SENATE—*Wednesday, September 9, 1992*

(Legislative day of Tuesday, September 8, 1992)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable HERB KOHL, a Senator from the State of Wisconsin.

The CHAPLAIN. May I suggest a moment of silence in memory of Senator Burdick, remembering his family, Jocelyn, and the others; and for Matt Hall, the 1-year-old son of Congressman TONY HALL, who has leukemia and the other day had a stroke.

PRAYER

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

Let us pray:

So God created man in his own image, in the image of God created he him; male and female created he them.—Genesis 1:27.

Eternal God, Author of truth and love, the Bible teaches that man was made in the image of God. It follows, therefore, that the more God-like he is, the more human. And the less God-like he is, the less his humanness is fulfilled. Our political system was built on this foundation. "We hold these truths to be self evident, that all men are created equal * * *." Is it possible, Lord, that our problems, whatever they may be, can be directly attributed to the fact that we have abandoned our belief in God and, therefore, our humanity is experiencing the dehumanizing inevitable in such negligence?

Merciful God, we recognize the reality of our social, moral, political condition. Help us to understand that this crisis follows spiritual and moral digression. Infuse us with the desire and the willingness to be restored to the spiritual, moral convictions of our Founding Fathers. Renew us in faith and restore to us our moral order.

For the glory of God and the renewal of the Nation. 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 legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 9, 1992.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF EDWARD E. CARNES TO BE U.S. CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now go into executive session to resume consideration of the nomination of Edward E. Carnes for U.S. circuit judge for the eleventh circuit.

The clerk will report.

The legislative clerk read the nomination of Edward E. Carnes of Alabama to be a U.S. circuit judge for the eleventh circuit.

The Senate resumed consideration of the nomination.

Mr. HEFLIN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Alabama [Mr. HEFLIN].

PRIVILEGE OF THE FLOOR

Mr. HEFLIN. Mr. President, I ask unanimous consent that Adam Vodraska, of the Judiciary Committee staff, be granted Senate floor privileges during the Senate consideration of the nomination of Ed Carnes to be the U.S. circuit court judge for the eleventh circuit.

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

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. HEFLIN. Mr. President, I rise in support of the nomination of Edward E. Carnes for a position on the Eleventh Circuit Court of Appeals. Last October, when I first learned that Mr. Carnes would likely be the nominee for this position, I began to hear from an impressive array of people throughout the State of Alabama who support this nomination.

As an assistant attorney general for the State of Alabama in charge of the capital litigation division, Mr. Carnes enjoys tremendous support from the entire law enforcement community, including judges, prosecutors, sheriffs, and police officers from all over the State. Many of these people have told me of Ed Carnes' strong commitment to law and order.

Yet, most impressive, has been the strong endorsement of this nomination by those who often disagree philosophically with Mr. Carnes on the capital punishment issue. He supports the death penalty. Yet, Ed Carnes has been endorsed by numerous people who disagree with him on many issues, particularly the death penalty.

Detractors of Mr. Carnes' nomination have raised a number of issues in an attempt to stall this nomination. Ultimately, they have made a transparent attempt to turn this nomination into a referendum on the death penalty, though it is denied.

Those opposed have accused Ed Carnes of being racially insensitive—when, in fact, he has a tremendous civil rights record. They have accused him of overreaching in work relating to the death penalty—yet, the facts prove otherwise. They have accused him of having unethical ex parte conversations with judges—when, in fact, he enjoys an outstanding reputation for legal ethics. The list goes on and on, but the record speaks for itself.

Some of Mr. Carnes' critics have claimed that he has been overzealous in his representation of the State of Alabama in capital cases. These same critics claim that such passion will affect his decisionmaking if he were on the eleventh circuit. When in truth, by all accounts, Ed Carnes is a tenacious litigator of high intellect—one who takes his role as an advocate seriously. As we all know, a lawyer has an ethical duty to work zealously within the bounds of the law. Time and again, Ed Carnes has done this.

It seems ironic, Mr. President, that some of Mr. Carnes' most ardent supporters are those that have shared the courtroom with him on opposite sides of an issue. The vast majority of attorneys who have opposed Mr. Carnes have come to admire him. Many have written both the Judiciary Committee and me praising his nomination.

David Bagwell, one of the most highly regarded attorneys in my home

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

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State, testified before the Judiciary Committee regarding this nomination and told of his experience as opposing counsel to Mr. Carnes. At the time, Mr. Bagwell's client was on Alabama's death row and scheduled for execution. As you can imagine, cases involving death-row prisoners are tension-filled and highly emotional. Yet, Mr. Bagwell describes Mr. Carnes this way:

Nobody could have been more fair, nobody could have been more helpful, nobody could have been more cooperative than Ed Carnes was. He was straight. He did not overreach. There was no ex parte conversation. There was no impropriety. He has immense credibility with the judges in Alabama, and the reason is, he has earned it by speaking straight when he speaks.

Concerns have been expressed about Mr. Carnes submitting to the court proposed orders and draft orders in many cases. This is a common and widespread practice. The American Bar Association's model code of judicial conduct permits a judge to have parties draft judicial orders so long as opposing counsel is apprised of this, allowing for response. That is what happened in every instance in which Mr. Carnes submitted draft or proposed orders for consideration by the court.

The Senate Judiciary Committee thoroughly reviewed this matter, discovering that in some cases both sides presented the court with draft orders. In at least one case, it was the defense attorney himself who suggested that proposed orders be submitted. Regardless of who suggested it, in every case where Mr. Carnes submitted a proposed order to the court, the other side was promptly served with a copy at the same time and had an opportunity to respond. Everything was above board.

It is undisputed that in none of the many cases Mr. Carnes has handled over his 16-year career did any opposing counsel ever file a rule 11 motion, or lodge an unethical complaint charging him with overreaching or other misconduct in connection with draft orders or anything else. He has an unblemished record. Not one complaint has ever been filed against him.

It is also interesting to note what one lawyer, who has been a vocal opponent of this nomination, has said in this regard. In a published statement, this gentleman acknowledged that judges do not have to accept draft orders proposed by Mr. Carnes, but said they often do, at least in part because of the persuasiveness of Mr. Carnes' legal arguments.

It will be a terrible day, Mr. President, if the U.S. Senate ever rejects a judicial nominee because as a lawyer they made persuasive arguments. Indeed, Mr. Carnes' opponents who complain that he has been too successful as an attorney seem to be arguing for mediocrity as a qualification for confirmation. I ask the Senate not to require mediocrity of nominees, but instead to confirm the nomination of one who has been an excellent attorney.

Those opposed to this nomination claim that Mr. Carnes cannot be fair and impartial as a judge because of his past work on capital cases. The facts, however, show that he has a record of integrity and truthfulness in this regard.

Time and time again, the nominee has discovered exculpatory information that was previously undisclosed to the defense during the trial, he has come forward, confessed error, and, in turn securing a new trial for the defendant.

In the Chastine Lee Raines versus Smith case, the nominee discovered a police report that had not been disclosed to the defense. Mr. Carnes notified opposing counsel and the Federal court of the discovery. The court denied relief on every claim the defendant had raised, but granted a new trial based upon the new evidence Mr. Carnes presented.

In the William "Chick" Bush versus State case, long after the initial trial, and with the execution date fast approaching, Mr. Carnes discovered a piece of plainly exculpatory evidence that had not been elicited by the defense at trial. Mr. Carnes notified the opposing counsel handling the appeal that such a discovery was grounds for a new trial. Mr. Carnes went to the judge, disclosed the evidence, and a new trial was granted.

Mr. Rick Harris, the opposing counsel in the Bush case, who testified during the confirmation hearing states:

If Mr. Carnes had not acted in the manner that he did in this case, there is no way that we could have discovered that additional exculpatory evidence on our own. Chick Bush would not be alive today.

In 1990, after reading a newspaper article about a murder trial in Baldwin County, AL, in which the death sentence was imposed on a 15-year-old defendant, Mr. Carnes, of his own volition, went to the Alabama attorney general and convinced him that such a sentence was unconstitutional.

In that case, Clayton Joel Flowers versus State, the defendant was found guilty of a particularly heinous murder. The district attorney who prosecuted the case was insistent that the defendant be sentenced to death. Over the strong objection of this district attorney, Mr. Carnes argued in the Alabama appellate courts that the death sentence was unconstitutional and had no legal basis. The district attorney appeared and argued to the contrary. Carnes won. The death sentence was reduced.

The Flowers case is indicative of the nominee's great respect for the rule of law. Ed Carnes is not a lawmaker. He is an advocate, and obviously a very good one. Yet, he has demonstrated that he has the courage to take a stand, as unpopular as it may be, when he knows he is right.

Another example of Mr. Carnes' integrity that his opponents often conveniently overlook, is his work relating to judicial ethics. Four successive Alabama attorneys general—all Democrats—have looked to him for guidance on one of the toughest issues they have faced. When members of the State judicial disciplinary body have needed someone to investigate and prosecute charges of judicial misconduct, they have turned to the best lawyer they could find—Ed Carnes.

Twice, Mr. Carnes represented the judicial inquiry commissions in its effort to remove State judges who had demonstrated racial hostility from the bench. Both times, Carnes handled the delicate situations with great success. The two judges were found to be in violation of the canons of judicial ethics and were removed from the bench. While these were not proud moments for the State of Alabama, it is highly significant that it was Ed Carnes who was chosen to lead this fight.

I see the distinguished Senator from Minnesota is here. Does he desire to speak at this time?

Mr. WELLSTONE. I thank the Senator from Alabama. I am waiting for Senator LEVIN from Michigan who I think wants to speak first, and then I will follow him. I appreciate the Senator's courtesy.

Mr. HEFLIN. Mr. President, those opposed to this nomination fail to address Mr. Carnes' work toward the banning of the importation of South African coal into the State of Alabama. Because the coal was being mined by South African laborers who were working as indentured servants, the Alabama attorney general, with the help of Mr. Carnes, put a stop to this racially insensitive practice.

