreement with the Congress has been broken. Remember when we were supposed to be consulted at every step along the way to the North American Free-Trade Agreement? I do and this is a giant step. Correct me if I am wrong, but as a Member of this body I was not notified at the time the memorandum was being signed that a Federal law would be struck in a unilateral action by the executive branch, before we even came to a vote on the Mexican agreement.

It is my understanding that the constitution of the State of California mandates a court appeal on the striking of State power by the central government, but I understand, also, that the current California administration has been strangely agreeable to this usurpation of power. Not so the legisla-

ture. The legislature has passed a resolution calling upon the State to uphold the Federal law and the Teamsters Union is in court filing what is to all intents and purposes a writ of mandamus to make the State obey not only their own constitution, but also a law drafted and passed by the Congress of the United States.

Am I naive? Have I missed something in my education or, in my understanding of the power of the Congress and the States—of the Constitution? I think not.

It is inconceivable to me, as it should be to any member of this body that a President can—to all practical effect—annex another nation to this country without a vote of the Congress. If this statement seems extreme, consider what it will mean when Mexican drivers can whiz back and forth across the border with relative freedom.

Mexican drivers are paid little more than \$7 per day. Much less than our hourly minimum wage. Why would a trucker on either side of the border hire an American and be bound by our laws when a foreign national can qualify if hired south of the Mexican border?

If trucks from Mexico are not even stopped to check the drivers' credentials, how long will it be, until, familiarity breeding contempt—Mexican shipments run back and forth across the border without being stopped at all.

When that border effectively disappears, we will have accepted the addition of all of the Mexican States, plus the migrants through Mexico from the rest of Latin America, as part of our labor force, as our dependents. We will be going back to the future when half the United States was free and half slave. This time the slavery is poverty, ignorance and hopelessness sanctioned by a government over which we will have no control.

Now, it is appealing to believe that we can—through the North American Free-Trade Agreement [NAFTA]—raise Mexico up from the economic depths created by 400 years of foreign exploitation and corrupt governments, colonial rule at its worst—but it is not true. Transferring our manufacturing jobs—the source of our value-added wealth creation—to Mexico will impoverish our workers more and only enrich an entrenched Mexican ruling class responsible for the appalling conditions which we find there now.

□ 1500

Mr. Speaker, I yield to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Speaker, I thank the gentlewoman for yielding to me.

I want to thank her for her concern about the American trucking industry and also her concern about the prospect of having a lot of people on the roads of California and other States

who are not, in some cases, able to read the road signs, in some cases do not know how to handle their rigs in a safe manner and, in some cases, will, in fact, imperil drivers on American highways.

It is kind of important, when you are driving in the United States, to be able to read the words "wrong way, stop," and other things. The idea that this administration would in cavalier fashion simply wave through a host of drivers who have not passed the minimum qualifications for drivers licenses for having the right to operate vehicles on American highways is a little bit unnerving. I think that we in Congress should be very upset about this.

Second, it is a fact, it is a tragic fact, but it is a fact that a lot of cocaine is now coming through our borders on trucks from Mexico, and now and again we make a big bust. Some of the busts that we make are only made when we have prior knowledge or intelligence concerning a particular vehicle.

But what this means now is that instead of at least having to unload, you are going to have trucks from Mexico going throughout the United States, in some cases carrying narcotics.

U.S. BORDER PATROL

The SPEAKER pro tempore. (Mr. McMILLEN of Maryland). Under a previous order of the House, the gentleman from California [Mr. HUNTER] is recognized for 5 minutes.

Mr. HUNTER. Mr. Speaker, let me thank the gentlewoman from Maryland, once more, and just talk with her a little bit about what is happening on the border. I wanted to move into another area, if I could, for just a minute. And that is this: In recent months, the Border Patrol of the United States has been subject to a great deal of criticism, especially since the crash in Tomekla, CA, just north of the San Diego border.

It was a very tragic crash in which some illegal aliens, who had been pursued at one time by the Border Patrol, ran into and killed a number of American schoolchildren. It brought to light the great frustration with the problem of smuggling across the California border, both the smuggling of aliens and also the smuggling of narcotics.

I just wanted to say that this criticism of the California Border Patrol, which is an outstanding agency made up of many courageous individuals, is not deserved.

The Border Patrol is a very small force of personnel who have now this massive job of, in part, securing the 2,000-mile land border between the United States and Mexico. Over the last year or so, in the San Diego sector, they have increased the cocaine and marijuana interdiction by over 700 percent of what it was about a year and half ago.

They are now building a fence out of steel landing mats across a 14-mile smugglers' corridor between Tijuana and San Diego. They have totally shut down the drive-through traffic.

In some places, we had drug trucks driving through at the rate of more than 300 per month that would stream across the border and go up into the highway system in California and leave with their load of cocaine or marijuana to ultimately poison the young people of America, going right out into the Interstate Highway System. And the Border Patrol, with this very small group of people working with the Army Reserve and with the National Guard, is now building 14 miles of fence and 14 miles of road across that smuggler's corridor.

I just wanted to say one other thing. I asked the chief of the Border Patrol in the San Diego sector, Gus de la Vina, to let me know what his people were doing.

The Border Patrol does not advertise. It is a little bit like the Secret Service. It does not advertise the good works of the agents.

Generally, the Border Patrol makes the newspapers when somebody divines that they think the Border patrol has done something wrong, and then they are in for a healthy shot of criticism. But every day their people are out there risking their lives, not only with people that are smuggling aliens but people who are smuggling now million-dollar narcotic loads.

I just wanted to go over a couple of things that have happened in the last several years. One agent, while he was performing his assigned duties in the Tijuana River bottom, heard gunshots coming from Mexico and observed two men being chased by four assailants. This agent immediately drove his service vehicle to a position between the assailants and the victims. These were people who were shooting at illegal aliens. And he pulled the victims to cover behind his vehicle, even as gunfire was being directed toward the victims. Pulling his weapon, he prudently held fire to avoid hitting innocent people directly behind the assailants.

After the assailants fled, this agent immediately called for emergency assistance and rendered first aid to one of the victims who sustained a gunshot wound to the chest.

My colleagues will notice I did not give any name to that Border Patrol agent. That is because it is the custom of the Border Patrol not to release or reveal the names of their agents who are involved in a war on a daily basis protecting American interests.

Here is another agent, January 5, 1991. This agent was performing patrol duties in North County, San Diego County, and two fellow agents requested backup for a suspected smuggling load they were in pursuit of on northbound I-5. The driver of the

smuggling load was driving in an evasive manner when he realized he could not shake his pursuers. He slowed his vehicle to around 15 miles an hour and jumped out, leaving the van in gear.

The van continued down the highway, out of control. This agent was able to position the service vehicle beside the van, and he was then able to jump from the service vehicle. He is a Border Patrol man, leaping from a moving car on the highway. This is like an old John Wayne movie, leaping onto the lead horse in the stagecoach.

He was able to jump from his vehicle into the smuggler's vehicle. At this time the agent was able to stop the van, saving the 15 Mexican nationals in the back of the van from almost certain injury or death, another example of Border Patrol men saving lives.

These are lives of people who have been smuggled illegally into the country. For this there were no parades, no tickertape. There was no writeup in the newspaper. This was just another day at the job for a Border Patrol man, leaping from a moving car on a freeway into another one to save the lives of the people that you are paid to stop at the border.

Mr. Speaker, I yield to the gentlewoman from Maryland [Mrs. BENTLEY].

Mrs. BENTLEY. Mr. Speaker, I thank the gentleman for yielding to me. I think we should let our audience know that the gentleman's district actually goes right down to the Mexican border. The gentleman is very familiar with all of this activity.

Mr. HUNTER. My district covers the entire California-Mexican border and goes literally from the ocean, from the border right there at Tijuana and San Diego all the way to Yuma, AZ.

I thank this gentlewoman, incidentally. We might mention that her district is in Maryland and yet she cares enough about our truckers to point out this injustice by allowing unlicensed truckers to ride on our highways.

□ 1510

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON THE BUDGET REGARDING CURRENT LEVEL OF SPENDING AND REVENUES FOR FISCAL YEARS 1992-1993

The SPEAKER pro tempore (Mr. McMILLEN of Maryland). Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, on behalf of the Committee on the Budget and as chairman of the Committee on the Budget, pursuant to the procedures of the Committee on the Budget and section 311 of the Congressional Budget Act of 1974, as amended, I am submitting for printing in the CONGRESSIONAL RECORD the official letter to the Speaker advising him of the current level of revenues for fiscal years 1992 through 1996 and spending for fiscal year 1992. Spending levels for fiscal year 1993 through 1996 are not included because annual appropriations acts for those years have not been enacted.

This is the eighth report of the 102d Congress for fiscal year 1992. This report is based on the aggregate levels and committee allocations for fiscal years 1992 through 1996 as contained in House Report 102-69, the conference report to accompany House Concurrent Resolution 121.

The term "current level" refers to the estimated amount of budget authority, outlays, entitlement authority, and revenues that are available—or will be used—for the full fiscal year in question based only on enacted law.

As chairman of the Budget Committee, I intend to keep the House informed regularly on the status of the current level.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, July 22, 1992.

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

DEAR MR. SPEAKER: To facilitate enforcement under sections 302 and 311 of the Congressional Budget Act, as amended, I am herewith transmitting the status report on the current level of revenues for fiscal years 1992 through 1996 and spending estimates for fiscal year 1992, under H. Con. Res. 121, the Concurrent Resolution on the Budget for Fiscal Year 1992. Spending levels for fiscal years 1993 through 1996 are not included because annual appropriations acts for those years have not been enacted.

The enclosed tables also compare enacted legislation to each committee's 602(a) alloca-

tion of discretionary new budget authority and new entitlement authority. The 602(a) allocations to House Committees made pursuant to H. Con. Res. 121 were printed in the statement of managers accompanying the conference report on the resolution (H. Report 102-69).

Sincerely,

LEON E. PANETTA,
Chairman.

REPORT TO THE SPEAKER OF THE U.S. HOUSE OF REPRESENTATIVES: FROM THE COMMITTEE ON THE BUDGET ON THE STATUS OF THE FISCAL YEAR 1992 CONGRESSIONAL BUDGET ADOPTED IN HOUSE CONCURRENT RESOLUTION 121 REFLECTING COMPLETED ACTION AS OF JULY 21, 1992

[On-budget amounts, in millions of dollars]

	Fiscal year 1992	Fiscal years 1992-96
Appropriate level:		
Budget authority	1,269,300	6,591,900
Outlays	1,201,600	6,134,100
Revenues	850,400	4,832,000
Current level:		
Budget authority	1,269,681	NA
Outlays	1,205,942	NA
Revenues	853,366	4,834,000
Current level over(+)/under (-) appropriate level:		
Budget authority	+381	NA
Outlays	+4,342	NA
Revenues	+2,966	+2,000

Note.—NA=Not applicable because annual appropriations acts for those years have not been enacted.

BUDGET AUTHORITY

Any measure that provides new budget or entitlement authority for fiscal year 1992 that is not included in the current level estimate for that year, if adopted and enacted, would cause the appropriate level of budget authority for that year as set forth in H. Con. Res. 121, to be exceeded.

OUTLAYS

Any measure that (1) provides new budget or entitlement authority that is not included in the current level estimate for fiscal year 1992, and (2) increases outlays in fiscal year 1992, if adopted and enacted, would cause the appropriate level of outlays for that year as set forth in H. Con. Res. 121, to be exceeded.

REVENUES

Any measure that would result in a revenue loss that is not included in the current level revenue estimate and exceeds \$2,966 million for fiscal year 1992, if adopted and enacted, would cause revenues to be less than the appropriate level for that year as set forth in H. Con. Res. 121. Any measure that would result in a revenue loss that is not included in the current level revenue estimate for fiscal years 1992 through 1996, if adopted and enacted, would cause revenues to be less than the appropriate level for those years as set forth in H. Con. Res. 121.

DIRECT SPENDING LEGISLATION

[Fiscal years, in millions of dollars]

	1992		NEA	1992-96		NEA
	BA	OLS		BA	OLS	
House Committee:						
Agriculture:						
Appropriate level	0	0	0	3,720	3,540	4,716
Current level	-2	-2	-1	-1	-1	(1)
Difference	-2	-2	-1	-3,719	-3,539	-4,716
Armed Services:						
Appropriate Level	0	0	0	0	0	0
Current level	0	-7	-7	0	-83	-
Difference		7	-7		83	83

DIRECT SPENDING LEGISLATION—Continued

(Fiscal years, in millions of dollars)

	1992			1992-96		
	BA	OLS	NEA	BA	OLS	NEA
Banking, Finance and Urban Affairs:						
Appropriate level	0	0	0	0	0	0
Current level	28	28	0	177	177	0
Difference	+28	+28		+177	+177	
District of Columbia:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference						
Education and Labor:						
Appropriate level	0	0	56	0	0	20,153
Current level	-305	-270	-305	-329	-339	-350
Difference	-305	-270	-249	-329	-339	-20,503
Energy and Commerce:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference						
Foreign Affairs:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference						
Government Operations:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference						
House Administration:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference						
Interior and Insular Affairs:						
Appropriate level	0	0	0	0	0	0
Current level	-2	-2	0	5	5	0
Difference	-2	-2		+5	+5	
Judiciary:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	16	16	16
Difference				+16	+16	+16
Merchant Marine and Fisheries:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	(¹)	0	0	(¹)
Difference			(¹)			(¹)
Post Office and Civil Service:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference						
Public Works and Transportation:						
Appropriate level	16,358	0	0	117,799	0	0
Current level	18,514			113,048	0	0
Difference	+2,156	0	0	-4,751	0	0
Science, Space, and Technology:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference						
Small Business:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference						
Veterans' Affairs:						
Appropriate level	0	0	484	0	0	6,811
Current level	-3	2	378	-4	15	2,182
Difference	-3	+2	-106	-4	+15	-4,629
Ways and Means:						
Appropriate level	0	0	0	0	0	620
Current level	8,016	8,016	8,986	12,835	12,835	14,295
Difference	+8,016	+8,016	+8,986	+12,835	+12,835	+13,675
Permanent Select Committee on Intelligence:						
Appropriate level	0	0	0	0	0	0
Current level	(¹)					
Difference	(¹)	+1				

¹ Less than \$500,000.

DISCRETIONARY APPROPRIATIONS FISCAL YEAR 1992

(In millions of dollars)

	Revised 602(b) subdivisions		Latest current level		Difference	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Commerce-Justice-State-judiciary	21,070	20,714	21,088	20,721	18	7
Defense	270,244	275,222	262,763	272,658	-7,481	-2,564
District of Columbia	700	690	700	690	0	0
Energy and Water development	21,875	20,770	21,870	20,718	-5	-52
Foreign operations	15,285	13,556	14,295	13,449	-990	-107
Interior	13,102	12,050	13,077	12,186	-25	136
Labor, Health and Human Services, and Education	59,087	57,797	59,074	57,832	-13	35
Legislative	2,344	2,317	2,303	2,270	-41	-47
Military construction	8,564	8,482	8,427	8,413	-137	-69
Rural development, agriculture, and related agencies	12,299	11,226	12,285	11,220	-14	-6
Transportation	13,765	31,800	13,752	31,798	-13	-2
Treasury-Postal Service	10,825	11,120	10,824	11,119	-1	-1
VA-HUD-Independent agencies	63,953	61,714	63,315	61,707	-638	-7
Grand total	513,113	527,458	503,773	524,781	-9,340	-2,677

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 22, 1992.

Hon. LEON E. PANETTA,
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the on-budget current levels of new budget authority, estimated outlays, and estimated revenues for fiscal year 1992 in comparison with the appropriate levels for those items contained in the 1992 Concurrent Resolution on the Budget (H.Con.Res. 121). This report is tabulated as of close of business July 21, 1992, and is summarized as follows:

(In millions of dollars)

	House current level	Budget resolution (H. Con. Res. 121)	Current level +/- resolution
Budget authority	1,269,681	1,269,300	+381
Outlays	1,205,942	1,201,600	+4,342
Revenues:			
1992	853,366	850,400	+2,966
1992-96	4,834,000	4,832,000	+2,000

Since my last report, dated June 3, 1992, the Congress has cleared and the President has signed a bill providing disaster assistance for Los Angeles and Chicago (P.L. 102-302) and Unemployment Compensation Amendments (P.L. 102-318). The Congress has also cleared for the President's signature the Higher Education Amendments bill (S. 1150), and H.R. 5412, providing for the transfer of certain naval vessels. These actions changed the estimates of budget authority, outlays and revenues.

Sincerely,

JAMES L. BLUM
(For Robert D. Reischauer).

PARLIAMENTARIAN STATUS REPORT 102D CONG., 2D SESS., HOUSE-ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1992 AS OF CLOSE OF BUSINESS JULY 21, 1992

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			853,364
Permanents and other spending			
legislation	807,617	727,237	
appropriation legislation	686,331	703,643	
mandatory adjustments ¹	(1,208)	950	
offsetting receipts	(232,542)	(232,542)	
Total previously enacted²	1,260,198	1,199,288	853,364
ENACTED THIS SESSION			
Emergency unemployment compensation extension (Public Law 102-244)	2,706	2,706	

PARLIAMENTARIAN STATUS REPORT 102D CONG., 2D SESS., HOUSE-ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1992 AS OF CLOSE OF BUSINESS JULY 21, 1992—Continued

	Budget authority	Outlays	Revenues
American technology preeminence (Public Law 102-245)			(³)
Further continuing appropriations, 1992 (Public Law 102-266) ⁴	14,178	5,724	
Extend certain expiring veterans' programs (Public Law 102-291)	(⁵)	(⁶)	
1992 rescissions (Public Law 102-298)	(8,154)	(2,499)	
Disaster assistance for Los Angeles and Chicago (Public Law 102-302) ⁵	81	15	
Unemployment compensation (Public Law 102-318)	980	980	
Total enacted this session	9,788	6,923	(⁷)
PENDING SIGNATURE			
Higher education amendments (S. 1150)	(305)	(270)	
Transfer of certain naval vessels (H.R. 5412)			2
MANDATORY ADJUSTMENTS¹			
Technical correction to the Food Stamp Act (Public Law 102-265)	(⁸)	(⁹)	
Total current level	1,269,681	1,205,942	853,366
Total budget resolution	1,269,300	1,201,600	850,400
Amount remaining:			
Over budget resolution	381	4,342	2,966
Under budget resolution			

¹ Adjustments required to conform with current law estimates for entitlements and other mandatory programs in the concurrent resolution on the budget (H. Con. Res. 121).
² Excludes the continuing resolution enacted last session (Public Law 102-145) that expired Mar. 31, 1992.
³ Less than \$500,000.
⁴ In accordance with section 251(a)(2)(D)(i) of the Budget Enforcement Act the amount shown for Public Law 102-266 does not include \$107,000,000 in budget authority and \$28,000,000 in outlays in emergency funding for SBA disaster loans.
⁵ In accordance with section 251(a)(2)(D)(i) of the Budget Enforcement Act the amount shown for Public Law 102-302 does not include \$995,000,000 in budget authority and \$537,000,000 in outlays in emergency funding.
 Note.—Amounts in parentheses are negative.

PAPERWORK THREATENS OUR NATION'S SMALL BANKS

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, excessive bank regulation is strangling our economy by making bankers spend more time filling out Government forms than in approving loans.

A recent article entitled "Adding Banks to Endangered Species List" by Dennis Jacobe in the Washington Times tells the results of this over regulation on small banks. Mr.

Jacobe relates how one small community bank in Missouri is for sale because its board of directors can no longer keep up with ever-changing Federal regulations. The local community is going to lose its locally owned and controlled bank because of Federal paperwork burdens.

Mr. Jacobe points out how community banks are the institutions which must lead us out of the current recession, since they are the institutions which lend to small and medium size businesses. It is those businesses which create most of the jobs in the country. Without them, we have no hope of ending the current recession and returning to prosperity. They must have access to the credit that they get from community banks. Those banks must be allowed to make loans, rather than waste time filling out useless Government forms.

Mr. Jacobe's article shows that small and medium size banks are stronger than the nation's largest banks. His analysis is confirmed by an article in the July issue of the Federal Reserve Bulletin, which shows that small and medium banks have higher risk-based capital ratios than large banks. Smaller banks are healthier than larger banks.

Mr. Speaker, we need to reduce the unnecessary paperwork burden that is driving small banks out of business. It is good supervision, not good paperwork, which protects the deposit insurance funds from loss. We can maintain safe and sound banks without unnecessary paperwork. Mr. Jacobe's article is an excellent discussion of the risk we run of burying our community banks under tons of paper.

I recommend Mr. Jacobe's article to the Members, and ask unanimous consent that it be printed in the RECORD.

(From the Washington Times, May 30, 1992)

ADDING SMALL BANKS TO ENDANGERED SPECIES LIST

(By Dennis Jacobe)

The bank president couldn't have been more blunt. Our board of directors is fed up with the Feds, he said, so we're giving up and selling out.

After nearly a century and a quarter, the small Bank of Atchison County in Rock Port, Mo., is on the block. It is for sale, in large part, because of the near-impossible task of keeping up with ever-changing federal regulations, the bank's president said in a recent letter to the Federal Deposit Insurance Corp.

This is not the first time the directors of a community-oriented bank or thrift institution have made the decision to sell out because of frustration with the federal regu-

latory and supervisory process. Unfortunately, it likely will not be the last, either. This is unfortunate for the individuals involved, for their communities, and for the nation at large, because the data show that local institutions of this type—and not international and money-center megabanks—are the backbone of our nation's banking system.

Economic recovery and sustained economic growth hinge upon the ability of community-banking institutions to survive and to prosper.

Community banking institutions—commercial banks and thrift or savings institutions—derive the bulk of their funding from savers. They lend primarily to home buyers, consumers, local builders and other small and medium-size businesses.

Roughly, 9,250 of the nation's 13,500 banks and thrifts have assets or investment portfolios of \$100 million or less. Their combined assets represent less than 10 percent of the total for all banks. In contrast, 27 internationally oriented banks control nearly 25 percent of the individual's assets.

But are these biggest banks our strongest and most reliable source of financing? A look at their books on Dec. 31, 1991, showed they had a return on assets of a mere 0.26 percent, and their trouble assets represented 82.2 percent of their capital—capital that is the buffer between a bank's survival and a taxpayer bailout.

In stark contrast, the remaining banks and thrifts had a return on assets of 0.64 percent, and troubled assets of 37.3 percent of capital. The bulk of those institutions fit the community bank profile.

With the nation's economy struggling to recover from extended recession, Washington needs to focus sharply on improving the operating environment for community banks. They, after all, provide three times the home mortgage loans of the megabanks. They provide more consumer credit as well.

Most important in this period of economic recovery is the role community-oriented institutions play in financing small and medium-sized business.

A Small Business Administration study covering the period 1976-1988 showed that firms with 20 employees or less created 37 percent of the new jobs. Some 60 percent of all new jobs were created by firms with fewer than 500 employees.

These small and medium-size business are not customers of the megabanks. According to the Federal Reserve, these business deal almost exclusively with local institutions, such as the one for sale in Missouri.

Clearly, economic recovery and sustained growth depend heavily on the availability of businesses to find financing. Washington must adjust its regulatory and supervisory responses accordingly.

For starters, the regulatory reporting burden must be reduced. Federal Reserve Board Chairman Alan Greenspan recently criticized Washington for weighing down the banking sector. New laws enacted last year have imposed "significant costs by absorbing real resources and removing desirable flexibility," Mr. Greenspan said in Chicago. The American Bankers Association estimates the cost to banks of required regulatory reports and other compliance measures at possibly as much as \$1 billion annually.

Secondly, the regulatory and supervisory environment must be stabilized. The rules of the game change too rapidly and foster uncertainty among lenders. It becomes difficult if not impossible to plan long range. Normal risk-taking is avoided out of fear that a

change in Washington's mood will suddenly disallow a practice that has been considered good business in the past. The credit crunch that has gripped this nation for more than two years will only be alleviated when Washington stops micromanaging the lenders' marketplace.

Finally, some means must be found to moderate the competitive impact of federal deposit insurance premiums paid by banks and thrifts to the Federal Deposit Insurance Corp. These are the funds used to pay off depositors when banks fail.

The premiums paid have nearly tripled over the past decade, and they are likely to rise again soon. Lending institutions cannot continue to eat these costs. They will have to be passed along to customers. When they are passed along, bank products become disadvantaged in contrast to those of non-financial firms, such as money market mutual funds.

Unfortunately for the small and medium-sized businesses, these non-financial firms are rarely if ever a source of financing for business startup and expansion.

Washington has much to do if the valuable economic resource represented by community lending institutions is to be unleashed to help lead us out of recession.

AMERICA'S NATIONAL GUARD AND ARMED FORCES IN RESERVE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 10 minutes.

Mr. MONTGOMERY. Mr. Speaker, I have just learned that in the other body they have completed marking up in the full Senate Committee on Armed Services the armed services bill to run our Nation in our defense for the next fiscal year, starting in October.

As most of my colleagues know, I have been very active in trying to keep a strong National Guard and Reserve for this country. I have had some disagreements with the Defense Department. They would like to cut our Reserve forces, and maybe in my opinion cut those forces too much. We have added strengths back to the Reserves, about which the Defense Department was not particularly happy, but it is good news that the Senate has gone along with what the House has done in making a strong National Guard and Reserve.

In fact, the Defense Department had sent over to the Congress a request to close one out of every three armories in the National Guard of this country. One out of every three would be closed in my State and in other States around the Nation. These armories in these different small communities are really the center of activity for that community, and it would have been a very very serious mistake if we would have closed one out of every three armories in this country.

I am happy to say today, and that is the reason I am taking the floor, it looks like we will be able to protect the strength levels of the Guard and Reserve. The National Guard and Reserve is a good buy for the taxpayers. It costs the taxpayers one-third of the

amount of money that it would cost to run an active duty unit, doing the same type of training, such as a tank battalion versus a National Guard tank battalion. It costs one-third to have that tank battalion in the National Guard and Reserve.

Maybe in some cases the training is not as good, maybe that Reserve or National Guard unit might not be as effective, but if we give the Guard and Reserve the time to train, to get ready, give them equipment, give them good lesson plans, then it works out for the National Guard and Reserve.

A one-third savings on a military unit is quite a bit, and as we cut back on our military units around the country and our forces around the world, it does make a lot of good common sense to turn these missions over to the Reserves.

I am a little concerned about going too far in cutting our defense forces. When we spend money on defense, and if we are spending money in a correct manner, we get two things for that money: We get a strong defense and we give jobs to people. We give jobs to people, both in the military that wear the uniform, and we give civilian jobs. The Members would be surprised, when we cut back on military spending in the civilian sector, how much it affects those individuals. I would much rather have these people in the civilian sector having a job, not having to be on unemployment or getting on welfare, as it may be, if they cannot find another job.

We have felt very strongly here in the Congress that we need a strong National Guard and Reserve. We do not need to cut them back that much. The same thing applies to our active duty forces. I am worried about the cutbacks of our shipbuilding facilities that we have around the country, of building naval warships. We have good facilities in Virginia, Maine, and Mississippi and a few other States where we built good battleships, built good cruisers, destroyers, and carriers. Under the cutback of the defense program that has been recommended, we might have to close some of these shipyards. When we close a shipyard, we put a lot of people out of work. The problem is we just cannot start that shipyard back up overnight.