A major area of contention surrounding this nomination has to do with racially motivated peremptory strikes of potential jurors. Those who do not support Mr. Carnes' nomination feel that in his role as a post-conviction advocate, he has not done enough to stop racial discrimination in jury selection, and, in some cases, supported such discrimination. The record, however, says this is untrue.

The controlling Supreme Court decision regarding jury selection is the 1986 case of Batson versus Kentucky. In this decision, the High Court held that it is unconstitutional for a prosecutor to base their jury strikes simply on race. The recent events surrounding the Rodney King trial in Los Angeles serve as a stark reminder of the wisdom of this ruling.

It may well be that the complete absence of blacks from the Rodney King jury determined the outcome. It certainly affected the confidence that most Americans, black and white, have in our judicial system. Prior to the Batson ruling, Mr. Carnes recognized the problem, and has been a leader in the effort to establish a rule of law to prevent white defendants from striking

African-American citizens off juries because of their race.

The record indicates that at least as early as the mid-1980's, Mr. Carnes, in talking with district attorneys all over the State of Alabama, spoke out against the use of peremptory strikes in a racially discriminatory way. In that pre-Batson era, there were very few restrictions on the way a prosecutor could use his peremptory strikes, and as a practical matter, there was no effective remedy for a defendant if a prosecutor made a race-based strike. Still on several occasions, prior to the Batson ruling, Mr. Carnes told the Alabama district attorneys that such a practice was wrong.

Robert L. Rumsey, the district attorney for the 29th Judicial Circuit of Alabama wrote Judiciary Committee Chairman BIDEN regarding Mr. Carnes' past work on Batson issues. Mr. Rumsey said that—

> Long before the Batson versus Kentucky decision ever came down, Mr. Carnes urged Alabama district attorneys, including me, not to strike blacks off juries unless there were race-neutral reasons to do so. He told us not to strike a black juror unless we would strike a white juror in the same situation. Before the Batson decision came down in 1986, Mr. Carnes admonished us not to use such strikes in a racially discriminatory manner and he felt it was wrong.

Mr. Rumsey continues:

> I, for one, followed Mr. Carnes' advice. I also ordered every assistant district attorney in my office to follow a strictly race-neutral jury strike policy. * * * It is simply unfair to accuse Mr. Carnes of being insensitive to the problem of race discrimination in jury selection when he did his very best to end racial discrimination in jury selection long before the Batson decision forced an end to it.

There is a similar letter from District Attorney David Barber of Birmingham. Both of these have been put into the RECORD.

Mr. Carnes' opposition seems to be concerned only with the possibility or racially discriminatory strikes by prosecutors. Yet, it is a common practice among defense attorneys, particularly those representing white defendants charged with crimes against African-American victims, to strike all of the African-Americans off of a jury just because of their race. That is wrong, and Ed Carnes has recognized this injustice, and has done something about it.

Mr. Carnes drafted legislation to extend the prohibition against racial discrimination in jury selection to defense counsel which already applies to prosecutors. The purpose of that legislation was to ensure that neither side removed African-American citizens from jury service simply because of race. Mr. Carnes' bill, which was supported by Alabama's black legislative caucus, did not pass the Alabama Legislature.

But, Mr. Carnes did not stop there. He did succeed in getting the Alabama appellate courts to adopt the rule of law that criminal defense attorneys are prohibited from exercising race-based strikes in the jury selection process. This success came only after Mr. Carnes argued the issue on a number of different occasions. Once he took the issue all the way to the U.S. Supreme Court in a case involving the Ku Klux Klan murder and subsequent lynching of a young African-American. The Southern Christian Leadership Conference and the Southern Poverty Law Center, as well as 45 other States have joined Mr. Carnes in this effort.

The Rodney King case, and its aftermath, reveals the wisdom of Mr. Carnes' years of effort to ensure that white defendants accused of crimes against African-Americans are not permitted to arrange an all-white jury. What Mr. Carnes has spent much time and effort doing is obtaining a rule of law to prevent any white defendants, including white policemen, from striking all African-Americans off their jury because of race. That rule, which he has almost singlehandedly established as the law of Alabama, will help reduce the number of all-white juries like those in the Rodney King case.

There are two specific cases which opponents claim is proof that Mr. Carnes supports racially discriminatory jury selection methods. In these cases, known as Jefferson and Jackson, respectfully, allegations were raised that the district attorney has used peremptory strikes in a racially discriminatory manner and that Mr. Carnes supported their actions.

The Jefferson case involved a defendant who was convicted and sentenced to death for robbing and murdering with a knife a victim who was pleading for his life. During the course of the proceedings, there were three separate juries in the case: One that found the defendant competent to stand trial; another jury that convicted the defendant of the murder; and, a third jury that sentenced him to death at a resentencing proceeding after the first sentence had been set aside.

The prosecution and the defense each used 38 peremptory strikes to select the 3 juries. The prosecution struck a total of 24 blacks and 14 whites in the course of selecting all 3 juries. The defense struck a total 36 whites and 2 blacks during this same proceeding. The end result, three all-white juries.

For the second of the three juries, the conviction stage jury, there was a list in the district attorney's file which broke the jurors down into these four categories: strong, medium, weak, and black. The district attorney struck eight blacks and six whites from that jury. The defense struck 13 whites.

The district attorney has given sworn testimony that he did not categorize the jurors strong, medium, weak, and black, but instead they had been categorized that way by someone else who had prepared that list. The district attorney testified that he struck all eight blacks for race-neutral reasons, such as the juror's feelings about the death penalty or a relative of the juror having been prosecuted by his office, and so forth.

The district attorney has given specific race-neutral reasons as to each juror struck. There were worksheets in the district attorney's files containing race-neutral information about all of the people called for jury service, black and white. The legal issue in this Jefferson case, which is governed by the Batson decision, is whether the district attorney's testimony about race-neutral reasons is credible in light of the list.

The charge that has been made against Mr. Carnes is that he should not have taken an appeal on this issue in the Jefferson case. The answer is simple. There has been no appeal on this issue. Mr. Carnes has not taken an appeal on this or any other issue in the Jefferson case. He has not had any involvement with this issue at all.

The issue involving the jury strikes and the strong, medium, weak, and black list was first raised in the State collateral review proceeding. It is still pending. There has been no ruling and no appeal. Mr. Carnes did not handle the case. Another assistant attorney general, who did handle the case, put the district attorney on the stand and let him give his explanation under oath for the judge to consider. The defense believes that the judge should find the district attorney's testimony to be not credible, but that is the judge's function and prerogative.

Under the policies and requirements of the attorney general's office, assistant attorneys general do not have the authority to make credibility adjudications about various witnesses and decide cases themselves. Instead, where the district attorney insists in his version being presented, the attorney general requires his assistants to present it. In any event, Mr. Carnes was not the assistant attorney general who presented the district attorney's testimony. He was not involved.

In the Jackson case, the defendant, an African-American woman, was convicted of murdering another African-American woman. Because it was the second murder the defendant had committed, it was a capital offense, and the defendant received a death sentence.

At the trial in 1981, which was prior to the rendering of the Batson decision, each side had 22 peremptory strikes to reduce the 56-member jury pool down to 12 people. The assistant district attorney used his 22 strikes against 12 blacks and 10 whites. The defense attorney used all 22 of his strikes against whites. An all white jury heard the case.

The case was tried before the Batson decision came down in 1986. At the 1981

trial, no objection was made about the jury strikes, and no issue was raised about it on appeal. The jury strike issue was raised for the first time in a Federal habeas corpus proceeding in 1987. The Federal court found that there was a Swain violation, which meant that in its opinion there had been a systematic practice by the district attorney's office excluding blacks from service on juries over the years. At the insistence of the district attorney, that decision was appealed to the eleventh circuit where it is still pending.

The charge has been made by Mr. Carnes' opponents that in the Jackson case that he should have confessed error or should not have filed an appeal of the district court's decision.

Mr. Carnes did not handle the case before the Federal district court. He did file a notice of appeal and write the State's brief to the eleventh circuit in the appeal. But under the policies and requirements of the Alabama attorney general, who is his boss, he had no choice. The Alabama attorney general wrote the Judiciary Committee a letter making all of this quite clear. He stated in no uncertain terms that when there are colorable arguments for upholding a State court conviction on any grounds, his assistants are required to make those arguments. There is a policy against confessing error, and no assistant attorney general has the authority to waive this policy. As the Alabama attorney general told the Judiciary Committee.

No assistant attorney general, including Ed Carnes, has the authority to vary my policies in respect to all out defense of State court judgments.

The Judiciary Committee also received a letter from the district attorney whose office was involved in the Jackson case. The district attorney said:

First and foremost, Mr. Carnes did not make the decision to appeal the Federal District Court's order granting relief in the Jackson case. I know, because I am the one who decided that the order should be appealed.

The district attorney said that he insisted that the case be appealed and that all available grounds for overturning the lower court's decision be raised on appeal. Under the policies of the attorney general, which Mr. Carness did not create, the district attorney's insistence meant there would be an appeal.

The district attorney went on to explain that he had insisted on an appeal because the lower court had made some findings that he believed falsely branded he and his entire office with having followed race-based policies. The assistant district attorney who struck all of the blacks from the jury in the Jackson case had left the office, and the district attorney insisted that his office had not been guilty of discriminatory jury selection methods. He also pointed out that unless the district court's holding was appealed and reversed, the convictions in scores of other cases involving violent criminals could be jeopardized.

In addition to telling the Judiciary Committee that Mr. Carnes had not been the one who made the decision to appeal in the Jackson case, the district attorney pointed out something extraordinary. His letter to the Judiciary Committee tells how Mr. Carnes worked hard to settle the appeal so that the defendant would receive a life without parole sentence instead of a death sentence. Mr. Carnes persuaded the district attorney and the attorney general to go along with the arrangement, but the defendant herself turned it down.

We must keep in mind that Mr. Carnes is not a policymaker. He is an assistant attorney general. As I mentioned earlier, after questions arose concerning Mr. Carnes' role in the Jackson case, the current Alabama attorney general, Jimmy Evans, contacted the chairman of the Judiciary Committee outlining the procedure through which postconviction matters are decided.

Mr. Evans told Chairman BIDEN:

It is, and always has been the policy of this office to vigorously represent the interest of the people of this State in sustaining state court convictions. Towards that end, we do not forego appeals. We do not confess error, and we do not waive procedural bars. The only exception is where I am absolutely convinced that no colorable argument at all can be made in favor of sustaining the judgment of the state court that convicted and sentenced the criminal defendant. Both the district attorney who prosecuted the case and I have to be convinced of that. No assistant attorney general, including Ed Carnes, has the authority to vary my policies in respect to all-out defense of state court judgments.

That it also the answer to those who complain about cases handled not by Mr. Carnes but by what they call "Mr. Carnes' office." An example is the Powell case. That case was reversed on appeal because of a Batson error at trial. Some of Mr. Carnes' opponents say that the court of appeals rejected arguments "by Mr. Carnes' office." Of course, Mr. Carnes did not make any arguments in the Powell case. It was not his case, and he had nothing to do with that case. It is unfair to criticize Mr. Carnes for something he did not do.

Those who criticize Mr. Carnes by pointing to something done by some other lawyer and calling it "Mr. Carnes' office" are pretending that he is the Alabama attorney general. But, as the man who is the Alabama attorney general pointedly reminded us, it is not Mr. Carnes' office, because Mr. Carnes is not and has not been the attorney general.

As you may know, the Eleventh Circuit Court of Appeals covers three States: Florida, Georgia, and Alabama. The three attorneys general of these States, all Democrats, have written the committee supporting the Carnes nomination, specifically addressing the Batson issue. These gentlemen state:

While the opposition obviously springs from the capital punishment issue, the opponents are unfairly attacking Mr. Carnes because of the role he has had as an advocate for his client, the State of Alabama, in post-conviction review of convictions and sentences.* * * All attorneys, including government attorneys, have a duty to represent their clients to the utmost of their abilities. It is only if that duty of advocacy is carried out that our criminal justice system, which relies upon the vigorous presentation of competing arguments by opposing advocates, can work.

And finally, one last point on this matter. In response to the accusation that Ed Carnes is racially insensitive because of his work as an assistant attorney general, I would like to direct your attention to a letter sent to Chairman BIDEN from six African-American assistant attorneys general who work with the nominee. "Some of us," they wrote:

As part of our duty as attorneys representing the state in post-conviction proceedings, have also argued that convictions should be upheld even where Batson claims are raised, if there is any legal basis for doing so. We are not condoning racism when we do this, nor is Mr. Carnes. To say that a government attorney who carries out his ethical duty to advocate in favor of sustaining convictions is condoning racism is like that saying criminal defense attorneys who advocate on behalf of their clients are condoning crime.

These six attorneys are not under Mr. Carnes' supervision, nor do they hold all of the same political views. But they know him and they know his work. They strongly endorse this nomination and urge Mr. Carnes' confirmation.

In regard to the question of whether Mr. Carnes has been guilty of overreaching or has argued positions without firm legal basis, there is conclusive evidence that he has not. That evidence is Mr. Carnes' unsurpassed record of success in arguing capital cases before the Eleventh Circuit Court of Appeals. The eleventh circuit is a distinguished court of moderate jurists which is seldom reversed by the Supreme Court.

The eleventh circuit is not hesitant to reverse convictions or sentences in State capital punishment cases. Indeed, there was testimony from Mr. Carnes' opponents at the confirmation hearing that the eleventh circuit has ruled against the prosecution position and in favor of the defendant on either conviction or sentence grounds in 50 percent of the capital cases that have come before it. The fact that State attorneys who appear before the eleventh circuit are said to lose in approximately one-half of the total capital cases coming before that court is a useful yardstick to measure Mr. Carnes' performance.

During Mr. Carnes' tenure as chief of the capital litigation division, the State of Alabama has been involved in 22 appeal proceedings in capital cases before the eleventh circuit. The nominee has personally handled 21 of those 22 cases, and attorneys in his division handled the other one. In 20 of the 21 Alabama capital case proceedings personally handled by the nominee before the eleventh circuit, or 95 percent of the time, when all was said and done, that court ruled in favor of Mr. Carnes and the State of Alabama. In other words, Mr. Carnes has a success rate of 95 percent before the eleventh circuit. He has lost only once, which amounts to 5 percent of the time. Other government attorneys from the eleventh circuit appearing before the same court have lost in approximately 50 percent of their capital cases.

Why is Mr. Carnes' won-lost record in capital cases before the eleventh circuit so much better than that of other government attorneys? The answer is clear, and it is twofold. First, it is obvious that the nominee is, as everyone concedes, an intelligent, skilled, and hard-working attorney. The attorneys general of the three States which compose the eleventh circuit, in their letter to the committee, state that Mr. Carnes "has earned and enjoys a reputation as one of the finest attorneys in the eleventh circuit." Morris Dees, one of this Nations' preeminent civil rights attorneys, who has often litigated head-to-head with the nominee, was asked to rate Mr. Carnes as an appellate attorney. He told the committee:

> He is the best I have ever been up against in the United States, in any State.

While Mr. Carnes' record of success before the eleventh circuit is undoubtedly due in part to his skills as an attorney, it reflects more than that. No lawyer who appeals every loss in the lower court can win 95 percent of the time on appeal. No lawyer who takes positions that do not have sound basis in the law can win 95 percent of the time. Mr. Carnes' record of success before the eleventh circuit proves that he has not been guilty of overreaching. It proves that he has not appealed every loss in the lower court regardless of the merits. It also proves that he will make an excellent Federal appellate court judge.

There have also been charges by Stephen Bright, an antideath penalty attorney in Atlanta, GA, accusing Mr. Carnes of involvement in ex parte communications relating to three specific cases. However, in each instance the record proves that there was no improper communication by Mr. Carnes.

The code of professional responsibility prohibits an attorney from engaging in an ex parte communication with a judge concerning the merits of a case. Ex parte communications concerning procedural matters are not prohibited. For example, it is not unusual for a judge and a lawyer on one side of a case to talk about the scheduling of filings, pleadings, or hearings.

One of the communications Mr. Bright points to concerned just such a procedural matter. The judge in the Dunkins versus State case called Mr. Carnes and asked when he would be filing an answer to a petition that had been filed in that case. Mr. Carnes told the judge that it would depend on when opposing counsel filed an amendment to the petition. Mr. Carnes then, even though he was not required to do so, immediately brought opposing counsel into that discussion. At his own initiative, Mr. Carnes arranged a conference-call during which opposing counsel, the judge, and himself discussed the matter. As you can see, there was no violation of the prohibition against ex parte discussion of the merits of a case.

Mr. Bright has also alleges that in Jones versus Smith that there was an improper ex parte communication by Mr. Carnes. Again, the facts show that Mr. Bright's accusation has absolutely no basis. In that last-minute Federal habeas proceeding, the nominee followed the well established, and entirely appropriate practice of notifying the clerk's office of the Federal district court that the case was rapidly progressing through the State courts and might be in Federal court within a matter of days. Mr. Carnes also lodged with the Federal court clerk's office copies of the materials that both sides had filed in State court. Mr. Carnes notified opposing counsel of what he was doing by sending a copy of his letter to the clerk to opposing counsel.

Again, there was no communication about the merits of any issue, and Mr. Carnes kept opposing counsel fully informed of what he was doing, anyway.

The third case in which Mr. Bright has claimed the nominee engaged in ex parte communication is the case of Tomlin versus State, which involved the filing of proposed orders. It is absolutely undisputed that Mr. Carnes did not file those orders, nor did he have anything to do with serving copies of them on opposing counsel. Both of the attorneys who filed the proposed orders in the Tomlin case, wrote the committee stating unequivocally that it was their case and their responsibility to serve opposing counsel, and that Mr. Carnes had absolutely nothing to do with it. Mr. Carnes did not know of any alleged problem with the service on opposing counsel in the Tomlin case until he heard Mr. Bright's allegation for the first time the day of his confirmation hearing. The fact that Mr. Carnes' opponents would recklessly charge him with failing to serve opposing counsel in a case in which he was not even involved reveals how desperate they really are.

The opposition has accused Mr. Carnes of attempting to block funding for indigent defense programs in the State. Yet, the facts reveal that the nominee supported the creation of the Alabama capital representation, a task force established to define the Alabama State bar's responsibility to defendants in post-conviction capital proceedings.

The chairman of that task force, former Alabama Gov. Albert Brewer, provided to the Judiciary Committee documentation that shows that Mr. Carnes did not oppose such programs, but rather strongly supported their creation. These documents disclose that the nominee is concerned about the quality of representation provided indigent capital defendants at trial. These documents show that Mr. Carnes coauthored legislation, which the task force endorsed, to make mandatory the appointment of counsel in capital cases on State collateral review, and to increase the payment for appointed counsel in capital cases. And finally, these documents reveal that the nominee voted in favor of the recommendation that the Alabama State bar sponsor the capital resource center and authorize funding for its use.

So pleased with the work of the nominee regarding the creation of the capital resource center, Governor Brewer, the chairman of the task force, told the Judiciary Committee that "the rights of many defendants were protected by Mr. Carnes' concern for, and commitment to, fairness in the criminal justice system."

Mr. President, as you can see, the record on this nomination is quite thorough. The list of people who praise this nomination is long and distinguished. It consists of civil rights leaders, highly respected judges, and top-flight attorneys. Yet, no one on this list is more distinguished than Morris Dees. As I stated earlier, he is one of the leading civil rights attorneys in this country and he strongly supports this nomination. From the beginning of this process, Mr. Dees has been one of Mr. Carnes' most ardent supporters. He has written and testified before the Judiciary Committee on the nominee's behalf. At the confirmation hearing he summed-up his feelings this way:

> I am not Ed Carnes' friend. I have never been to his house. I am not in the same political party * * * and I do oppose the death penalty. * * * I support Ed Carnes.