We know that we have a lot of good things out in front of us now with the fall of the Soviet Union. It is really not there any more. The missiles aimed at this Capitol today have been turned off. Those missiles are not on in Russia, in the Ukraine, so that is a good sign. However, there are a lot of problems in the world, even though the Soviet Union is gone. We have a lot of other areas we should be concerned about. Saddam Hussein is not gone in Iraq. He is giving us problems. We saw what happened in Panama.

My point is that we just do not want to close down our shipyards, our big

foundries, because we cannot start them back up again quickly if we need to. We will get in trouble. We did a pretty good job getting started again after World War I when we had to go into World War II.

I think we will make it.

AMERICA'S VETERANS

Mr. Speaker, I would like to shift into another subject, if I may. I am talking about the two subjects I know best, Defense and the National Guard and Reserve, and veterans' programs.

We are proud of our veterans that we have in this country. We have about 25 million veterans that are living now. We are losing too many of our veterans. Maybe we have less than 50,000 World War I veterans left. Three years ago we had over 200,000, but these great veterans of World War I have reached the ages of 88, 89, maybe 90 years of age, and they are leaving us.

We have some veterans that marched off to war at the different times our country has needed to call, and they have been doing the job. We do have an obligation. I am chairman of the House Committee on Veterans' Affairs, as my colleagues know, and we need to help these people. Congress is the best friend that the veteran has. We have some wonderful programs out there.

As I mentioned, we have about 25 million veterans still living, and when we count their dependents, which are about another 50 million, we have over 75 million veterans and their dependents living in this country today. Many of them do depend on our veterans' services.

We are very proud of our veterans' hospitals, as I tell my colleagues today. We have 171 hospitals. We had 172 hospitals, but we closed one down in California only recently because that hospital was located on a fault out there, an earthquake fault. It made sense and we had to close that hospital.

We are very proud of the service we give these veterans, as my colleagues know here today.

□ 1520

We feel because of our 171 hospitals and our 234 outpatient clinics, and because of our many veterans' nursing homes and State veterans' nursing homes, these veterans, because of the service they have given their country, are now being helped out, and they are living in less pain because of these veterans' hospitals, and they are living a lot longer. I hope we can continue that service.

Next week on the House floor we will vote on a bill that will pertain to appropriations on the Veterans' Committee, and from the Appropriations Committee that we have authorized, and that will be funded next week. We would like to get more money, but we all know of the budget crunch that we have, and we do have some problems on funding. But I hope my colleagues,

when we vote on this appropriation bill, will be fair, as they have been in the past to our veterans, and will see that they are properly taken care of.

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

COMMUNICATION FROM CHAIRMAN OF PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Permanent Select Committee on Intelligence:

PERMANENT SELECT COMMITTEE
ON INTELLIGENCE,
Washington, DC, July 24, 1992.

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

DEAR MR. SPEAKER: This is to notify you pursuant to Rule L of the Rules of the House that the Permanent Select Committee on Intelligence has been served with a subpoena issued by the United States District Court for the District of Columbia in connection with a trial that is ongoing in that court.

After consultation with the General Counsel, I will notify you of my determination as required by the Rule.

Sincerely,

DAVE MCCURDY,
Chairman.

COMMUNICATION FROM THE HONORABLE JOE KOLTER, THE HONORABLE AUSTIN MURPHY, AND THE HONORABLE DAN ROSTENKOWSKI, MEMBERS OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOE KOLTER, the Honorable AUSTIN MURPHY, and the Honorable DAN ROSTENKOWSKI, Members of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 24, 1992.

Hon. THOMAS S. FOLEY,
Speaker of the House, Congress of the United States, Washington, DC.

DEAR MR. SPEAKER: On July 22, 1992, we received subpoenas issued by the United States Attorney for the District of Columbia. These subpoenas were issued on the day that the task force organized by the Committee House on Administration to investigate the House Post Office released its report finding no merit whatsoever to any allegations that we or anyone else abused the stamp procurement process of the House.

Pursuant to House Rule 50, we are advising you of our receipt of these subpoenas. We also are advising you that we do not expect to assert any legislative privilege with regard to the subpoenas. However, for the reasons stated in the accompanying letter, we will assert other constitutional privileges to stop this fishing expedition and political witch hunt once and for all.

It is amazing that the U.S. Attorney is continuing this investigation when the task force report so thoroughly resolves any of the issues within the proper scope of the investigation. Moreover, every report of every former employee of the House Post Office has refuted any notion that we engaged in

any conduct that the U.S. Attorney could legitimately investigate. In order to check the U.S. Attorney's exercise of uncontrolled power to waste taxpayer money on an improper and groundless investigation and to preserve our constitutional right to be free from political harassment and persecutorial overreaching, we have written the accompanying letter we now make part of the record in this matter.

Sincerely,

JOE KOLTER,
AUSTIN MURPHY,
DAN ROSTENKOWSKI.

The SPEAKER pro tempore. Without objection, the accompanying correspondence will be included in the RECORD.

There was no objection.

The correspondence referred to follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 24, 1992.

Re: Grand jury matter 91-3.

JAY B. STEPHENS, Esquire, U.S. Attorney, District of Columbia, Washington, DC.

DEAR MR. STEPHENS: On July 22, 1992, each of us was served with subpoenas issued by John Campbell in your office. These subpoenas called for us to appear to testify less than a week later on July 28, 1992.

The day these subpoenas were served, a report was issued by the Committee on House Administration, pursuant to House Resolution 340 relating to an investigation of the House Post Office. The report was the result of a five-month study which addressed every conceivable issue arising out of the operation and management of the House Post Office, including all the topics in which your office could possibly be interested.

While containing some disagreements, the report is clear that there is no evidence whatsoever that any of us took part in any way in activities that would violate any federal law or rule. Nothing in the report would warrant further investigation by you or a grand jury.

According to statements made by representatives of your office, your investigation has been premised solely on newspaper accounts of one person, Jim Smith, a post office employee. It was reported that Mr. Smith alleged that Congressman Rostenkowski or his office had engaged in some transaction in which stamps were somehow exchanged for cash. Subsequently, Mr. Smith was quoted stating that any such allegation was both "crazy" and "wrong." Nevertheless, unsourced and unsubstantiated newspaper articles continued repeating the allegations. The task force report, however, includes Mr. Smith's interview in which he once again refutes the truth of that charge.

So, it comes as quite a surprise that, notwithstanding the refutation of the only basis for the investigation, we have all been subpoenaed to appear before a grand jury. There is no evidence for us to refute; no charge to explain; and no person making a public allegation who needs to be rebutted.

Some weeks ago, assuming your inquiry was sincere, Congressman Rostenkowski offered to provide your staff with information in order to put this matter to rest. They stated that they wanted this information in the grand jury or not at all. That did not seem like a sincere request to obtain relevant information, but a tactic to create a needless confrontation and media event.

We can only conclude that the subpoenas for us are a product of an overall fishing expedition in an election year. This conclusion is

supported by an article in this morning's *Washington Times* in which someone obviously has leaked to the press the fact that subpoenas were issued. This article specifically includes "law enforcement officials" as sources.

The Constitution provides all American citizens—whether Members of Congress or not—with only one recourse by which to resist prosecutorial overreaching. That route, of course, is the right to refuse to testify under the fifth amendment of the Constitution. We, therefore, assert that constitutional right against testifying in this matter. We decline to lend any credence to any inquiry that lacks credibility and should be promptly closed.

Sincerely,

JOE KOLTER.
AUSTIN MURPHY.
DAN ROSTENKOWSKI.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MATSUI (at the request of Mr. GEPHARDT), for today, on account of illness in the family.

Mrs. LLOYD (at the request of Mr. GEPHARDT), for today, on account of personal business.

Mr. TAUZIN (at the request of Mr. GEPHARDT), after 2 p.m. today, on account of medical reasons.

Mr. YATES (at the request of Mr. GEPHARDT), after 6 p.m. Thursday, on account of illness.

Mr. McNULTY (at the request of Mr. GEPHARDT), after 2 p.m. today, on account of family reasons.

Mr. CLEMENT (at the request of Mr. GEPHARDT), after 1:15 p.m. today, on account of official business.

Mr. MARTIN (at the request of Mr. MICHEL), for today, on account of personal business.

Mr. CALLAHAN (at the request of Mr. MICHEL), for today, on account of personal reasons.

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 Mrs. BENTLEY) to revise and extend their remarks and include extraneous material:)

Mrs. BENTLEY, for 5 minutes today, in lieu of previously approved 60 minutes.

Mr. HUNTER, for 5 minutes, today.

(The following Members (at the request of Mrs. COLLINS of Illinois) to revise and extend their remarks and include extraneous material:)

Mr. PANETTA, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. BENTLEY) and to include extraneous matter:)

Mr. PURSELL.
Mr. GRADISON.
Mr. GILMAN in two instances.
Mr. WELDON.
Mr. CRANE.
Mr. BLILEY.
Mr. SOLOMON.

(The following Members (at the request of Mrs. COLLINS of Illinois) and to include extraneous matter:)

Mr. COLEMAN of Texas.
Mr. DORGAN of North Dakota.
Mr. MATSUI.
Mr. HOYER.
Mrs. KENNELLY in two instances.

ADJOURNMENT

Mr. MONTGOMERY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 24 minutes p.m.) under its previous order, the House adjourned until Monday, July 27, 1992, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3980. A letter from the Director, the Office of Management and Budget, transmitting a report on revised estimates of the budget receipts, outlays, and budget authority for fiscal years 1992-97, pursuant to 31 U.S.C. 1106(a) (H. Doc. No. 102-365); to the Committee on Appropriations and ordered to be printed.

3981. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9-250, "Safe Streets Forfeiture Amendment Act of 1992," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3982. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9-251, "Tissue Transplantation Distribution Amendment Act of 1992," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3983. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9-252, "Regional Airports Amendment Act of 1992," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3984. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9-253, "District of Columbia Underground Storage Tank Management Act of 1990 Amendment Act of 1992," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3985. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9-254, "District of Columbia Public Hall Regulation Amendment Act of 1992," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3986. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9-255, "Uniform Disposition of Unclaimed Property Act of 1980 Dormancy and Clarifying Amendment Act of 1992," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3987. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9-256, "Law Enforcement Witness Protection Amendment Act of 1992," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3988. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9-257, "Zei Alley Designation Act of 1992," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3989. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9-258, "Retired Police Officer Redeployment Amendment Act of 1992," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3990. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9-259, "Prevention of Transmission of the Human Immunodeficiency Virus Temporary Amendment Act of 1992," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3991. A letter from the Secretary of Education, transmitting notice of final priority for fiscal year 1993—Special projects and demonstrations for providing vocational rehabilitation services to individuals with severe handicaps—Hearing Research Center, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3992. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Departments of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Korea for defense articles and services (Transmittal No. 92-31), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3993. A letter from the Chief Judge, U.S. Court of Veterans Appeals, transmitting the annual estimate of the expenditures and appropriations necessary for the maintenance and operation of the Court of Veterans Appeals Retirement Fund; to the Committee on Government Operations.

3994. A letter from the Federal Aviation Administration, transmitting the 1990 through 1991 Aviation System Capacity Plan; to the Committee on Public Works and Transportation.

3995. A letter from the Clerk of the House, transmitting the annual compilation of personal financial disclosure statements and amendments thereto filed with the Clerk of the House of Representatives, pursuant to 5 U.S.C. App. 6 103 (H. Doc. No. 101-366); to the Committee on Standards of Official Conduct and ordered to be printed.

3996. A letter from the Secretary of Housing and Urban Development, transmitting a draft of proposed legislation entitled "Housing and Community Development Act of 1992"; jointly, to the Committees on Banking, Finance and Urban Affairs and Education and Labor.

3997. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation entitled "Maritime Reform Act of 1992"; jointly, to the Committees on Merchant Marine and Fisheries and Ways and Means.

3998. A letter from the Chairman, Merit Systems Protection Board, transmitting a report entitled "Workforce Quality and Federal Procurement; An Assessment"; jointly, to the Committees on Post Office and Civil Service and Government Operations.

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. DINGELL: Committee on Energy and Commerce. H.R. 3168. A bill to amend the Mineral Leasing Act to provide for leases of certain lands for oil and gas purposes; with amendments (Rept. 102-610, Part 2). Ordered to be printed.

Mr. ASPIN: Committee on Armed Services. H.R. 3168. A bill to amend the Mineral Leasing Act to provide for leases of certain lands for oil and gas purposes; with amendments (Rept. 102-610, Part 3). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 1219. A bill to designate wilderness, acquire certain valuable inholdings within National Wildlife Refuges and National Park System Units, and for other purposes; with an amendment (Rept. 102-682, Part 2). Referred to the Committee on the Whole House on the State of the Union.

Mr. ROE: Committee on Public Works and Transportation. H.R. 3243. A bill to direct the Administrator of the Federal Aviation Administration to publish routes on flight charts to safely guide pilots operating under visual flight rules through and in close proximity to terminal control areas and airport radar service areas; with amendments (Report No. 102-712). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSE: Committee on House Administration. Investigation of the Office of the Postmaster, pursuant to House Resolution 340 (Rept. 102-713). Referred to the House Calendar.

Mr. MONTGOMERY: Committee on Veterans' Affairs. H.R. 5193. A bill to improve the delivery of health care services to eligible veterans and to clarify the authority of the Secretary of Veterans Affairs (Rept. 102-714, Pt. 1). Ordered to be printed.