David Bagwell, the Alabama attorney who has opposed the nominee in two capital cases described the opposition this way:

> First, they just don't like the death penalty. They don't like it that Alabamians have freely chosen to have the death penalty. They don't like it that the Federal courts have overwhelmingly approved the constitutionality of the death penalty statute. They don't like it that Ed Carnes routinely beats them in court. In another field of endeavor, some of these people would be called sore losers.

I urge my colleagues to examine the record. Do not let special interest

groups distort the facts and turn this nomination into a disguised referendum on the death penalty.

The record is clear. Ed Carnes is an intellectual man; an honorable man; a man of ethical conviction; and most importantly, a fair man.

At this time, I will be glad to yield the floor.

The ACTING PRESIDENT pro tempore. The chair recognizes the Senator from Michigan [Mr. LEVIN].

Mr. LEVIN. I thank the Chair.

Mr. President, I oppose the nomination of Ed Carnes mainly because in his zealousness to win capital cases that he has either handled or have been argued under his direct supervision, he has acquiesced in the intolerable practice of racial exclusion from juries.

The Supreme Court has stated unequivocally, long before Batson, in the Swain case in 1965, that racial exclusion in jury selection is unconstitutional. That has been an established constitutional principle for the 25 years since Swain and long before that. But in too many cases involving racial exclusion from juries, in cases argued either directly by Mr. Carnes or under his supervision by his staff, Ed Carnes has looked the other way. He has acquiesced in the practice that is so abhorrent.

In the case of Albert Jefferson, prosecutors had used 26 strikes against black jurors to obtain an all-white jury. In trial after trial it was documented that the prosecutors maintained a list during jury selection that categorized prospective jurors as "strong, medium, weak, and black."

Racial discrimination in jury selection does not get much clearer than that. Yet, Mr. Carnes' office, ignoring the import of the prosecutor's misconduct, argued that the defendant had waived his right to raise that issue because his trial attorney had not challenged the jury selection during trial. But the prosecutor's notes, which proved the discrimination, which proved the exclusion of blacks from that jury by the prosecutor, were not available to the defendant until after trial, until after a discovery proceeding to get those prosecutor's notes.

And, I might add, Mr. Carnes' office opposed the discovery of those prosecutor's notes. It was only through a court order that those prosecutor's notes were made available.

I ask unanimous consent that the pleadings in that case proving that point be printed in the RECORD at the conclusion of my statement.

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

(See exhibit 1.)

Mr. LEVIN. Mr. President, Mr. Carnes told the Judiciary Committee that he never discussed the possibility of confessing error in the Jefferson case with either the local district attorney or his boss, the Attorney General. And he said that he never discussed the possibility of confessing error with his boss the Attorney General even though he told the Judiciary Committee that if he, Ed Carnes, were the Attorney General he may well have confessed error in the Jefferson case.

Mr. Carnes told the Judiciary Committee that no assistant attorney general has the discretion to decide when to confess error. He says that the attorney general has control over all postconviction litigation and the action of assistants. And that is true. I have been an assistant attorney general. I know that is true. But he surely has the power to recommend to the attorney general that he confess error. I know that is true, too, and so does Ed Carnes.

And yet in a case where he says that error is so manifest, that if he were the attorney general that he may well have confessed error, he has not even sat down with the attorney general to recommend the course of action.

Mr. Carnes says he did not prepare the pleadings in the Jefferson case. It was done by one of his assistants. But he is the head of the division, a division with approximately five staff attorneys that he supervised. And it is because he is head of that division that he was chosen to be nominated for a judgeship in the court of appeals. That is why he has been nominated—because he is head of this division.

He does not deny that he approved the pleadings in Jefferson. He participated in a very critical meeting in a judge's chambers on this case deciding what course of action to take when the first judge hearing this appeal died.

But the key point here is that he knows enough about this case that he tells the Judiciary Committee that if he were the attorney general he may well have confessed error in the Jefferson case because of the exclusion of blacks from the jury based on prosecutor's notes which were made available only after that trial. And yet he throws up his hands and he says, but I am not the attorney general; only the attorney general can confess error; leaving out his critical responsibility as head of that division to recommend to the attorney general whether or not to confess error.

He could confess error or recommend the confession of error today. This is not some previous case. This is not some ancient history. This is a pending case, a pending death penalty case where this nominee has so many doubts about what happened at trial, based on prosecutor's notes that were not made available to the defendant, that he can say to the Judiciary Committee that if he were the attorney general he may well have confessed error but does not act on his belief. He does not sit down and make a recommendation which is within his power and is his responsibility as an assistant attorney general, as an officer of the court, particularly a Government official, to do justice.

And to me, it is that failure, it is that acquiescence in Jefferson and in other cases—and I will get to them—which encapsulates the flaw of this nomination more than any other single fact.

In the case of Patricia Johnson, there were 12 peremptory challenges that were used to develop an all-white jury. The district court found that Jackson's sentence was the result of the premeditated use of race discrimination in jury selection. The district attorney admitted, the trial counsel for the State admitted after the trial—after the trial—that he had exercised his peremptory challenges on the basis of race. Those words should haunt this country and haunt this Chamber. That has been unconstitutional, certainly since 1965 in the Swain case, and long before Batson.

On the basis of race, the trial counsel in Jackson exercised 12 peremptory challenges to develop an all-white jury. The district court opinion said that the lead prosecutor struck all blacks from petitioner's venire because in his judgment black jurors are less likely to convict and black jurors tend to be more forgiving and more willing to give a defendant a second or third chance than are white jurors. This is the statement after trial of the prosecutor. The district court found that the prosecutor used those peremptory challenges to exclude blacks from jury service and granted the petition for habeas corpus.

What is Mr. Carnes' statement about that at his confirmation hearing? He says:

> My position was not to judge whether that was practice or a permitted practice. My position in the lawsuit was to advocate the position of the State of Alabama that the conviction should not be overturned. It is not my choice to overrule the district attorney's position or the position of the attorney general and say, no, we are not going to appeal. That is not an authority that I have.

And he is right. But what he leaves out, what he leaves out is critical, and what he leaves out is that he has the power to recommend to the attorney general that they not appeal that district court decision.

That appeal is still pending. This is not ancient history; that is not the 1960's, 1970's, or 1980's. This is 1992. That Jackson case is still pending, and he still has that power. And he told the Judiciary Committee that he never discussed the possibility of not appealing the decision of the lower court with his boss the attorney general. And that is the problem.

There are other cases, Jesse Morrison, where the prosecutor used 20 to 21 jury strikes against blacks. In the Cornelius Singleton case, nine strikes were used to get an all-white jury.

Mr. President, I believe Ed Carnes where he says that he believes that racial discrimination in jury selection is a loathsome practice. I believe him that he believes that principle. But I also believe that he allows his superadvocacy to get the better of his sense of justice.

I believe that he thought it was his role to do everything in his power to win his case, even if that means accepting and acquiescing in the selection of jurors based on race and the exclusion of jurors based on race.

And think about the implication of a jury of your peers when none, if you are an African-American, when none of your African-American peers can be on the jury because they are African-Americans. Think about the implication for this country, for the administration of justice, as to the meaning and the symbolism involved in that.

Mr. President, I wonder if I could ask the Chair how much time I have used?

The ACTING PRESIDENT pro tempore. The Senator has used 12 minutes.

Mr. LEVIN. I think that was about the time allotted to me by my good friend, and I ask if I might have just 1 more minute.

In any event, Ed Carnes has said there is no race discrimination in capital cases—no race discrimination in capital cases. And he said that he has based that conclusion on all the facts and evidence that he has seen, and the information he has come into contact with over the years. Hundreds of cases of racial exclusion of jurors in capital cases are known to Ed Carnes. And, indeed, he has argued cases where it has existed, his argument being that it was waived for one reason or another.

But now this nominee can say that there is no racial discrimination in capital cases with the evidence known to him of the exclusion of jurors based on race, in capital case after capital case after capital case, is another deep mystery to me. Unless we recognize in this country the fact of discrimination in our society, including in capital cases, we are going to fall backwards in our effort to obliterate and abolish racial discrimination from our midst. I thank the Chair and I thank my friend from Delaware for the extra time.

EXHIBIT 1

[In the Circuit Court of Chambers County, AL, CC 81-77]

ALBERT LEE JEFFERSON, PETITIONER, *vs.* STATE OF ALABAMA, RESPONDENT

STATE'S RESPONSE TO PETITIONER'S DISCOVERY MOTIONS

Respondent State of Alabama answers petitioner's Motions for Discovery as follows:

A. RESPONSE TO MOTION TO PERMIT DISCOVERY OF PETITIONER'S INSTITUTIONAL, MEDICAL AND MENTAL HEALTH RECORDS

1. Respondent does not object to furnishing counsel for petitioner with Department of Corrections records concerning any psychological or psychiatric treatment or evaluations of petitioner prior to his re-sentencing in May, 1984.

2. Respondent does not object to furnishing counsel for petitioner with Department of Corrections records concerning any disciplinary proceedings against petitioner while in prison before his re-sentencing in May, 1984.

3. Respondent does not object to furnishing counsel for petitioner with a copy of Taylor Hardin Secure Medical Facility records concerning petitioner provided that respondent also receives a copy of those records. A court order is necessary to obtain those records and respondent requests that the Taylor Hardin Secure Medical Facility be ordered to furnish copies to both petitioner and respondent.

4. Respondent has no knowledge of petitioner having been treated or evaluated at any other mental health facilities and, unless petitioner can state his request for such records more specifically, objects to petitioner's request to have the Department of Mental Health search its records. Petitioner's broad request is unduly burdensome and unwarranted.

5. Respondent objects to the production of any records made after petitioner's re-sentencing in May, 1984 because such records can have no relevancy to petitioner's claims that his trial lawyers were ineffective. Additionally, to the extent that the documents sought pertain to petitioner's claim that he was not competent at his re-sentencing on remand, that claim is barred from coram nobis review by his procedural default in not raising the issue at the resentencing.

B. RESPONSE TO MOTION TO PERMIT DISCOVERY OF POLICE AND DISTRICT ATTORNEY RECORDS AND FILES CONCERNING ALBERT LEE JEFFERSON AND THE MARION STONE CASE

Respondent does not object to permitting to counsel for petitioner to inspect the District Attorney's files and police files concerning the murder of Mr. Stone except respondent objects to the inspection or production of the prosecutors' notes.

Respondent objects to the production of any documents sought by petitioner not specifically addressed in this response.

Respectfully submitted,

DON SIEGELMAN,
Attorney General.
(By) JOHN GIBBS,
Assistant Attorney General.

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing on:

Hon. Bryan A. Stevenson, 185 Walton Street, N.W., Atlanta, Georgia 30303

Hon. Mitch Damsky, 3600 Clairmont Ave., Birmingham, Alabama 35222

by placing a copy of same to them in the United States Mail properly addressed and with postage prepaid.

Done this 19th day of October, 1988.

JOHN GIBBS,
Assistant Attorney General.

Address of Counsel: Office of the Attorney General, Alabama State House, 11 South Union Street, Montgomery, Alabama 36130 (205) 261-7300

[In the Circuit Court of Chambers County, AL, Case No. CC-81-77]

ALBERT LEE JEFFERSON, PETITIONER, *vs.* STATE OF ALABAMA, RESPONDENT.

ORDER GRANTING DISCOVERY

Upon consideration of Petitioner's motion requesting discovery of police and district attorney files concerning Albert Lee Jefferson and/or the stabbing death of Marion Stone, petitioner's motion is hereby granted.

The Chambers County district attorney and law enforcement authorities are ordered to make available to petitioner's counsel for inspection and copying any and all police and district attorney records, including but not limited to all documents, test data, notes, files, statements, reports and tangible objects or information relating to Albert Lee Jefferson, and Mr. Jefferson's co-defendant, Eddie Lee Tucker; and/or the April 1981 stabbing death of Marion Morris Stone.

The Chambers County district attorney and law enforcement authorities are also ordered to make available to petitioner's counsel for inspection and copying any and all police and district attorney records, including but not limited to all documents, test data, notes, files, statements, reports and tangible objects or information relating to Albert Lee Jefferson, and any prior criminal charges or records relating to Mr. Jefferson or Mr. Jefferson's co-defendant, Eddie Lee Tucker.

Law enforcement, court and probationary officials are also ordered to make available for inspection and copying all parole and probationary records relating to Albert Lee Jefferson and Eddie Lee Tucker, including: (a) all juvenile detention, jail, prison, parole, probation and presentence investigation records; (b) all arrest, conviction, adult and juvenile criminal offense records; (c) all records of any law enforcement or prosecuting authority; (d) all records of any detention or court authority; (e) all records the prosecution or any law enforcement official has submitted to any professional personnel for examination or analysis in any way related to this case; (f) all psychiatric, psychological and mental health records.

Ordered, this 27th day of October, 1988.

Hon. JAMES A. AVARY,
Chambers County Circuit Court Judge.

Mr. BIDEN. Mr. President, I yield 5 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Mark Coffey, an intern, be granted the privilege of the floor for the remainder of today.

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

Mr. WELLSTONE. Mr. President, I ask unanimous consent a letter from Matthew Little, president of the Minneapolis NAACP, be printed in the RECORD.

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

MINNEAPOLIS NAACP,
Minneapolis, MN.

Hon. PAUL WELLSTONE,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR: I oppose the nomination of Edward Carnes to a lifetime appointment to the Eleventh Circuit Court of Appeals, a court that has been vital to the struggle for racial justice in the Nation. I strongly urge you to vote against this nomination.

I have reviewed the record of Mr. Carnes and I am deeply troubled by what I see:

Mr. Carnes has defended several death sentences in cases where African-Americans have been systematically stricken from juries on technical grounds that appear to have been a pretext for discrimination;

Mr. Carnes denies the existence of racial discrimination in death penalty sentencing, despite compelling evidence to the contrary, and;

Mr. Carnes has no judicial experience.

In the wake of the Rodney King verdict and it's tragic aftermath, I am counting on you to promote fairness and racial equality in the Federal courts. Please vote against Mr. Carnes.

Thank you.

MATTHEW LITTLE,
President, Minneapolis NAACP.

Mr. WELLSTONE. Mr. President, I had a chance to speak yesterday so I will be very brief. I would like to quote from a letter by Dennis Sweet III, who worked, interestingly enough, with the Southern Poverty Law Center, a really fine organization, for several years.

I think what Mr. Sweet, an African-American, a lawyer from Mississippi, has to say is just poignant and very, very important for Senators who are now listening to this debate and trying to make up their mind.

Ed Carnes lacks the commitment to racial equality and fairness which is required of a United States Circuit Judge. Mr. Carnes has in numerous cases defended racial exclusion by prosecutors, and asserted that issues were waived because court-appointed counsel did not preserve them. Nevertheless, he asserts that there is no racial discrimination and that poor defendants are provided excellent representation. These expressions are worse than a gross insensivity to race and fairness, which would be sufficient in itself to disqualify him. Mr. Carnes has simply failed to speak the truth on matters of critical importance to the functioning of the adversary system.

Mr. Sweet goes on to conclude his letter by stating:

African Americans have much to fear from hateful, misguided people in white robes. I know because I grew up in Mississippi fearing "white robe justice." When I was a child, my neighbor, Medgar Evers, was shot and killed by a sniper as he returned home one evening from work. However, some of us overcame racial bigotry and I am a lawyer today because of courageous federal judges in black robes who understood that both overt and subtle racism are cancers in our democracy.

While I am concerned about the threat of racial violence, I am even more concerned about whether African Americans can continue to look to the federal judiciary for protection from racial prejudice and discrimination not only in the courts, but in housing, employment, and so many other areas of life. Ed Carnes would bring to the Court of Appeals a narrowness of experience and outlook that would diminish the court and the quality of its adjudications. His confirmation would be a major step backward toward an earlier era when the courts played no role in the business of ensuring equality. That would be tragic not only for African Americans, but all Americans.

Thirty years of justice is at stake. I urge the Senate to withhold confirmation.

Mr. President, the Senator from Michigan [Mr. LEVIN] put it very well. The Chair of the Judiciary Committee has spoken on this. I just want to conclude by saying that I do not believe this vote is a vote about capital punishment. Some of us who oppose this nomination are opposed to capital punishment. Other Senators who fiercely oppose this nomination favor capital punishment.

This vote really is about the whole question of whether or not a nominee, Edward Carnes, has an understanding of the principle of equal protection under the law; has an understanding of the importance of representation for defendants, indigent defendants; has an understanding about race and race discrimination in our court system and in our country.

Mr. President, I think his record and his testimony before the Judiciary Committee is such that he does not really show that understanding and I do not believe, therefore, he is qualified for a lifetime appointment to the second highest court in the country.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Delaware [Mr. BIDEN].

Mr. BIDEN. I yield to the Senator from Massachusetts.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I oppose this nomination and I urge my colleagues to reject it.

The record before us is replete with examples of Mr. Carnes' shocking insensitivity to racial discrimination in the death penalty. In case after case, he and his office have not hesitated to justify blatant discrimination in capital sentencing. He and his office have defended numerous cases on appeal in which death sentences were obtained from all-white juries, from which blacks were systematically and unconstitutionally excluded.

These cases are impossible to ignore. The Owens case—15 strikes were used against black jurors; the Duncan case—25 strikes against blacks; the Floyd case—11 strikes; the Bird and Warner case—17 strikes. The examples go on and on.

Those who support Mr. Carnes' attempt to dismiss these cases by saying, "Mr. Carnes was only doing his job. He was the appellate attorney. He didn't pick the jury. He didn't strike those jurors."

It is clear that fair application of the death penalty was not a priority for Mr. Carnes. His priority was upholding the convictions and the death sentences, no matter how excessive the circumstances under which they were obtained, no matter how inadequate the defendants' counsel, no matter how flagrant the racial discrimination.

Mr. Carnes consistently demonstrated his willingness to take advantage of mistakes made by inadequate counsel in death penalty cases. He claimed that capital defendants received "excellent legal representation," when in fact, in case after case, they obviously did not.

The supporters of Mr. Carnes' nomination are trying to mischaracterize this vote as a referendum on the death penalty. Nothing could be farther from the truth. Many of the Senators opposing Mr. Carnes are supporters of capital punishment. This is a civil rights vote, not a death penalty vote. The issue is racial discrimination. The issue is equal justice under law, and this nominee should not be confirmed.

I yield the remaining time to the Senator from Delaware.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Delaware.

Mr. BIDEN. Mr. President, my distinguished friend and colleague from Alabama, Mr. HEFLIN, for whom I have an inordinately high regard, has made a very compelling case for the nominee from Alabama, and he has thoroughly done his homework in determining whether or not he was going to support the nominee. I do not fault him for that. I disagree with him, though. Let me try to succinctly state, once again, today, why I believe we should not vote for the confirmation of, and thereby not vote to invoke cloture on, this nomination.