Mr. MONTGOMERY: Committee on Veterans' Affairs. H.R. 5491. A bill to designate the Department of Veterans Affairs medical center in Marlin, TX, as the "Thomas T. Connally Department of Veterans Affairs Medical Center" (Rept. 102-715). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSTENKOWSKI: Committee on Ways and Means. 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 (Rept. 102-716). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 5644. A bill to provide that certain costs of private foundations in removing hazardous substances shall be treated as qualifying distributions. (Rept. 102-717). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 5648. A bill to amend the Internal Revenue Code of 1986 to revise the application of the wagering taxes to charitable organizations (Rept. 102-718). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 5650. A bill to amend the Internal Revenue Code of 1986 to allow non-exempt farmer cooperatives to elect patronage-sourced treatment for certain gains and losses, and for other purposes (Rept. 102-719). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSTENKOWSKI: Committee on Ways and Means. 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. (Rept. 102-720). Referred to the Committee of the Whole House on the State of the Union.

Mr. MONTGOMERY: Committee on Veterans' Affairs. H.R. 5400. A bill to establish in the Department of Veterans Affairs a program of comprehensive services for homeless veterans; with amendments (Rept. 102-721). 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. DINGELL: Committee on Energy and Commerce. H.R. 3927. A bill to extend and revise rulemaking authority with respect to government securities under the Federal securities laws, and for other purposes; with an amendment; referred to the Committee on Banking, Finance and Urban Affairs for a period ending not later than August 7, 1992, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(d), rule X (Rept. 102-722, Pt. 1). Ordered to be printed.

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. VOLKMER:

H.R. 5690. A bill to amend the Internal Revenue Code of 1986 to provide for full deductibility of health insurance costs for self-employed individuals, to establish a National Health Care Commission, to provide for uniform health claims forms and uniform reporting standards, and to amend the Social Security Act to expand Medicare coverage of preventive services and to improve health insurance for small employers; jointly, to the Committee on Ways and Means and Energy and Commerce.

By Mr. COBLE (for himself, Mr. BALLENGER, Mr. TAYLOR of North Carolina, Mr. NEAL of North Carolina, Mr. VALENTINE, and Mr. PAYNE of Virginia):

H.R. 5691. A bill to promote expansion of international trade in furniture with Mexico, and for other purposes; to the Committee on Ways and Means.

By Mr. JACOBS (for himself, Mr. DOWNEY, and Mr. MATSUI):

H.R. 5692. A bill to provide for the inclusion of specific items in any listing of impairments for the evaluation of human immunodeficiency virus [HIV] infection prescribed in regulations of the Secretary for use in making determinations of disability under titles II and XVI of the Social Security Act; to the Committee on Ways and Means.

By Mr. MAZZOLI (for himself and Ms. SLAUGHTER):

H.R. 5693. A bill to amend the Immigration and Nationality Act to permit the spouses of citizens and permanent resident aliens to file classification petitions for immediate relative and second preference family status

and to permit the use of credible evidence in spousal waiver applications for removal of conditional permanent residence; to the Committee on the Judiciary.

By Mr. RHODES:

H.R. 5694. A bill to amend the Land and Water Conservation Fund Act of 1965 to ensure sufficient funding for Federal and State projects, to encourage multipurpose acquisitions, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SKEEN:

H.R. 5695. A bill to amend title XVI of the Social Security Act to allow more people to become eligible for supplemental security income benefits; to the Committee on Ways and Means.

By Mr. DANNEMEYER:

H. Res. 528. Resolution providing for the consideration of the joint resolution (H.J. Res. 240) proposing an amendment to the Constitution of the United States relating to voluntary prayer in the schools; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

512. The SPEAKER presented a memorial of the legislature of the State of Alaska, relative to the WIC Program; to the Committee on Education and Labor.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 261: Mr. SHAW.
H.R. 481: Mr. FALLONE.
H.R. 786: Mr. ERDREICH.
H.R. 1241: Ms. OAKAR and Mr. CARPER.
H.R. 1611: Mr. JOHNSON of South Dakota.
H.R. 3258: Mr. MRAZEK and Ms. MOLINARI.
H.R. 3710: Mr. JEFFERSON.
H.R. 3918: Mrs. BENTLEY, Mr. SANDERS, Mr. FISH, Ms. NORTON, and Mr. YATRON.
H.R. 4192: Mr. MOODY and Mr. HAYES of Illinois.

H.R. 4334: Mr. HASTERT, Mr. EDWARDS of Oklahoma, Mr. NICHOLS, Mr. GALLEGLY, Mr. HOLLOWAY, Mr. GILLMOR, and Mr. GILCHREST.
H.R. 4585: Mr. CAMPBELL of Colorado, Mr. HUGHES, Mr. CLAY, Mr. STOKES, Mr. LAFALCE, Mr. SIKORSKI, Mr. CONYERS, Mr. RAHALL, and Mr. RANGEL.
H.R. 4600: Mr. JAMES.
H.R. 4604: Mr. JAMES.
H.R. 4708: Mr. GILLMOR.
H.R. 4724: Mr. CONDIT, Mr. RANGEL, and Mr. TAUZIN.

H.R. 4961: Mr. LAGOMARSINO.
H.R. 5003: Mr. BATEMAN, Mr. JONTZ, and Mr. PACKARD.

H.R. 5123: Mr. MARKEY and Mr. SIKORSKI.
H.R. 5237: Mr. BORSKI.
H.R. 5321: Mr. ALLEN, Mr. GEKAS, and Mr. MONTGOMERY.

H.R. 5400: Mr. BLAZ, Mr. HALL of Ohio, Mr. JENKINS, Mr. HEFNER, Mr. RICHARDSON, Mr. STENHOLM, Mr. PAYNE of Virginia, Mr. PARKER, and Mr. HARRIS.

H.R. 5416: Mr. SPRATT, Mr. LANCASTER, and Mr. HAYES of Illinois.

H.R. 5434: Mr. KLUG and Mr. ENGEL.
H.R. 5491: Mr. HAMMERSCHMIDT, Mr. JENKINS, Mr. HEFNER, Mr. RICHARDSON, Mr. PAYNE of Virginia, Mr. PARKER, and Mr. HARRIS.

H.R. 5507: Mr. SCHEUER.

EXTENSIONS OF REMARKS

REMARKS BY MARTIN S. DAVIS
ABOUT PROTECTIONIST ACTIVITIES
BY THE EUROPEAN COMMUNITY

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 1992

Mr. TORRICELLI. Mr. Speaker, I want to insert into the RECORD a statement about European Community trade practices made by Paramount Communications Inc, chairman, Martin Davis, at the European Chairman's Symposium.

His statement reveals a deeply disturbing trend within the European Community to restrict the purchase of United States-produced programming. Members of the European Community are claiming that the cultural integrity of its member-nations are threatened by American programming. But Mr. Davis effectively argues that the cultural integrity argument is simply a facade for the protection of European production facilities.

I urge my colleagues to read Mr. Davis' insightful and informative remarks.

PROTECTIONISM: A DEADLY VIRUS

(Remarks by Martin S. Davis)

As we meet here in the center of Europe, we see a world around us light years away from a world we knew just a decade ago. There is nothing as constant as the constancy of change.

And nowhere is that more evident than in the transformation of the Company I am privileged to lead.

Just a few years ago we were known as "Gulf & Western Industries." Our businesses spanned the alphabet—from A-autoparts to Z-zinc.

Today, we are a totally different enterprise. Beginning in 1983, we carried out as thorough a strategic restructuring as any I know. We reshaped and refocused by divesting capital intensive, low profit or no profit businesses. At the same time, we continued—through a series of specialized acquisitions—to build our core operations in entertainment and publishing. Reflecting that restructuring, our name is now Paramount Communications.

In entertainment, our Paramount Pictures was one of America's motion picture pioneers—the first to distribute a full length feature film and the first to present motion pictures in color. So we reached back into our own history and brought forward a name that consumers all over the world easily recognize.

You might ask: "why did we divest all those commodity and heavy industrial businesses to focus our energies and resources on entertainment and publishing? It was because we saw a future in which consumers not only in America but throughout the world would be eager to see our films . . . or to read our novels . . . or to enjoy our television programs . . . or to learn more about the universe around them.

We envisioned an unprecedented global demand for these inventions of the mind and of the creative spirit. And we were prepared to make the investments, to take the risks, and to reach out to new markets beyond our shores—from the Pacific to Latin America and to the European heartland.

We also witnessed the startlingly swift emergence of advanced technologies that injected a new dynamism into our markets. Consider these facts:

In 1980, the home video market was virtually non-existent. Today, there are over 200 million VCRs in use throughout the world.

Books, not much changed from the days of Gutenberg, now appear on audio cassettes, on CD-ROMs and on discs. And through high speed data links they can be sent from a library to a university to home and back again in a matter of minutes.

Television programming, once carried locally by microwave relay antenna systems, is now transmitted by orbiting satellites—instantly—to anywhere in the world, leaving a truly "global footprint."

These leaps of technology made it possible to reach out to consumers in all corners of the Earth. We can now watch the CNN news in our hotel room here . . . or in New York . . . or in Rome. Or, if we desire, the early edition of The Wall Street Journal or Handelsblatt can be "faxed" to us within minutes over AT&T's fiber optic telephone lines with the latest digital switches.

We live in an environment in which technology has made it possible to move from a climate of scarcity to one of abundance. Now, we are no longer confined to a few channels telecast over the air. We can transmit programming on broad band—or multi-band channels. As the chairman of our Federal Communications Commission has observed, one can no longer simply "leverage profits" by controlling a limited spectrum—the race is now open to all.

Just as communications technology opened the gates to the "global village," another sweeping trend profoundly changed the economic scene—the "privatization" of the means of communications.

Today, telephone companies in Europe are being turned over to private hands. European television, once state-dominated, has now attracted continental investors like Canal Plus, Kirch, Havas, Elsevier, Feruzzi, Wallenberg, and Berlusconi.

In the United States, our own publishing industry has drawn non-U.S. investors like Reed International of the UK, Bertelsmann of Germany, Thomson of Canada, and Hachette of France. Old-line American publishing houses like Doubleday, Addison-Wesley and Grolier are now owned by non-U.S. enterprises. And, such non-U.S. companies as Sony, Matsushita, Phillips and EMI have major stakes in the U.S. entertainment industry.

We welcome those changes and we welcome the healthy competition they bring. These cross-border investments exemplify the international scope of the media and publishing industry and just how vast it has become—with revenues of some \$1.4 trillion worldwide.

These technological and commercial changes did not take place in a vacuum. They occurred in the midst of sweeping political change.

The cold war is over. Ironically, some observers have linked the breakdown of oppressive Eastern Bloc regimes to the influence of television and radio, which expose the world to Democratic values and ideas. Germany is reunified and the Common Market soon will be a reality. We are now on the threshold of what President Bush has described as a "new world order."

But what kind of world will it be? Will it be a world of free and fair trade? Or will it be a world that slips behind a newly erected wall of protectionism?—a subject that was high on the agenda of the just-concluded G-7 summit meeting a few miles from here.

I am not an alarmist by nature. But I believe that a return to protectionism would be a disaster for us all. It would certainly be a disaster for the European Community—not only the world's largest market, but the world's largest exporter. Last year, for example, the EC's total exports were \$1.36 trillion. Our future prosperity and growth are intertwined with yours. They both depend on open avenues of trade.

Foreign markets make up an ever increasing share of our business as well. In 1985, U.S. motion picture, television and home video export revenues were \$1.9 billion. In 1990, they were \$7.5 billion.

Altogether, the motion picture industry returns some \$3.5 billion in surplus to the U.S. balance of payments account. It is a bright spot in an otherwise dismal deficit picture. Consumers everywhere have a large appetite for American films, which are perennial box office leaders worldwide.

Yet, these gains, and indeed the very growth of our businesses, are threatened by a new wave of protectionist sentiment and activity.

Protectionism crops up in the most unexpected places, like a virus. It is so pervasive, says Arthur Dunkel, the Director of GATT, that "only collective action by governments can defeat it."

The "National Trade Estimate" prepared by the U.S. Government—the catalog of all the Trade Barriers we exporters face—is as big as the telephone books of many major cities. And it is full of unfair trade practices, overt and covert.

One of the most troublesome of these unfair practices is the EC directive, ironically mislabeled "Television without Frontiers." It requires that all members states place a restrictive quota on television programming produced by non-Europeans—reserving at least "a majority" of programming for European productions.

In their zeal to implement this directive, the French government has actually gone even further by slapping a 60% European quota on U.S. television programming. These are restrictions aimed directly at American companies, their writers, producers, directors—and shareholders. And they defy the basic trade precept of reciprocity. We have no such quotas in America.

And that is not all. European directives are now diverting millions of dollars derived

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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

from levies on our videocassettes away from American producers. These levies are being used to subsidize our competitors, the local production companies. This is unfair!

Let me emphasize an important point. We are not seeking any special privileges. We ask only to play by the rules of the trade game. Given us a level playing field and let us compete. The consumer should be the ultimate decision maker.

The purpose of the quota on U.S. television programming, it is said, is to protect the Europeans against the invasion of America's "mass popular culture." I doubt that the culture of Moliere or Goethe is really that fragile. As the French writer Patrick Wadjsman astutely observed, "France is in trouble if it is really threatened by Mickey Mouse and Donald Duck. A child's laughter has no nationality, no passport, no ideology."

In France, the most popular U.S. made television show—"Knots Landing"—competes directly with "Sebastien, C'est Fou." In Germany, "ALF" competes head-to-head with "Wetten das." In Italy, "Twin Peaks" goes up against "Festival di San Remo."

Just recently, a new French-German cultural TV network was launched called "Arte." That kind of cultural competition is just fine with us.

And if consumers all over the world dislike our products, their choice is simple. They won't turn on that channel. Or they won't go to the motion picture theater that day.

Years ago, I started my business career working with the great movie mogul Samuel Goldwyn, who was famous for his colorful sayings. When he was told about the poor attendance at his studio's latest film, he just shrugged his shoulders and said, "Listen, if they don't want to come—you can't stop them."

In my opinion, and in the opinion of many others in my country, as well as on the continent, the purpose of this television quota is not to preserve European culture, but rather to protect the local production industries—the very form of protectionism I just referred to.