My friend from Alabama, Senator HEFLIN, a distinguished jurist himself and a distinguished lawyer, made the case yesterday after I spoke that in fact when the nominee was handling the appeal on death cases for the State of Alabama, that he was in a position that he followed basically the Supreme Court rulings that were in effect at the time. In a case that I referred to yesterday, the Jackson case, a black woman was convicted after the prosecutor at the trial court in the State of Alabama had on 12 different occasions prevented a black person from sitting in the jury box solely because that person was black and the State prosecutor did not want a black person judging another black person, clearly violating the spirit of what had been the Constitution and interpreted as being the constitutional law since a West Virginia case in the 1870's; and even, according to the judge hearing that appeal, acknowledging that meeting very onerous—I think the language is "onerous test"—excuse me—crippling burden of the Swain case. Swain versus Alabama was the controlling Supreme Court decision at the time the nominee was taking up on appeal this case of a black woman convicted of murder, saying she should in fact have the death penalty imposed on her notwithstanding the fact that it was uncontroverted evidence, acknowledged and known by the nominee, that the Alabama State prosecutor who got the conviction had peremptorily, that is without cause and solely because the prospective juror was black, kept all black jurors off the jury so she could not be tried by a panel of her peers, which does not mean they had to be all black, but it meant a priority being no blacks on the jury.

So he clearly knew—the court clearly stated, concluded—that even the crippling burden of the Swain test had been met. The constitutional violation was clear. It is of no consequence that the trial in the Jackson case, the trial which the nominee took up on appeal, occurred prior to the decision in Batson.

In the Jefferson case, which his office handled on appeal at the same time—and I mentioned it yesterday—the trial prosecutor divided prospective jurors into four categories: strong, medium, weak, and black. The evidence of race-based peremptory strikes was overwhelming.

It is of no consequence that Batson had not yet been decided. Racial discrimination in selection of juries has been illegal for over 100 years.

Mr. Carnes concedes, of course, he knew prior to Batson that race-based peremptory strikes were illegal. He stated in response to a written question from me that "even before Batson" he had "urged" trial prosecutors not to strike African-Americans off juries because of their race. Mr. Carnes also stated in response to written questions that responsibility of an attorney for the State was to "seek justice" and that would "take care not to condone racism and not to defend the indefensible."

In my view, his defense of the Jackson and Jefferson cases violates his own standards knowing full well that the use of race-based peremptory challenge is illegal and knowing full well that such misuse had occurred in particular cases, Mr. Carnes still defended these convictions. He defended convictions obtained in violation of the defendant's constitutional rights by means that destroyed the fundamental fairness of trials in which a human life was at stake.

Let me conclude by saying, Mr. President, it is a shame that he took that position because, quite frankly, there are some very, very positive and outstanding features of this man's personal and professional life. All of what my friend from Alabama said about his involvement in a active, positive way to better race relations is true. I do not dispute it at all. I do not say this man is a racist. But at this moment in our history, in light of Los Angeles, for example, in light of the racial tension that exists in country at the moment, to put a man on the second highest court, taking the place of Frank Johnson, who is a man who is almost an icon in terms of the courage he showed in promoting civil rights in this country from the bench under the Constitution, to put a man on the court who, in fact, in the most persistent abuse, in my view, of the rights of minorities in this country—and that is very simplistic as well as sophisticated ways—of attempting to keep minorities off cases, off juries in which the defendant is a minority himself, to put a man on the court who obviously knows that is not good policy and yet appeal these death cases on the grounds that was his responsibility as someone who worked for the attorney general of the State of Alabama seems to me to be a mistake. In the minds of some it may seem like a minor infraction. In my mind, it is a major, major problem.

So, to say again, the cases that I cited, and others, not just the Jefferson case and the Jackson case which involved black criminal defendants who were convicted, were sentenced to death and then appealed their sentence on the grounds that they did not get a fair trail, in both those cases, when the nominee, Mr. Carnes, appealed the State's position, saying confirm those convictions, carry out the sentence, Mr. Carnes knew—knew—that race-based selection was used by the prosecutor who obtained the conviction. And in the Jackson case, the court went so far as to say even the existing crippling test of Swain had been met.

I withhold the remainder of my time, if I have any.

Mr. THURMOND. Mr. President, how much time does each side have?

The ACTING PRESIDENT pro tempore. The proponents have 17 minutes and 22 seconds.

Mr. THURMOND. How much time do the opponents have left?

The ACTING PRESIDENT pro tempore. One minute and 30 seconds.

PRIVILEGE OF THE FLOOR

Mr. THURMOND. Mr. President, I ask unanimous consent that Mr. Adam Vodraska of my Judiciary Committee staff be granted privilege of the floor during consideration of this nomination.

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

Mr. THURMOND. I yield 5 minutes to the distinguished Senator from Wyoming.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming is recognized for 5 minutes.

Mr. SIMPSON. Mr. President, I commend STROM THURMOND, our senior colleague, for his work here. It has been superb. I urge support for his position so that after 8 months the Senate can finally vote on Ed Carnes' nomination to the Eleventh Circuit Court of Appeals.

I do not know what more can be said, but I hope what has been said has been heard. Here is this man who graduated at the top of his class from the University of Alabama and then cum laude from Harvard Law School, 16 solid years' experience in the courtroom. He has the deep respect and full support from those who know his work, all three attorneys general in the 11th circuit States, Morris Dees, Judge Oscar Adams, the first black justice on the Alabama Supreme Court, according to the Alabama Journal, and my friend, Senator HOWELL HEFLIN, who came here when I did in 1978, whom I have the deepest regard and respect for, and Senator SHELBY also.

What would we say if Senator BIDEN and Senator ROTH came to this body and said we have a marvelous person to be presented to the Senate for selection to the Federal bench? We would listen. Oh, indeed, we would, because we would assume that Senators BIDEN and ROTH who would know him best would tell us the truth about this man, and they have and I hope he will not ignore it. We would listen and we would listen closely and very carefully.

To say that Ed Carnes has a less than strong record on civil rights is absolutely, patently absurd. He has fought the Ku Klux Klan tooth and nail. He worked on stopping the illegal importation of South African coal because it was mined by exploited black labor, represented Alabama judicial inquiry commission, and he successfully prosecuted two judges for engaging in racist conduct and had them removed from the bench. And so far his assignment to represent the State of Alabama in postconviction cases in appeals involving capital punishment, what is best said and honestly said is that he has done it well, just as he has done everything in his life and his work well.

Ed Carnes' career is distinguished by fairness. Representing the State on capital appeals, he urged the courts to reduce death sentences when wrongly imposed and disclosed material favorable to the defense that the prosecutor had buried at the trial. You have heard these things. They have been presented.

Let me just conclude because my time is limited.

This is not about racism. And it is funny how this place works. If you do not like something or somebody, use this deft blend of emotion, fear, guilt or racism. I have seen it time and time again.

I will tell you what this is about. This is about capital punishment. Put yourself right out on the line and decide whether you are in favor of capital punishment or you are opposed to capital punishment, because that is what this vote is. It is not about racism.

Racism is the smokescreen, and that has been proven to us by our senior colleague, the Democrat Senator from Alabama and his colleague, the other Democrat Senator from Alabama who knows this man best. No one knows him better. Black and whites alike have stepped forward in this nomination and said confirm this splendid man.

So here we are now dealing with the cover, and the cover is simply racism. The real reality is the death penalty. You can fool some of my colleagues, but not the majority. The opposing

groups will lose because deceit is a bad strategy. I am talking about the groups, not Members, and my colleagues. Indeed, it is a bad strategy. It has backfired many times in this Chamber, and left us all a lesser body.

So I think of my own father, who was Governor of Wyoming, who was opposed to capital punishment. I happen to favor it. And you can imagine the family discussions on that. But I think at this point we have covered the whole spectrum. We know what is at stake here. And we know, too, that this entire debate has somehow been switched into the ugliness of racism. What it really comes down to whether you like capital punishment or not. And I watched the people who came and testified. People who work for the cause opposed capital punishment.

But the death penalty is one among hundreds of issues, or, one among a thousand issues, that a politician, that a judge, will confront.

Let's not discount this obviously exceptional man.

Let's not discard this nominee for his work on one issue, especially when his work on that issue is in representation of his client.

Let's not discard his nomination when his work displays thoughtfulness, great intelligence, and fairness.

The great civil rights lawyer, Morris Dees, calls Ed Carnes "a highly ethical, principled person."

Look at his record.

Ed Carnes is an excellent nominee.

He has not one blemish on his impressive record.

He has served the State of Alabama with admirable distinction.

Let's move on.

I urge you to join me in rejecting the attempt to punish this nominee because of his work in the Alabama Attorney General's Office.

He is an excellent nominee.

I urge you to support the cloture motion.

Mr. THURMOND. Mr. President, I yield 3 minutes to the distinguished Senator from Alabama.

The ACTING PRESIDENT pro tempore. The Senator from Alabama is recognized for 3 minutes.

Mr. SHELBY. Mr. President, we have talked about this nomination pretty much at length, and the debate has shifted from the merits, which I think are immense, to a lot of things which have been said about Ed Carnes that are basically and flagrantly just not true.

I have known Ed Carnes since he graduated from Harvard Law School. He came to Montgomery, AL, to work in the attorney general's office. He is a superb individual. He is academically qualified by any standards. But more than that, he is a fine, outstanding person.

If you look at the scale in Alabama, my home State, and you see who is supporting him, every Democratic elected official on the topside, State and Federal, is supporting Ed Carnes, who has been nominated—he is a Republican—by President Bush. It would be a travesty of justice to turn this man down.

I said yesterday on the floor this is my 6th year in the Senate. I have voted, as everyone in this body has, for a lot of people of dubious qualification, giving them the benefit of the doubt. But this is not the case with Ed Carnes.

Ed Carnes has a great civil rights record. Look at it. When someone like Morris Dees, whom most of us know and have a lot of respect for—I have a lot of affection for him; we went to school together. We differ on issues at times. But when Morris Dees, who is a real leader in the South, and has been for many years, one of the leaders in the civil rights movement and the No. 1 opponent of the death penalty, goes forth in a big way to help Ed Carnes, to tell you the truth about Ed Carnes, that Ed Carnes is supremely qualified and has a great civil rights record and he will be a superb Federal judge, I urge my colleagues to invoke cloture and then vote for his nomination.

I thank the Senator.

Mr. THURMOND. Mr. President, I yield 1 minute to the distinguished Senator from Alabama, Judge HEFLIN.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Alabama.

Mr. HEFLIN. Mr. President, I ask unanimous consent to have printed in the RECORD a series of letters written by outstanding civil rights leaders in the State of Alabama who support Ed Carnes, including Alvin Holmes, the chairman of the Affirmative Action Committee of the Alabama Black Legislative Caucus; Judge Herman Thomas, a black civil rights leader who was elected circuit judge in Mobile; Charles Price, a civil rights leader in Montgomery who also sits on the bench; and a telegram from Justice Oscar W. Adams, the only black member of the Alabama Supreme Court.

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

HOUSE OF REPRESENTATIVES,
ALABAMA STATE HOUSE,
Montgomery, AL, March 6, 1992.

Hon. JOSEPH BIDEN,
Chairman, Senate Judiciary Committee, Russell Senate Building, Washington, DC.

DEAR SENATOR BIDEN: It is my understanding that Edward E. Carnes, an Assistant Alabama Attorney General, has been nominated to be a United States District Judge in the Middle District of Alabama.

This letter comes to highly recommend Mr. Carnes for said position. I have known Mr. Carnes for many years and have known him to be fair and impartial toward all citizens without regard to race or color.

As Chairman of the Affirmative Action Committee of the Alabama Black Legislative Caucus, one of my responsibilities is to observe public officials and others in their actions toward minorities in the state of Alabama and I have found nothing that is negative in regards to Mr. Carnes' record in this matter.

Please give Mr. Carnes your great consideration.

Sincerely,

ALVIN HOLMES,
State Representative.

DISTRICT COURT OF ALABAMA,
Mobile, AL, August 28, 1992.

Hon. HOWELL HEFLIN,
Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR HEFLIN: I have had the pleasure of working and associating with Mr. Carnes since I relocated my law practice back to Mobile in 1987. As an Assistant District Attorney in Mobile, I had regular contact with Mr. Carnes and found him to be an enthusiastic, competent attorney and a pleasant person.

I have no reservations about supporting Mr. Carnes for the United States Court of Appeals for the Eleventh Circuit. If I can be of any further assistance, please do not hesitate to contact me.

Highest personal regards, I am.

Yours very truly,

HERMAN THOMAS.

FIFTEENTH JUDICIAL CIRCUIT,
Montgomery, AL, March 12, 1992.

Hon. JOSEPH R. BIDEN, Jr.,
Chairman, Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR BIDEN: I am writing in support of Ed Carnes who has been nominated to a position on the United States Court of Appeals for the Eleventh Circuit.

I am particularly qualified to speak about Mr. Carnes, because I have known him for over 15 years, and I have observed his work from three different perspectives. I first came to know Ed when he and I were both employed by the Alabama Attorney General's Office in the 1970's. Later, I knew and worked with him after I became an assistant district attorney. Finally, I have had an opportunity to observe Ed as an attorney in my court during the nine years I have been a state trial court judge in Montgomery, Alabama.

Without reservation, I can say that Ed Carnes is an excellent attorney who is eminently qualified to be on the Eleventh Circuit Court of Appeals. He is one of the leading criminal law experts in this state.

More importantly, Ed is completely fair and has an excellent reputation for integrity and candor. On occasion, when a particularly thorny legal issue has arisen in a criminal case, some of the judges in this state, including me, have called upon Ed to join a conference and offer his views to the court and counsel for both sides. We have done that because we know that no one knows more about the criminal law than Ed Carnes does, and we also know that if the law is against the State's position Ed will not hesitate to tell us that. In fact, on more than one occasion when his advice was solicited, he informed the court and counsel for both sides that the prosecutor was wrong and defense counsel was right.

For these and other reasons, Ed Carnes has an unsurpassed reputation for fairness. I urge your committee to confirm him.

Sincerely,

CHARLES PRICE,
Circuit Judge.

BIRMINGHAM, AL,
March 31, 1992.

Senator HOWELL HEFLIN,
Senate Judiciary Committee, Capitol One DC.

I recommend Attorney Ed Carnes to be selected to fill the vacancy on the Eleventh Circuit Court of Appeals. I have known Attorney Carnes for approximately thirteen years. I know that he has represented the State in death penalty cases. However, he is competent, capable and fair and will make an excellent appointment.

JUSTICE OSCAR W. ADAMS,
Associate Justice.

Mr. THURMOND. Mr. President, how much time do we have remaining?

The ACTING PRESIDENT pro tempore. Seven minutes, thirty-five seconds.

Mr. THURMOND. Mr. President, I would like to make a few brief comments before we vote on the cloture motion.

First, Mr. Carnes' record has been intensely scrutinized over the past 8 months. The Judiciary Committee conducted a thorough and extensive review of Mr. Carnes' background and professional record. The committee's careful review resulted in a final overwhelming vote—and I want to repeat—of 10 to 4. The Judiciary Committee went into debate and heard people from both sides, and they voted 10 to 4 to approve this man. The Judiciary Committee vote took place over 4 months ago, and the facts of Mr. Carnes' record have not changed.

The distinguished chairman of the Judiciary Committee commented at the time of the committee vote that the record on Mr. Carnes is "very full. There have been those who have suggested and petitioned the committee to hold over, continue hearings, have additional hearings, and I see and saw absolutely no reason for that."

I agreed with the chairman then, and I firmly believe the Senate should act its own will and ultimately vote up or down.

Mr. President, the only thing that has changed over the past 4 months is that the special interest groups opposing Mr. Carnes have had ample time to lobby baselessly against this confirmation. One of the efforts to defeat Mr. Carnes has been directed at urging our colleagues to vote against this cloture motion, a motion which requires 60 votes, which we all know is a lot tougher than acquiring the simple majority needed for confirmation.

The opposing groups have disguised their true intent to stall, delay, and ultimately defeat Mr. Carnes' nomination in a slick procedural package—if you do not get cloture, then you do not have to vote on Mr. Carnes' nomination. In essence, their strategy is you do not have to take a position—stall, delay, and ultimately defeat—and this time you have an excuse, a procedural glitch.

Mr. President, this kind of political maneuvering is exactly what the American people are sick of: Stall, delay, and no action by this body.

These opposing groups know that if they can defeat cloture, they in essence defeat Mr. Carnes' nomination. You will not have a chance to vote on it if you defeat cloture. We have to get cloture to get a vote on this nomination. Is it not fair to give him a vote up or down?

Mr. President, to vote against cloture in an effort to defeat Mr. Carnes through delay is just not fair. It is not fair to deprive him of an up and down vote by this body, and it is not fair for the confirmation process.

The Judiciary Committee carried out its mandate in reviewing Mr. Carnes' nomination and overwhelmingly voted, as I said, 10 to 4 to favorably report his nomination for confirmation.

The distinguished home State Senators, both Democrats, believe strongly that Mr. Carnes should be confirmed. I firmly believe that the Senate should act its own will and take a final vote on Mr. Carnes' nomination.

Mr. President, I urge my colleagues to vote in support of Mr. Carnes, and each Senator can vote his conscience. If we get cloture, then each Senator can vote his conscience. That is what I would like to see.

Mr. President, I have a copy of a letter here written to Senator HEFLIN, August 26, from Jesse Seroyer, Jr., chief investigator, Office of the Attorney General.

Here is what he says. "As an African-American"—here is an African-American.

Alleging racism? That is false. Alleging civil rights? That is false.

As an African-American who has been in law enforcement for eighteen years, I am aware of the problems of racial discrimination. I am also aware that Mr. Carnes has one of the strongest civil rights record of any attorney in this State * * *.

Here is a black man who says Carnes has one of the strongest records of anybody in the State for civil rights.

The attacks that are being made on him only come from the fact that he supports capital punishment, as I do.

As a black man from Alabama, an attorney general's office, that is what he says.

Morris Dees—and everybody knows Morris Dees—is a civil rights advocate throughout the whole South. He has come out for Mr. Carnes. He said he is fair, he is honest, he is just, and ought to be approved.

Mr. President, I have a letter here signed by six black lawyers. I want to read just a few excerpts.

As African-Americans, we regret that there has been an attempt at racial polarization by a handful of people whose opposition to this nomination is motivated by their opposition to capital punishment. Some of us are strongly opposed to capital punishment. Some of us support it, and some us have ambivalent feelings about it. But we all recognize that Ed Carnes is an excellent lawyer, he is fair, and he is opposed to racial discrimination.

Another excerpt from this letter:

Far from supporting racial discrimination, Ed Carnes has a strong record of achievement in the area of minority rights. During his career, he has worked to ban the importation of South African coal into Alabama; he has defended black public officials who were sued by whites; he has personally prosecuted misconduct charges against two judges for racist conduct and got both of them removed from the bench; and on more than one occasion he has gone into court against white racists, including Ku Klux Klansmen, who had committed violent crimes against African-American citizens.

We are all independent of the supervision of Mr. Carnes. We hold various political views. However, we know Ed Carnes. Based upon our knowledge of him and his record, we endorse his nomination and urge his confirmation.

That was a letter written to Senator BIDEN on April 16, chairman of the committee.

Mr. President, another letter here from Jack S. Russell. This was written to Senator HEFLIN on September 3, 1992, in support of Ed Carnes and I ask that it appear in the RECORD.

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

I write to urge you to vote to confirm Mr. Ed Carnes for a position on the Court of Appeals for the Eleventh Circuit.

My sister, a 56-year-old grandmother, spent her last hours alive being beaten, raped and sodomized before she was strangled and her body set on fire. There was more concern about the rights of the accused and a speedy trial than there was for the brutal nature of the crime and my family's suffering.

Almost, before my sister was buried the prosecutor was talking about a plea agreement which actually meant the defendant would be eligible for parole in five years. My family complained, wrote letters, went to the media and eventually the plea agreement was withdrawn. As it is, the animal who brutalized my sister will serve approximately 10 years in prison.

I am sick and tired of people consistently trying to make capital punishment into a race issue. Just like me, most other black people support capital punishment for heinous crimes. We are no different than white people. The problem is not unfairness to murders, black or white. It is the unfairness to victims and to innocent citizens who are preyed upon by criminals.