Tolerating piracy is another unfair trade practice that places an enormous burden on all of us. When governments fail to crack down on piracy, they hurt us. They also hurt their own local industries and their own legitimate distributors. The theft of books, films, videocassettes, computer software and recorded music owned by U.S. companies exceeded \$4 billion last year alone—and we are still counting! As businessmen, we are offended by the sheer lack of effective safeguards against the relentless disregard of our copyrighted properties.

All of the historical trends we are talking about today have common themes. They are supposed to be about the emergence of free market economies, private ownership and the entrepreneurial spirit. In fact, they are observed more in theory than in practice.

Let us have fair trade, not just talk about it. Let us have television across all frontiers, not just within European borders. If we prize the right of the individual to travel freely, let us not blockade the free travel of ideas, information, and entertainment.

This is the time to be vigilant. It would be folly to engage in trade wars or to drift ever so dangerously into a twilight zone of subtle or not so subtle protectionist measures.

Today, we have some marvelous opportunities for progress. As enlightened businessmen, we must not waste them.

So, first, let us urge our political leaders to resolve their differences over farm subsidies and get on with a meaningful GATT

services agreement. Trade liberalization will allow us to roll back those EC television quotas and usher in new safeguards against the piracy of intellectual property.

Second, let us collaborate as partners in the research and development of the new technologies so that modern communications systems will not be fragmented. Advances such as high definition television, video compression, digital transmission and broad band delivery must be harmonized so that these systems, wherever deployed, are compatible with each other. Years ago, motion pictures were standardized in a 24 frame per second/35mm format. This opened up the windows of enjoyment for consumers across the globe.

And, third, let us vow never to return to the trade wars of the past. Consumers, not bureaucrats, should dictate choice.

What we are celebrating here, it seems to me, is the triumph of history over ideology. Communism collapsed, not because Adam Smith won the argument and Karl Marx lost. It happened because ordinary people all over the world, most of whom never heard of Adam Smith, decided that individual freedom and the right to make choices were worth fighting for.

We are truly living in Marshal McLuhan's "global village." Gone are the days when dictatorial governments could ban books, jam broadcasts, control communications and keep people in ignorance.

And if dictators could not—then neither, in our time, should democracies.

ADDRESSING THE PROBLEMS OF OUR INNER CITIES

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 1992

Ms. WATERS. Mr. Speaker, I strongly recommend the following article about the Federal Government's failure to address the severe problems in our inner cities. Despite the rebellion in Los Angeles over 2 months ago, and much media attention to the deep-seated anger and frustration of inner city residents nationwide, next to nothing has happened to address the underlying economic causes of the pain.

The \$1.1 billion supplemental appropriations bill signed by President Bush replenished the Small Business Administration [SBA] and Federal Emergency Management Agency [FEMA] disaster funds, and spent \$500 million for 6- to 8-week summer jobs for school kids.

The urban aid package passed by the House is an experiment. No one really knows whether enterprise zones will actually encourage business relocation in inner cities. Moreover, even if it does work, it will be years before these businesses create any jobs.

The net effect is that millions of Americans are waiting to see if Washington cares. There are things we can do, that is what the attached letter outlines. I hope every Member of Congress reads it and heads its message.

THE MILTON S. EISENHOWER
FOUNDATION,

Washington, DC, July 10, 1992.

HON. MAXINE WATERS

U.S. House of Representatives, Longworth
House Office Building, Washington, DC.

DEAR CONGRESSWOMAN WATERS: In the wake of the Eisenhower Foundation's na-

tional policy conference on the Los Angeles riots and the inner city in Washington, D.C. on June 24, 1992, I am writing you, and other leading Members of Congress, with information about the inadequacy, in the view of our conferees, of the policy currently being negotiated between Congress and the Administration for at-risk children, youth and the inner city.

The conclusions of the Milton S. Eisenhower Foundation's national policy conference (agenda attached), which was held at the Washington, D.C. law offices of Eisenhower Trustee Harry C. McPherson, included (though were not limited to) the following:

Over the last decade, federal policy has demonstrated questionable moral values—by increasing taxes on the poor and the working and middle classes and reducing taxes on the very rich, by doubling prison cells while reducing by more than half the budget authority for low income housing, and by placing one of every four young African-American males in prison, on probation or on parole at any one time. (The ration is one-in-three in California, which often is ahead of future trends in the rest of the nation.)

The \$1.2B "short-term" emergency urban package signed into law on June 22, 1992, was a band-aid—too little, too late—after the Los Angeles riots.

The summer jobs part of the \$1.2B package will not provide inner city youth with the education and training needed for long-term employment, so that they can become productive, taxpaying citizens.

The additional, "middle-term" urban package now being negotiated in Congress and between Congress and the Administration, including enterprise zones and "weed and seed," is a "quick fix" that will not spend taxpayer money in a cost-effective way and that is not based sufficiently on scientific evaluations over the last twenty years of what really works. After the first year of this "middle-term" package as passed by the House of Representatives, there is no extra room to provide even these inadequate funds under existing spending caps.

Enterprise zones are another failure of the "trickle-down" economic of the last decade, which only has resulted in the rich getting richer and the poor (and working class) getting poorer.

Enterprise zones have been tried in most states—and scientific evaluations have shown that they do not provide many jobs for the high-risk inner city youth who need them—like the Crips and Bloods in south central Los Angeles. There is little scientific evidence to predict that federal enterprise zones will work any better.

The enterprise zone plan currently proposed is even more inadequate because it is spread over too many locations. This repeats the failure of the Model Cities Program of the 1960's to concentrate only on places of greatest need. Congress and the Administration have not learned the lessons of history, and the American taxpayer again will suffer.

Even with new provisions for less "weed," the "weed and seed" program is a gimmick that is not comprehensive—especially when it comes to replicating at a sufficient level of funding scientifically evaluated successful programs for all eligible at-risk children and youth—like Head Start for all eligible children for three years and remedial education, intensive year-long job training and job placement in the primary labor market for all eligible at-risk youth, in ways that, in part, build on the successful Job Corps program.

The first major scientific evaluation of the Job Training Partnership Act (JTPA) shows

that it is a failure for at-risk youth under age 22—with youth in the program doing worse than “comparison” youth not in the program. JTPA needs to be reformed to function more like Job Corps-like initiatives.

Congress and the administration have not really considered what most knowledgeable observers conclude is the most logical point of departure—a preventive rather than reactive policy over many years that offers adequately funded, comprehensive “multiple solutions to multiple problems” in the inner city, and for children and youth.

Long-term, comprehensive policy must balance human investment in children and youth with economic “bubble-up” (not “trickle-down”) development of inner city housing, businesses and infrastructure.

Inner city educational reform should be based on Head Start, Jule Sugerman's Children's Investment Trust, Yale University Professor James Comer's School Development Plan, businessman Eugene Lang's “I Have a Dream,” the plan of the Carnegie Council on Adolescent Development, and the plan of the Carnegie Foundation for the Advancement of Teaching.

Between preschool for young children and Job Corps-like training and placement for young adults, the nation needs a rapid but orderly replication of scientifically evaluated grass-roots, nonprofit organization successes that mentor intermediate-age school youth, prevent their dropping out of school, and offer them extended family “sanctuaries” off the street for social support and discipline—like the Argus Community in the Bronx, the Challengers Boys and Girls Club in south central Los Angeles (where President Bush spoke), and Centro Isolina Ferre in Puerto Rico. A national non-profit corporation for Youth Investment and Management is needed to replicate success and teach sound business management to inner city leaders.

Economic development in inner cities should “bubble-up” through direct federal grants to new, minority-owned inner city development banks, modeled in part on the South Shorebank in Chicago, and through private non-profit community development corporations (CDC's), using existing successful private non-profit national intermediary models, like the Ford Foundation's Local Initiatives Support Corporation (LISC) and developer James Rouse's Enterprise Foundation, to continue to expand the number of CDC's to teach sound management, and to link non-profit and for-profit enterprises.

After sufficient social and economic infrastructure is “bubbled up” via federal funding to community-based, grass-roots, youth and economic development non-profit organizations—which tailor their own local solutions, are well managed and incorporate social goals as part of their bottom line—then we can expect for-profit businesses to invest more in the inner city, not before.

Europe and Japan have been more responsible, morally and economically, than the United States over the last decade in investing in children, youth and urban infrastructure.

Only the U.S. Federal Government has enough resources to generate change that will have a significant national impact and that can leverage the additional private and local public funds needed.

Long-term comprehensive policy should be financed through a number of well discussed, bi-partisan plans—like breaking down the budgetary “Berlin Wall” that now proscribes reallocating defense and foreign aid funds into domestic investment, increasing taxes

on the richest one percent (who had their taxes reduced and incomes increased by 120 percent over the 1980's) and redirecting some pension fund investments in ways that benefit our children, youth, and cities.

Present plans to repeal the luxury tax on boats, airplanes, jewelry, and furs and to provide tax breaks for for-profit real estate developers (some of whom were in part associated with the \$7B HUD scandal of the 1980's) are the wrong way to proceed.

To release the present political gridlock and counter special, monied interests which have betrayed the American democracy, we need new political leadership; grass-roots political organizing like the kind that caused Head Start funding to increase over recent years; voter registration of the disempowered; reform so our elections more closely resemble the short, inexpensive British system; and electronic media messages over the next decade by respected moral leaders, who communicate how we know what works, and how it is cheaper, more effective and more morally sound than prison building.

Apart from new leadership, the new American democratic insurgency that is needed must originate among ordinary people who more assertively question the conflict between what they are told by political public relations “spin controllers” and what they see and experience.

A number of sound, long-term plans have been proposed for children, youth and the inner city, and there is not yet a clear consensus on their cost, but the general direction points to hundreds of billions of dollars over at least a decade, not a few billion in quick fixes over a few years.

The speakers at the Eisenhower Foundation's national policy conference on June 24 included neighborhood leaders, representatives of city halls, national non-profit leaders, researchers, government officials and political leaders.

Not everyone agreed to all of the above conclusions, but there was considerable convergence.

The implication from the conference is that Congress and the Administration need to:

reconsider the “intermediate” urban package now being negotiated to more realistically base it on replicating what works, given scientific evaluations over the last twenty years;

need to downplay enterprise zones and other experiments; and

need to re-enforce sound moral values that target the truly needy—not the better off.

Enclosed is the list of speakers and other participants at the June 24 Eisenhower national policy conference and a summary of the specific ten year, \$300B policy that Trustees of the Eisenhower Foundation presented at the conference. A more detailed review of the conference recommendations will be available soon.

The Milton S. Eisenhower Foundation is prepared to provide more information, should you require it.

Over the next 2 years, the foundation will organize other policy hearings on children, youth and the inner city and hold major national conferences, with associated reports, to commemorate the twenty-fifth anniversary of the 1967 Kerner Riot Commission Report and the 1968 (Milton) Eisenhower Violence Commission final report. We would like to invite you and your staff to be participants, and will write more details later.

With best wishes, I remain,

Sincerely,

LYNN A. CURTIS, Ph.D.,

President.

CONGRESSIONAL REFORM AND THE JOINT COMMITTEE ON THE ORGANIZATION OF CONGRESS

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 1992

Mr. COLEMAN of Texas. Mr. Speaker, I rise today in support of House Concurrent Resolution 192, to establish a Joint Committee on the Organization of Congress. During this Congress, Members from both sides of the aisle have continually stressed the need for reform. We should all be able to agree that the time has come to make a serious commitment to improve the way in which this body operates; to begin to formulate the solutions to the problems so many of us recognize.

The joint committee established by this resolution will carry out an indepth examination of the organization and operation of both the House and the Senate and the relationship between the two bodies. It will also examine the relationship between Congress and the Executive. This will give us the opportunity to address the stumbling blocks standing in the way of making real progress on the pressing issues facing us today.

I regularly receive letters from my constituents asking me to take steps to curb congressional spending, and I would venture to say that every other Member receives similar correspondence. We have an opportunity to make an intensive study of where we may be able to make the cuts the American people are asking for. Last week, we all agreed we need to address the Federal budget deficit. Let us use this opportunity to lead from the front; to demonstrate to the American people that we have the budget discipline necessary to lead the country out of the recession that has been generated by 12 years of Republican-led fiscal mismanagement.

The recommendations made by the joint committee will also enable us to determine what changes are necessary to begin to break the legislative gridlock which has apparently set in over the past decade. We were sent here to legislate. Yet, in this year of record retirements a common complaint is that the legislative gridlock prevents us from doing our job. We have the opportunity today to take the first step toward alleviating some of the problems that have caused us all to feel this same frustration. Let us seize this opportunity and take the first step.

BAKER'S UNEARNED REPUTATION

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 1992

Mr. FRANK of Massachusetts. Mr. Speaker, one of the greatest gaps that exists in Washington today is between the reputation of Secretary of State Baker and the reality of his performance. On the one hand, Mr. Baker has a superb record of diverting attention from the failures for which he ought to be held responsible. There is no better example of this than

the crisis in the savings and loan industry, which grew to a flashpoint during his years as Secretary of the Treasury. One of the most glaring examples of a failure to bring administrative resources to bear that we have ever seen is Secretary Baker's essentially sidestepping any responsibility for this problem as it got worse and worse. In fact, it is to the credit of Secretary of the Treasury Nick Brady, Mr. Baker's successor, that he at least face up to this problem after 4 years of Mr. Baker's successfully dodging it.

In his current position, Secretary Baker has managed to avoid responsibility for one of the great foreign policy blunders in American history, the disastrously wrong courting of Saddam Hussein from the period after the end of the Iraq-Iran war up until the moment that he invaded Kuwait. Ambassador Glaspie has been unfairly criticized in my judgment simply for carrying out Secretary Baker's orders, and those of President Bush. And it is clear that Secretary Baker was a major force in pushing ahead in the courting of Saddam.

In addition, despite his gentlemanly image, Secretary Baker has been at the forefront of the most virulent negative tactics in American campaign history during his management of the Bush campaign in 1988. Now that he may be returning to the Bush campaign helm in 1992, heralding among other things a return to this kind of destructive negativism, I think it is appropriate for people to see Secretary Baker as he really has been. He is one of the most unvarnished partisans in our Government, and his record as Secretary of State and Secretary of the Treasury ought to get fuller scrutiny.

The Boston Globe last week published an editorial which is very much on point in this regard and I ask that this editorial be printed here.

BAKER'S UNEARNED REPUTATION

Republican notables have been telling reporters how elated they are that Secretary of State James Baker will soon be changing jobs. Citing his past performances as a political operative, they express their eagerness to see Baker bestow order, coordination and coherence on the campaign to reelect his old friend, President Bush.

But Republicans who look to Baker as a savior had better hope that he can do a better job directing the Bush campaign than he did guiding US foreign policy.

Baker's knack for winning over the press corps with his charm allowed him to skip from one blunder to another while keeping intact a reputation for sage statecraft. His record is too often at odds with that reputation.

Baker's efforts to initiate Mideast peace talks have been widely praised, but as he prepares to leave his diplomatic post he can take credit only for arranging the formal preliminaries—while much hard negotiating remains to be done.

Declassified documents and the testimony of former officials indicate that Baker and Bush willfully persisted in acting as Saddam Hussein's dupes until Iraqi tanks rolled across the Kuwaiti border. Baker pressured other Cabinet members to reverse sound decisions to deny Saddam US-guaranteed loans and technology with military applications. He refused to heed warnings about Iraq from his own specialists and from officials in other departments of the government.

After Saddam exterminated thousands of Kurdish civilians with poison gas in the vil-

lage of Halabja, Baker should not have let Bush confine the American reaction to muted, pro forma expressions of dismay. In February 1990, when Saddam gave a virulent anti-American speech at an Arab summit in Amman, Jordan, shocking and scaring even his pliant neighbor, King Hussein, Baker ought to have advised Bush to reconsider the administration's groundless policy of supporting Saddam in order to encourage his "moderation."

In the same vein, Baker blundered when he paid for Syria's participation in Desert Storm by giving Hafez Assad an American blessing for his de facto annexation of Lebanon.

Less costly but no less disguised by Baker's skill at image-making were the errors in Soviet policy during his watch. Until Mikhail Gorbachev let the satellites of Eastern Europe go their own way, Baker presided over a policy so blinded by Cold War habits that it provoked the retired Ronald Reagan to chide his successor for wasting the good will he had invested in US-Soviet relations.

Then, almost until the moment the Soviet Union imploded, Baker and Bush went on backing Gorbachev and the communist central government against the dreaded specter of "instability."

To rescue Bush's campaign from the wrath of the voters, Baker will have to do more than merely refashion his friend's image. The domestic failures of the last four years are more transparent to the voters than foreign-policy blunders.

IT'S COOL TO HAVE VALUES

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 1992

Mr. PORTER. Mr. Speaker, it's cool to have values. That's the message from the students at the Learning School in Mount Prospect, IL.

I rise today to commend the Learning School in Mount Prospect, IL. This school was chosen No. 1 in the Nation, from among 624 schools enrolled in the competition, by the judges of the sixth annual American set a good example contest. To win, these outstanding students designed the best projects to influence their peers to set a good example, be honest, trustworthy, and content.

The young men and women of the Learning School are models for young people and adults everywhere. They are committed to ending drug use and promoting high personal standards. They try to set good examples in the school and at home through their own conduct. They work with younger children, try to keep their word once given, are truthful and honest.

In America, there is a rising problem of youth going astray. Many young people are falling prey to the influence of drugs and delinquency. In order to restore the moral and social consciences of our children, we need strong morals to be taught in the home and more hands on groups like the Concerned Businessmen's Association of America [CBAA]. This group has been getting involved and making a difference for the last 10 years. It was the CBAA which created the set a good example program and contest. Children are

the future of this country. We must take the time to instill in them a well developed social conscience.

The CBAA is an organization of business leaders who have achieved success and want to return some of their good fortune to their communities. These men and women care about our country and its future. In an effort to improve our country's social values this group created the set a good example program and contest, a grassroots campaign created to restore common sense social values. This contest gets students active in their own grassroots campaign to help get drugs off school grounds, prevent delinquency, illiteracy, and drop outs through positive peer pressure. Since its establishment seven years ago, this contest has become one of the most effective youth programs in America. CBAA has provided books and supplemental resource materials for the nearly 6 million students participating. The goals of the CBAA and set a good example program are my goals as well, and should be the goals of all Americans. We must never forget that our country's most valuable commodity is our children.

The success of the young people at the Learning School could not have been achieved without the help of interested adults. A special thank you goes to Jacquelyn Meyers, a teacher at the Learning School, for teaching the students how to be model citizens. In addition, this program would not have been possible without the sponsorship from business in Chicago, Arlington Heights, Mount Prospect, Brookfield and surrounding areas. I would like to give special commendation to the Concerned Businessmen's Association of America and its chairperson Barbara Ayash for taking such an interest in the young people of this country.

I extend to the Learning School congratulations and my complete support. I wish you continued success.

STUDENT FINANCIAL AID

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 1992

Mr. HUBBARD. Mr. Speaker, I recently received an excellent letter from one of my constituents, Marsha Frizzell of Benton, KY, a student at Paducah Community College in Paducah, KY.

In her letter, Marsha voices her deep concern over the high cost of postsecondary education and the onerous financial burden placed on students from middle-income families because of their inability to qualify for financial aid.

I congratulate my colleagues on recently approving a major reform of the Higher Education Act, to rectify this terrible injustice by increasing the availability of financial aid to middle-income families. I am delighted that the President signed this measure into law yesterday.

I urge my colleagues to read Marsha Frizzell's letter. It follows in its entirety:

BENTON, KY, July 15, 1992.

DEAR CONGRESSMAN HUBBARD: My name is Marsha Frizzell and I am a student at Paducah

cah Community College. In the summer of 1990 I became employed at Druthers in Calvert City, KY, presently Dairy Queen. As I started out, I didn't work too many hours. As time progressed, I graduated from high school and went on to college immediately that summer.

During my first year of college I was involved in the Vocational Rehabilitation program with Connie Talent at Murray State University. During this first semester of college everything was taken care of sufficiently. At the end of the second semester, I was notified that tuition was going to be the only thing Rehabilitation would take care of. At this time I had a Pell Grant that would take care of the rest of my school expenses.

I recently left Dairy Queen to work for Franklin College in Paducah as a secretary. I still planned to go to school at night to further my education. By working a full forty-hour week my Rehabilitation was dropped. I still had my Pell Grant to use for schooling. My Pell Grant was turned down because I worked too many hours at Dairy Queen the year before. This raised the household income to slightly over twenty thousand a year.

My father is employed for Pip Johnson Construction Company and will be retiring within the next two weeks. Pip Johnson Construction Company is closing down. He will not receive social security for another ten months after retirement until he turns 62 next May. My parents have raised five children on what he has made alone.

Acceptance of a Pell Grant should not be based upon income of the household. A household making a little over twenty thousand a year and who owns their own home, still has expenses which they are responsible. With the cost of living the way it is today, and the benefits that are available, you're better off either dirt poor or pregnant. It seems that they are the ones who qualify for grants and the only ones who receive them.

Congress has messed up this whole system. Pell Grant is supposed to be raised to \$3600.00 in the upcoming year. A question I have for you is, "Where is the money going to come from?" People don't have the money to raise taxes. If minimum wage is raised, the only thing that will come from that is the cost of living goes up and businesses fail. The U.S. is in debt enough already. Congress should worry about what is important to the people and what there needs are to live, rather than what is unimportant and not necessary for life.

I am currently enrolled in summer classes at Paducah Community College. Mr. Hubbard, school is too expensive to go for a couple of years and then never finish. Now, I think of going to school as time, energy, dreams, and money wasted. It's a shame when someone who wants to make it in life has a downfall like this.

Sincerely,

MARSHA FRIZZELL.

**ARMS CONTROL THAT BUILDS
LASTING PEACE**

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 1992

Mr. CRANE. Mr. Speaker, the United States joined free nations around the world in relishing the collapse of communism and totali-

tarism in the Soviet Union last year. Indeed, the future holds great hope for peaceful and mutually beneficial relations between our country and each of the former Soviet Republics. At this time, however, many security concerns remain regarding the former Soviet nuclear arsenal, and in the long run these issues could pose the most serious threat to lasting peace. Frank J. Gaffney, Jr. wrote an article that appeared in the Wall Street Journal on June 26, 1992, which warns about the need to address these concerns. Mr. Gaffney asserts our need to incorporate provisions in the Strategic Arms Reduction Treaty [START] to resolve these issues before the agreement is ratified by the Senate. I commend Mr. Gaffney's article to my colleagues' attention and urge them to read and consider his arguments.

[From the Wall Street Journal, June 26, 1992]

AMEND START FIRST, RATIFY LATER

(By Frank J. Gaffney, Jr.)

The Senate faces a historic challenge. It is being asked by the Bush administration to give its "advice and consent" swiftly to a strategic arms reduction agreement (known as START) that is, in important respects, seriously flawed. Ironically, in the "joint understanding" on nuclear arms reductions initiated last week by Presidents Bush and Yeltsin, the White House implicitly acknowledged some of START's shortcomings. The Senate would do itself and the nation a favor by postponing action on this treaty unless and until it can be significantly reworked.

The joint understanding, in effect, amends the START treaty by roughly halving the number of strategic nuclear warheads each side is nominally to have. More important, it also eliminates the right the former Soviet Union was accorded under START to field and modernize 154 of its dreaded SS-18 heavy intercontinental ballistic missiles and hundreds of other threatening multiple-warhead ICBMs.

The missile force Moscow could retain under the unamended START treaty—but not under the accord as modified last week—would leave Russia with the ability to execute a fearsome pre-emptive strike against the U.S. The threat that such an attack might actually be launched has receded for the moment, thanks to the collapse of Soviet totalitarianism and the policies adopted by democratic successors led by Boris Yeltsin. But until the former Soviet Union's first-strike weaponry is actually dismantled, that threat could quickly re-emerge.

Unfortunately, recent developments in the old Soviet empire have underscored the dangers of confusing permanent changes with ones that can be rapidly reversed. The renewed assertiveness of imperialist elements—evident in the increasingly belligerent rhetoric of, among others, the new Russian defense minister, Gen. Pavel Grachev—is seen in Russia's involvement in an escalating conflict in Moldova.

Other bloody crises may be in the making as Moscow "assists" ethnic Russians or Slavs elsewhere. The ascendancy in the Yeltsin cabinet of leading figures from the Soviet military-industrial complex, moreover, augurs ill for the domestic transformation so urgently needed—to say nothing of the prospects for a permanent, peaceable realignment of Moscow's foreign relations.

Under these circumstances, it behooves the Senate to use its unique status under the

Constitution—that of a partner with the executive branch in treaty making—to effect two changes in the Bush administration's approach to START:

First, the Senate should insist that the administration abandon its current two-track strategy: prompt ratification of the present treaty and then separate action on the amendments entailed in the Joint Understanding in the form of a "START II treaty." Instead, President Bush should be directed to present as quickly as possible the fleshed-out agreements outlined in that understanding as a protocol to START—an integral part of the original treaty that would be considered simultaneously by the Senate. In this manner, the danger would be reduced that we will be stuck with a strategic arms reduction treaty bereft of changes that even the administration agrees (at least implicitly) are needed.

Whereas effort to fix a crucial defect in START by linking its ratification to the elimination of all SS-18s might once have been resisted on the ground that it would be a deal-breaking "killer amendment," that argument no longer applies. Today, this defect can be fixed merely by formally incorporating in the treaty, before it is ratified, the Russians' expressed commitment to disperse with their SS-18s.

While we are at it, the negotiations on such a protocol should readdress other problems with the START treaty. Most of these problems, like START's grandfathering" of 154 SS-18s, were incorporated when the Bush administration acquiesced to Mikhail Gorbachev's intransigence. If the starkly contrasting spirit of cooperation and flexibility that Mr. Yeltsin seemed to exhibit in Washington is real, we should be able to correct such other serious—but as yet unaddressed—deficiencies as:

Moscow's right to deploy hundreds of mobile ICBMs—systems designed to defeat U.S. monitoring and verification.

The latitude Russia will enjoy to retain every single missile and warhead taken offline to meet reduction requirements. If such systems are not destroyed, they could be used to field a significant covert offensive force.

Limitations on verification activities that preclude the continuous U.S. monitoring of former Soviet missile production facilities, the "tagging" of missiles to assist in distinguishing between legal and illegal ones, and the freedom to inspect all sites suspected of concealing proscribed activities or systems.

Delaying START's ratification would also give the signatories a chance to clear up seemingly conflicting commitments made by Russia and the other three Soviet successor states now parties to START (Ukraine, Belarus and Kazakhstan). As it stands now, Russia may delay ratification of the treaty until the latter give up all nuclear weapons deployed on their territories and conform to the Non-Proliferation Treaty—something that may not happen anytime soon.

Second, the Senate should encourage the executive branch to engage in some new thinking about arms control. Specifically, the Bush administration should be urged to concentrate less on the symptomatic treatment of the residual Soviet threat (traditional arms control) and more on systemic therapies (approaches that address its underlying cause). After all, only when a genuinely democratic political system and a free-market economic system have fully displaced the persisting institutions of empire and militarism can fears of renaissance danger from the former U.S.S.R. be allayed.

In this regard, the Senate may want to urge the Bush administration to propose a deal: The U.S. will help in securing generous, multiyear relief of the \$80 billion-plus in international debt that was the crushing legacy of Soviet misrule once START's shortcomings have been formally fixed and the amended treaty ratified.

By these two initiatives, the Senate could help transform the START treaty from a major liability into a useful instrument for constructive change in the former Soviet Union and for stable, peaceful relations between the U.S.S.R.'s successor states and the U.S. advice and consent to anything less would be an abdication of the Senate's constitutional role and a disservice to the nation's strategic interests.

(Mr. Gaffney, a senior arms-control official in the Reagan Defense Department, now directs the Center for Security Policy in Washington.)

TRIBUTE TO SARAH BREMER

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 1992

Mrs. MINK. Mr. Speaker, I have the privilege to submit an essay written by a young constituent, Sarah Bremer, that won first place for the State of Hawaii in the National Peace Essay Contest sponsored by the U.S. Institute of Peace. As a State winner she received a \$500 scholarship and competed in a special awards program in Washington, DC, where I had an opportunity to meet this talented young woman.

Sarah's award-winning essay, "From Wars to Words: The Possibility for Peaceful Negotiation in the 21st Century," is an impressive critique of United States foreign policy, demonstrating insight into the complexities of the Cuban missile crisis and the Persian Gulf war. She eloquently stresses the need to rethink America's role in the post-cold war world.

It is so inspiring to see a young person articulate with such clarity and conviction her views on U.S. foreign policy and the larger goal of world peace. Sarah feels, as do I, that we should continue to promote academic and cultural exchanges between the United States and other countries through organizations such as the U.S. Institute of Peace, in order to achieve better understanding and mutual respect.

Mr. Speaker, I am submitting Sarah's essay with these remarks so that all Americans may be encouraged to rise to the challenge of securing a more peaceful future for our world:

FROM WARS TO WORDS: THE POSSIBILITIES FOR PEACEFUL NEGOTIATION IN THE 21ST CENTURYS

For nearly half of the twentieth century, the U.S. and the U.S.S.R.'s battle for world dominance steered the course of American foreign policy. Their precarious power balancing act stocked arsenals capable of destroying the world several times over. The disintegration of the Soviet empire left the weapon-laden U.S. without a counterbalancing military force.

The Persian Gulf War revealed the imbalance of power the arms race had created between the U.S. and other nations. Whereas 305 American and 244 allied troops died in the conflict, Iraqi deaths totaled approximately

230,000, about half of them civilian.¹ An estimated 90,000 tons of bombs dropped by American and Allied forces on Iraq and Kuwait destroyed civilian hospitals, sewage and power plants, markets, and water supplies.² This carnage created in just 47 days demonstrated that the current U.S. military is simply too strong to launch an offensive attack without violating the codes of morality and justice on which our country runs.

In resolving international conflict, the U.S. should instead take the route established in the Cuban Missile Crisis: the lowest level of defensive military action possible combined with high-level diplomacy. Complemented by a pro-active agenda for peace which uses the opportunities sprouting from the thaw of the cold war to their full advantage, this approach provides a means of international negotiation which maximizes respect and understanding while minimizing bloodshed.

When Iraq invaded Kuwait on August 2, 1990, America and the Soviet Union became allies for the first time since the end of World War II. Their cooperation unified the UN Security Council, providing an unprecedented opportunity to use non-military pressure to induce Iraqi President Saddam Hussein to withdraw his troops from Kuwait.

Though he supported UN resolutions to use economic sanctions and diplomatic pressure against Iraq, U.S. President George Bush remained in the Cold War mindset which viewed military power as omnipotent. Immediately after the invasion he deployed American troops to the Saudi Arabian border. During the next several months of Iraqi occupation of Kuwait, Bush increased the troops to 430,000. He pushed the November 29, 1990 passage of Resolution 678 authorizing the use "all necessary means" to force Iraqi observance of UN resolutions after January 15, 1991.³

When the deadline arrived, diplomatic relations with Iraq had barely begun and analysts predicted that another 3-9 months of sanctions would debilitate Iraqi military forces.⁴ Nonetheless, Bush, with "an underlying belief that war might be the wise option," launched attack on Iraq.⁵

In October of 1962, the U.S. discovered that the Soviet Union was positioning offensive ballistic missiles and other weapons in Cuba, 90 miles off the coast of Florida. The U.S. had to take action to preserve U.S. security and restore the balance of power in the Soviet-American arms race.

A military attack on Cuba could have produced a civilian massacre like that of the Gulf War and risked provoking a Soviet retaliation on Turkey. An air strike would have to be "massive" and could still not guarantee complete destruction of the missiles.⁶ Against the judgments of the Joint Chiefs of Staff, who unanimously supported military attack as the only alternative strong enough to be effective, President Kennedy decided that an attack risked too much without ensuring positive results and chose instead to instigate a naval blockade, the lowest level of defense available, around Cuba.⁷

In carrying out the blockade, Kennedy made sure "never to put [Soviet Chairman Nikita Khrushchev] in a corner from which he [could] not escape." To avoid antagonizing the Soviets and spurring a hasty reaction, Kennedy chose not to board the Soviet tanker *Bucharest* and instead let it pass through the quarantine line after it identified itself. Kennedy instead selected the *Marcula* as the

first ship to board because, as an American-made, Lebanese-owned ship under charter to the Soviets, a search would not constitute a personal affront as would a search of the Soviet-owned *Bucharest*.⁸

In offering a settlement to Khrushchev, Kennedy explicitly stated his concessions to the Soviet Union: upon the removal of all weapon systems from Cuba, the U.S. would immediately lift the blockade and would ensure that Cuba would not be invaded.⁹ Had Bush followed such a careful, conciliatory procedure in the Gulf Crisis diplomacy, the outbreak into war could possibly have been prevented. As it was, Bush faced Hussein with a firm "no compromise" stance.¹⁰ He offered Hussein no possible way to withdraw from Kuwait gracefully. Even token conciliations similar to those Kennedy lined out for Khrushchev, such as a timetable for stopping economic sanctions with Iraqi withdrawal, an agreement to replace Iraqi troops in Kuwait with a peace-keeping force, or allowing Hussein to present his grievances to the world court, may have softened Hussein's position.¹¹

Because Bush and Hussein approached each other on different cultural planes and neither understood the other's position, they could not converge on a solution. By increasing the power of the U.S. Institute of Peace, the U.S. could instigate a program of cultural and peace education which would improve diplomacy's future effectiveness. To provide students with an awareness of the contributions of non-Western societies, America should establish a high-school graduation requirement of at least one year of non-Western history. An increase in government international exchange programs and colloquiums would also break down the prejudices barring the achievement of peace.

During the Cuban Missile Crisis, Kennedy had the legal and moral backing of western hemisphere coalitions. An OAS charter confirmed the legality of the quarantine, and NATO and OAS support for U.S. actions strengthened the blockade's influence.¹² The U.S. did not, however, have any support from the WARSAW pact countries nor from any other nations under the Soviet domain.

In contrast, opposition to the Iraqi invasion was backed by the strongest UN in history. Since the UN's inception, the U.S. and the U.S.S.R. had used their powers as Security Council members to veto each other's resolutions and held the organization static. With the U.S. and the Soviet Union as allies, the UN provided a strong international coalition to influence Iraq.

Without such a unifying force, economic sanctions would probably have followed in the footsteps of the embargo against Cuba in 1960. Though in pre-Castro years the U.S. and Latin America supplied 80 percent of Cuba's imports and bought 65 percent of its exports, the U.S.'s 1960 embargo against Cuba had very little effect. The Socialist bloc simply replaced the U.S. as a trading partner, providing 80 percent of Cuban imports and consuming 82 percent of Cuban exports by 1966.¹³

Less than a week after the invasion of Kuwait, the U.N. established compulsory international economic sanctions against Iraq which blocked 97 percent of the country's exports and over 90 percent of its imports.¹⁴ Iraq's GNP was cut in half, "an amount 20 times greater than the average impact of history's most successful sanctions."¹⁵ As an embargo of this magnitude and scale was unprecedented in modern history, analysts disagreed about the time required for the sanctions to take effect. Retired Admiral William Crowe, Jr., ex-chairman of the Joint

Footnotes at end of article.

Chiefs of Staff, spoke the thoughts of many when he asserted that sanctions would ultimately "bring [Saddam Hussein] to his knees" and that waiting for embargoes to work instead of hastily waging war would "be more than worth it."¹⁶

To further strengthen the United Nations influence as a peacekeeping force, we must disentangle it from the Cold War mentality which excluded the vanquished nationalities of Japan and Germany from the Security Council. The roles which these two countries play in today's political and economic arenas make them essential to comprehensive and just solution to global conflicts.

As America leaves the Cold War era to enter the twenty-first century, we have the opportunity to steer towards reasoned and fair conflict resolution. The replacement of military confrontation with peaceful negotiation provides a firm foundation on which to build a stable world community.

FOOTNOTES

¹"The Ones that Got Away," Newsweek, January 26, 1992: 18.

²Eric Hoskins, "Pity the Children of Iraq," Middle East International January 24 (1992): 16-17.

³Daniel C. Diller, ed., "The Middle East," 7th ed. (Washington, D.C.: Congressional Quarterly Inc., 1991) 320-322.

⁴George J. Mitchell, "Should the Congress Authorize the Use of Military Force Against Iraq?" Congressional Digest 70 (1990): 79.

⁵Diller, 329.

⁶Graham T. Allison, "Essence of Decision: Explaining The Cuban Missile Crisis" (Little, Brown, & Co., 1971) 209.

⁷Robert Kennedy, "Thirteen Days" (New York: W. W. Norton & Co., 1969) 36.

⁸Kennedy, 103.

⁹Charles Lane, "Saddam's Endgame," Newsweek January 7, 1991: 14-18.

¹⁰Steven V. Roberts, "Bush in the Bazaar," U.S. News & World Report December 24, 1990: 24-27.

¹¹Kennedy, 51 and 96.

¹²Donald L. Losman, "International Economic Sanctions: The Case of Cuba, Israel, and Rhodesia" (Albuquerque: U. of New Mexico P., 1979) 22-24.

¹³George Bush, "The President's Letter to Congressional Leaders," Congressional Digest 70 (1990): 69.

¹⁴Richard A. Gephart, "Should the Congress Authorize the Use of Military Force against Iraq?" Congressional Digest 70 (1991): 89.

¹⁵"Even the War Experts Disagree," Newsweek December 10, 1990: 32.

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MAYOR BLACKWELL RECOGNIZED FOR DEDICATION

HON. MIKE ESPY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 1992

Mr. ESPY. Mr. Speaker, I rise today to give tribute to Unita Blackwell, the mayor of Mayersville, MS, for being a recent recipient of the MacArthur Fellowship. The honor was awarded to Mayor Blackwell for her unselfish dedication to community service and civil rights. She is a true career public servant. She is a small town leader with ideas and energy big enough to improve the world.

As the first African-American woman mayor in Mississippi, Ms. Blackwell has helped build bridges between the races and promote understanding. Since 1976 as mayor of this small delta town, she has brought water and sewer services and housing to the impoverished. In announcing her fellowship, the John D. and Catherine T. MacArthur Foundation noted that even while working to improve her community, Mayor Blackwell continued her own development by earning a master's degree in regional planning.

Mayersville and all of Mississippi are proud of the accomplishments, work and dedication of Mayor Blackwell. She is a mentor for many and an inspiration for all. She has proven that one person can make a difference.

CAPTIVE NATIONS WEEK

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 1992

Mr. SOLOMON. Mr. Speaker, I rise today to commemorate America's observance of Captive Nations Week.

During the past few years, the world has seen unprecedented ideological and political changes across the European and Asian landscapes. Totalitarian governments and empires have collapsed, igniting the sparks of democracy and freedom. However, despite these immense strides of political and ideological progress, the world has not yet been completely purged of the evils of totalitarian dictatorship. As stated in the proclamation below, the people of fourteen nations of the world still remain under the manipulative bureaucracies of Communist dictatorships.

As Americans, who ardently espouse and cherish those exact freedoms being withheld from these nations' citizens, it is imperative that we, as a nation, continue to strive for their realization of democracy.

It is in this spirit of patriotism, democracy, and responsibility that States and cities across America declare the week of July 19-25, 1992, to be Captive Nations Week and issue the following Captive Nations Proclamation.

Whereas, the dramatic changes in Central Europe, within the former Soviet Union, Central Asia, Africa and Central America have fully vindicated the conceptual framework of the Captive Nations Week Resolution, which the United States Congress

passed in 1959 and President Eisenhower signed into law as Public Law 86-90; and

Whereas, the resolution of 1959 demonstrated the foresight of the U.S. Congress and has consistently been, through official and private media, a basic source of inspiration, hope and confidence to all the captive nations; and

Whereas, the recent liberation of many captive nations is great cause for jubilation, it is vitally important to bear in mind that numerous other captive nations are under Communist dictatorship and the residual structure of Soviet Russian imperialism still exists among others: Cuba, Mainland China, North Korea, Tibet, North Caucasus, Cossacks, Idel-Ural (Tartarstan) and the Far Eastern Republic (Siberyaks); and

Whereas, the freedom-loving peoples of the remaining captive nations (over 1 billion) look to the United States as the citadel of human freedom and to the people of the United States as leaders in bringing about their freedom and independence from Communist dictatorship and imperial rule; and

Whereas, the Congress of the United States by unanimous vote passed Public Law 86-90, establishing the third week in July each year as "Captive Nations Week" and inviting the people of the United States to observe such a week with appropriate prayers, ceremonies and activities; expressing their great sympathy with and support for the just aspirations of the still remaining captive peoples.

Now, therefore, The cities and states listed below, do hereby proclaim that the week commencing July 19, 1992 be observed as "Captive Nations Week" and call upon their citizens to join with others in observing this week by offering prayers and dedicating their efforts for the peaceful liberation of the remaining captive nations.

As of today proclamations have been issued by the States of Alabama, Arkansas, California, Idaho, Iowa, Kentucky, Montana, New York, Nebraska, North Carolina, South Carolina, Tennessee, Texas, and West Virginia.

Proclamations have also been issued by the cities of Akron, OH; Albany, NY; Argyle, NY; Buffalo, NY; Clearwater, FL; Dayton, OH; Elizabeth, NJ; Erie, PA; Fairfax, VA; Fremont, CA; Glens Falls, NY; Greenwich, NY; Honolulu, HI; Hudson, NY; Independence, MO; Jackson, MS; Jacksonville, FL; Mechanicville, NY; Mesa, AZ; Modesto, CA; Nashville, TN; Pittsburgh, PA; Portsmouth, VA; Providence, RI; Riverside, CA; Salt Lake City, UT; Santa Rosa, CA; Shreveport, LA; Sunnyvale, CA; Tampa, FL; Washington, DC; and Waterford, NY.

RESTORING MFN TO ROMANIA

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 1992

Mr. HOYER. Mr. Speaker, on June 22, 1992, President Bush submitted the United States-Romanian trade agreement to Congress. Once ratified, this agreement will restore the coveted most favored nation [MFN] trade status to Romania—status that former dictator Nicolae Ceausescu renounced in 1988, rather than face congressional criticism of his regime's appalling record on human rights.

I look forward to supporting this trade agreement, correctly perceived as a symbol of United States commitment to democratic and market reform in Romania. But congressional approval of the agreement may be premature if it comes before Romania holds its general elections, now scheduled for September 27.

Shortly after the bloody events of December 1989 that ousted Ceausescu from power, the National Salvation front [NSF] that has assumed control in Romania reversed Ceausescu's renunciation of MFN. Many Romanian officials believed that the United States would immediately respond. Instead, the United States wisely chose to withhold the legitimization MFN status would provide until the new Romanian authorities had demonstrated their commitment to democracy. Free and fair elections were flagged as a cornerstone of that commitment.

Unfortunately, the May 1990 elections that swept the NSF to power were preceded by a lopsided campaign of harassment, intimidation, and media monopolization. One month later, the world recoiled in horror as President Ion Iliescu warmly thanked the miners who rampaged through Bucharest, bludgeoning anti-Communist demonstrators in University Square and ransacking opposition party headquarters. The Romanian leadership's democratic intentions were immediately thrust into doubt. The 2 years since then have seen the thorny struggle of the Romanian authorities to restore the confidence and trust of the people of Romania and the international community at large.

Despite severe economic dislocation, pernicious inter-ethnic tensions, and a debilitating legacy of social atomization and mistrust, real progress has undeniably been made. Prime Minister Theodor Stolojan and his caretaker government—formed in September 1991 following the miners' fourth assault on Bucharest, which forced the ouster of his predecessor Petre Roman—have overseen the adoption of a new constitution, the continuation of economic reforms, and the holding of free and fair elections at the local level in February 1992.

The local elections were particularly significant, not only for their procedural improvements relative to the elections of May 1990, but also because they demonstrated a major shift in the political inclinations of the Romanian voters. The Democratic Convention, an opposition alliance, won the mayorships of many important urban centers, including the capital Bucharest. The National Salvation Front, in contrast, saw its support decline dramatically—from 66 to 33 percent of the vote.

Yet developments since then have been less than encouraging. The date for Romania's general elections, originally targeted for May, was repeatedly postponed. Furthermore, the parliament passed electoral legislation purporting to restrict the role of domestic observers, contravening the spirit of Romania's CSCE commitments. And certain aspects of the electoral law seem to have been designed to inhibit the strength of the opposition.

MFN remains a powerful symbol of legitimization. In seeking to attain that symbol, all political forces in Romania should work to ensure that the September 27 elections are truly free and fair. The Romanian authorities

are well aware that free and fair elections have been a critical component of our policy on restoring MFN. The preparation and administration of the September 27 elections will be an important indicator of the Romanian authorities' commitment to democratic institutions.

**MAZIE MONIQUE BOND NAMED
SPECIAL POSTER CHILD**

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 1992

Mr. PURSELL. Mr. Speaker, I rise today to pay tribute to Mazie Monique Bond of Salt Lake City, UT, who has been selected as the national special poster child by the Improved Benevolent and Protective Order of Elks of the World, Department of Special People.

For the next year, Mazie will utilize her own gifts and talents to demonstrate to our Nation that there are millions of special people of the world—persons who, because of physical or mental challenges, have very special needs. Mazie will spend the year encouraging others to assist, provide for, and improve the quality of life of all special persons.

I also want to commend the department of special people of the IBPOE of W for their outstanding work on behalf of people with special needs. Through their efforts, the attention of our country will focus on the needs of special people and what all of us can do to assist special people in achieving their own unlimited potential.

I salute the IBPOE of W for their contributions to the health and welfare of our Nation and I urge my colleagues in the House of Representatives and the Senate, and the President of the United States, to join me in designating August 3, 1992, as "National Special People Day."

CLARIFICATION OF TERMINOLOGY

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 1992

Mr. SWIFT. Mr. Speaker, yesterday we debated at length the propriety of releasing raw and unprocessed transcripts of interviews made by the Task Force on the Post Office. I noted then that all of the information the task force possesses, including those transcripts, are available to the House Ethics Committee and the Justice Department who are charged, respectively, with enforcing the House rules and the laws of this Nation.

In that regard I referred to busybodies. The context makes clear what I meant, but lest there be the slightest doubt, I would note that when I used the word I meant and should have specified I was talking about "legislative" busybodies.

There are those in our body who are never satisfied with the work of anyone else—even when there is equal partisan representation, even when there is equal access to all infor-

mation by both sides of the aisle, and even if both parties can and did put everything they wanted into the task force report.

There are always those Members who can never be satisfied. It was to them that I referred.

**THE MINERAL LEASES SHARE TO
THE STATES**

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 1992

Mr. DORGAN of North Dakota. Mr. Speaker, the Appropriations Committee, in seeking additional Federal revenues to pay for our spending measures, must use some reasonable restraint. In the case of the committee's provision that changes the share of mineral lease revenues to be shared with the States, it has not used proper restraint, and that is why I object to this part of this bill.

Both the Mineral Leasing Act and the long-standing implementation of that act provide for States and Federal agencies to split the revenue collected on Federal mineral leases. That policy has been observed for many years, and the law specifically prohibits the Federal agencies from taking their administrative costs out of the revenue before sharing the income with the States. The committee bill alters that practice without any consideration by the authorizing committees for such a change in policy.

This is essentially Federal revenue sharing in reverse. The bill arbitrarily requires States to give part of their share to the Federal Government. It is particularly disturbing that the bill requires the States to provide part of their share of revenue to help pay for a bloated, inefficient minerals management bureaucracy that the States have no role in controlling or reforming.

This provision of the bill takes \$75 million from State treasuries, an amount they can sorely afford to give up, and does it without consultation with the States and a chance for the States to be heard.

**LOCAL YOUTHS WIN STATE
BOWLING CHAMPIONSHIP**

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 1992

Mr. WELDON. Mr. Speaker, I rise today to recognize and commend five Chichester High School students for their performance in the Young American Bowling Alliance's [YABA] Pennsylvania Bowling Tournament in Altoona. These five young men, Fred Bartholf, Kevin Bartholf, Steve Green, Lenny Katerynczuk, and Brian McMullen, captured first place in the statewide tournament.

The success of these students in the tournament involving 2,500 teams is very impressive. Their hard work and team spirit brought recognition to their local communities of Marcus Hook and Boothwyn by winning them the title of YABA 1992 Pennsylvania State

Champions. I commend the effort and determination of these young gentlemen which led to their victory.

In a time when so much of our attention is focused on the negative, it gives me great pleasure to be able to single out these young men for their positive accomplishments. The residents of these two towns and I are proud of the manner in which these students represented us in this State competition. I congratulate them on their success.

TRIBUTE TO PHOENIX HOME LIFE
MUTUAL INSURANCE CO.

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 1992

Mrs. KENNELLY. Mr. Speaker, since its founding in Hartford, CT, in 1851, Phoenix Mutual Life Insurance Co. has been a vital and visible part of the Greater Hartford community.

Located since the 1960's in its unique, two-sided headquarters building on Constitution Plaza in downtown Hartford, The Phoenix today merges with Home Life Insurance Co. to form Phoenix Home Life Mutual Insurance Co., the 12th largest mutual life insurance company in the Nation.

During its long history in Hartford, The Phoenix has contributed to the economic growth of the region as an employer and it has contributed to the area's overall well-being as a fine corporate citizen. The Phoenix has contributed both financial resources and the talents of its employees to programs in such vital areas as health, housing, and education, programs that have a direct impact on the residents of the community.

Now, as a merged company, Phoenix Home Life has pledged to build on this fine tradition. It will maintain its corporate offices in Hartford and continue to contribute to the region's economy as a major employer. And it has committed itself to continue its corporate social responsibility program, which has established a fine record of contributing to programs that can be demonstrated to help the community. The Greater Hartford community is pleased that Phoenix Home Life will continue its traditions there.

OCCUPATION OF CYPRUS MUST BE
TERMINATED

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 1992

Mr. BLILEY. Mr. Speaker, 18 years ago, thousands of Turkish troops invaded the Republic of Cyprus. Today, approximately 35,000 Turkish troops still remain in Cyprus.

This illegal seizure and occupation has been discouraged by this body and the United Nations since the beginning. The United States must help the United Nations and NATO resolve regional disputes, such as this one, that have long been overshadowed by the Soviet

threat. Although Turkey has been an important friend in the Middle East region, we should not allow our ties to influence our actions. We have a responsibility to the world community to work for peace, and to end aggression. Above all, we must continue to help enforce a standard of international law as we have for decades.

Most recently in Kuwait, the United States led an international coalition against the invaders from Iraq in an effort to show the world that aggression and violations of international law would not be tolerated. We must carry on our campaign against violations of international law in every area of the world.

We must not condone violations by any country, even our allies. The Turkish occupation of Cyprus has been responsible for countless human rights abuses and years of oppression. The Greek-Cypriots have suffered long enough, the time has come to end this conflict. I understand that Turkey has been an important ally of the United States for many years, but we can not allow this fact to stand in the way of action.

The occupation of Cyprus must be terminated as expeditiously and as easily as possible. We must be prepared to take action against Turkey so that this matter is resolved. In the past we have continued to give them aid while attempting to negotiate a fair settlement. This has had little success to date. The time may have come for the United States to consider stronger actions to induce a settlement.

Mr. Speaker, I realize that this is an extremely important matter, and I hope that any action taken by this Congress should be in the name of democracy. We must strive toward the ultimate goal of sovereignty for the Republic of Cyprus, and I urge my colleagues to join me in support of the restoration of a true democratic government in Cyprus.

COMMEMORATING THE 33D OB-
SERVANCE OF CAPTIVE NATIONS
WEEK

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 1992

Mr. CRANE. Mr. Speaker, for 33 years Captive Nations Week has served to remind Americans of the continuing ordeal of those living in nations that have lost their independence to communist aggression. The world has changed dramatically since 1959 when President Eisenhower designated the third week in July as a time to reach out to the nations of the world that do not enjoy the freedom so cherished in America. In 1992, there are far fewer people held captive by oppressive governments, yet the specter of communism has not yet been eradicated. Still well over 1 billion people are not free to express their opinion or to pursue their dreams. Among others, the people of Cuba, mainland China, North Korea, Tibet, North Caucasus—Chechen, Ingush—Cossackia, Idel-Ural—Tartarstan—and the Far Eastern Republic—Siberyaks—remain captive.

Throughout the long course of human history, freedom has been on the defense. How-

ever, through the triumphant aftermath of Ronald Reagan's tenure as President, freedom and liberty are now on the offensive and the United States must continue to take an active role in fostering world freedom and ending totalitarianism.

As Captive Nations Week comes to a close let us continue to keep in mind the over 1 billion people who still suffer under oppressive rule. Although the world has seen the end of the cold war and has made great strides toward eliminating communism from the face of the Earth, the list of captive nations remains extensive. Therefore it is imperative that we continue our struggle for universal self-determination as the world moves into the 21st century.

THE ESCAPE OF DRUG BARON
PABLO ESCOBAR

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 1992

Mr. GILMAN. Mr. Speaker, on June 19, 1991 the world's most infamous drug trafficker surrendered to Government officials in Colombia. Pablo Escobar, the leader of the world's largest illicit narcotics trafficking organization—the Medellin Cartel—surrendered on conditions that would make any fugitive rush to surrender. One year later, he has escaped from his ranch house prison, which he himself had designed and tunneled.

Mr. Speaker, last year, we were outraged when we heard the news that Escobar would be spending his time in a luxury prison near his home. Furthermore, the fact that Escobar continued his deadly drug operations unabated from his prison cell was a betrayal of the Colombian Government and of all those who have lost their lives at the hands of this one man.

Evidence points to Pablo Escobar for single-handedly ordering the assassination of innumerable judges, newspaper editors, security officials and politicians. He is also largely responsible for the misery of drug abuse throughout our Nation's cities, towns and villages. Escobar's cartel is the source of much of the drug-related violence that occurs all over the world—from the small towns in middle America, to the streets of London, Paris, and Tokyo, to Medellin, Colombia.

In order to curtail this drug baron's conduct of worldwide business from his prison cell, it was encouraging to note President Gaviria's decision to move Escobar to a maximum security prison. Unfortunately, as we now know, Escobar and his lieutenants, learning of the plan to move him, overpowered their guards, took hostages, and eventually escaped under the noses of 400 commandos. It is now incumbent upon the Colombian Government not only to fully investigate this operation, as it appears, that Escobar had help in his escape, but also to conduct an extensive manhunt for the escapees.

Mr. Speaker, it is time to treat this man as the criminal that he really is, a ruthless, murderous criminal who broke his agreement with the Colombian Government from day one. I