Mr. Carnes has spent his career working within the system to be fair to everyone. He has been a strong advocate for the people, victims, and survivors of victims. No lawyer should be punished for being an advocate. Please see the attacks on him for what they are, narrow-minded people seeking attention for their own political agenda.

The PRESIDING OFFICER (Mr. ROBB). All time controlled by the Senator from South Carolina has expired.

Mr. THURMOND. Mr. President, I hope the Senate will vote cloture and allow the Senators to vote their conscience on this nomination.

Mr. President, I want to thank the following members of my staff for their hard work on this nomination: My

chief counsel on the Judiciary Committee, Thad Strom, the chief investigator, Melissa Riley, and Adam Vodraska. They have done a commendable job and I appreciate their efforts.

Mr. BIDEN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator controls 1 minute and 36 seconds.

Mr. BIDEN. Mr. President, obviously I will be very brief.

No. 1, is the process fair? Let me point out since the Reagan-Bush Presidency has been in effect, the Judiciary Committee has received 650 judicial nominees. I have opposed 10, 7 of them from the lower court. This would be the 10th judge out of 650 we have received that I have opposed.

As chairman of the committee in an election year, we will have reported out of committee 60 judges. That is unprecedented.

When the Republicans controlled the Chamber, President Reagan and the Republicans, when he was running, shut down the process in June, no more judges.

We are still holding hearings. I will still attempt to get more judges, in terms of whether the process is fair.

No. 3, it is unprecedented. The only thing that is unprecedented is the fact that we have gone forward with judges in an election year, particularly in an election when it appears as though there may be a change of the guard down on Pennsylvania Avenue.

Last, this is about the death penalty. This is not about the death penalty. I support the death penalty. I have been here 20 years. I voted for death penalty, repeatedly voted for it. The Biden crime bill has the death penalty in it. Senator BRADLEY supports the death penalty. Senator WOFFORD supports the death penalty.

We oppose this nominee.

Let me conclude by saying, is this a bad man? This is not a bad man, but this is a man who has a flawed view on a very, very fundamental point: That you could not and should not insist that someone be put to death when you know that the jury selected was, in fact, biased under the Constitution.

I thank the Chair.

Mr. DURENBERGER. Mr. President, I have always used the same standard to evaluate the nominees of the three Presidents with whom I have served: Presidents Carter, Reagan, and Bush. Those criteria are: Does the nominee have the experience necessary to do the job, the temperament to serve honorably, and the character to be entrusted with this profound responsibility.

Suggestions have been raised that Mr. Carnes might be insensitive to the problem of racial discrimination in the criminal justice system, a charge that goes directly to his temperament on the bench.

I am by no means unaware of the problem of racial discrimination in our system of justice, especially as it relates to the application of the death penalty. That is why I cosponsored the Racial Justice Act, a bill that allows people convicted of capital crimes to challenge a death sentence if there is statistical evidence that the death penalty is being applied in a racially discriminatory manner.

Racial discrimination is intolerable in any form, and it is especially intolerable in our criminal justice system. Because a very serious allegation was raised against Edward Carnes, I took my responsibility to advise and consent on this nominee very seriously and carefully scrutinized his record of service.

Edward Carnes is assistant attorney general and heads the capital litigation division for the State of Alabama. The most serious charge leveled against him seems to be that, in this capacity, he did not object vigorously enough when his job required him to defend verdicts on appeal in which discrimination in jury selection was alleged.

I cannot disqualify a nominee simply because he did what the ethics of his job required him to do. Regardless of his personal feelings, Edward Carnes had an obligation to represent the State of Alabama in criminal cases on appeal, and argue the lawful reasons that a lower court conviction should be upheld. This in itself cannot give a clear picture of Edward Carnes' attitude toward racial discrimination in jury selection.

After closely examining Mr. Carnes' record, I have come to the conclusion that he is adamantly opposed to racial discrimination in all forms, including discrimination in jury selection. In fact, even before the Supreme Court supplied an effective device to prevent prosecutors from excluding black jurors in the 1986 Batson versus Kentucky decision, Edward Carnes had urged Alabama's district attorneys to put an end to this repugnant practice.

From a letter I received from Morris Dees, a civil rights leader and the executive director of the Southern Poverty Law Center, I learned that Edward Carnes successfully led the fight in Alabama to prevent white defendants from discriminating against black jurors. Morris Dees pointed out that if the Rodney King trial had been held in Alabama instead of Simi Valley, it is far less likely that a jury with no black members would have been selected to try the white officers, because of the work of Ed Carnes.

Throughout his career, Edward Carnes has vigorously opposed racial discrimination. As a result of his personal prosecution, two racist judges were removed from the bench. He has preserved the 1963 conviction of a Klansman charged with murdering four young black girls. Many years ago, he worked to prevent the importation of coal from South Africa. In both his professional and personal life, Edward Carnes has campaigned against the ugliness of racism.

After examining his record and the recommendations of those who worked closely with him, including members of the African-American community, I believe that Edward Carnes will be a fair and able jurist. I believe that he will be sensitive to claims of racial discrimination. For this reason, I will vote to confirm this nominee.

Mr. SPECTER. Mr. President, since the Judiciary Committee vote on Edward Carnes, Esq., on May 7, 1992, I have had an opportunity to review Mr. Carnes' responses of May 1, 1992, to written questions and to reflect further on his record on the issue of excluding African-American jurors by peremptory challenges. While I applaud much of Mr. Carnes' record, I have decided not to consent to his confirmation to the eleventh circuit because of his record on such peremptory challenges.

My reason rests on the fundamental proposition that an assistant attorney general, like any public prosecutor, is a quasi-judicial official who has the responsibility to see that justice is done without using every legal technicality which might be appropriate in the representation of a private party.

When I was district attorney of Philadelphia from 1966 to 1974, my office policy was not to exercise peremptory challenges for the purpose of excluding African-Americans from juries even though that was technically permissible.

My review of Mr. Carnes' record leads me to the conclusion that he should have exercised his quasi-judicial discretion or been more active in urging others to do so to stop the practice of using peremptory challenges to exclude African-Americans. Illustratively, Mr. Carnes answered a written question on May 1, stating:

> I do not believe that I discussed with the Attorney General the possibility of not appealing.

In a later answer, Mr. Carnes stated:

> Whether it (racial discrimination in jury selection) renders a particular trial fundamentally unfair to the defendant and undermines the reliability of a guilty verdict depends upon the facts and circumstances.

While the circumstances cited in the next sentence might provide some theoretical justification for that assertion, it is my judgment that the practice is fundamentally unfair and a quasi-judicial official, like a district attorney or an assistant attorney general, has a duty to affirmatively stop that practice.

I consider it vital that the substance and appearance of the prosecutor's conduct in seeking the death penalty must merit full public confidence that there is not a scintilla of racial discrimination. I believe the death penalty is an effective deterrent and should be used in appropriate circumstances. Reten-

tion of the death penalty requires scrupulous attention to guarantee that the use of the death penalty is totally devoid of any implication of racial discrimination.

Mr. SANFORD. Mr. President, I support the nomination of Ed Carnes for the Court of Appeals for the Eleventh Circuit.

I am very concerned about this nomination because the views of those who support him and those who oppose him appear irreconcilable. Unfortunately the issue on which the difference occurs involves the insidious specter of racial discrimination. Therefore, the charges are extremely serious and must be investigated with the hope of discovering the truth. In the face of these charges, Morris Dees, a leading civil rights activist and attorney in Montgomery, AL, and the founder of the Southern Poverty Law Center has strongly supported his nomination. He has written that Mr. Carnes is a "nominee who has fought the Klan and who has fought racist judges * * * [and who has] a strong record of fairness."

Those opposed to his nomination admittedly oppose the death penalty itself. Mr. Carnes has made no secret about his support for the death penalty. But that is not what this vote is about. It is about the qualifications of Ed Carnes, and in my opinion, he is well qualified. In his response to questions propounded by the Judiciary Committee he admitted that he occasionally disagreed with policies established by the Alabama attorney general, however, he followed them. Similarly, he stated that his obligation as a judge was to follow the law "irrespective of [his] own personal beliefs and opinions."

According to the statements of Alabama district attorneys and of Jimmy Evans, Alabama's attorney general, Mr. Carnes has on occasion disagreed with the State's position on appeal because of racial bias, but was required in his official capacity to proceed in the representation of his client—the State of Alabama. In a case during Mr. Evans' term, Mr. Carnes convinced Mr. Evans to allow him to argue that the death penalty should be reduced. After Mr. Carnes won that appeal, Mr. Evans changed his mind, assigned another assistant attorney general to handle the remainder of the appeal to advocate the district attorney's position, and established a firm rule requiring the express permission of the district attorney before confessing any error. A good lawyer represents his or her clients. Mr. Carnes represented his client, the attorney general and the State.

The obligation of a U.S. Senator to confirm judges appointed for life is perhaps the most solemn one we assume. My approach to judicial appointments is to inquire into the candidate's scholarship as defined by the integrity of his intellect, his knowledge of the law, and his objectivity. True scholarship is the best guarantee we have of a justice's future performance. I have reviewed Mr. Carnes record and believe he meets the test of true scholarship. In fact, no one has questioned his scholarship or his intellect. Quite the contrary. Mr. Carnes is widely recognized by the bar in Alabama as an extremely bright young man with a deep knowledge and an abiding faith in the law.

Justice Oscar W. Adams, Jr., an African-American member of the Alabama Supreme Court, before whom Mr. Carnes has represented and argued cases on behalf of the State of Alabama, has endorsed Mr. Carnes.

Judge Charles Price, an African-American trial court judge who has handled capital offense cases and who worked with Mr. Carnes in the Alabama Attorney General's Office, has endorsed the nomination.

Thirty-one State attorneys general from around the Nation, including Lacy Thornburg in North Carolina, support his nomination.

A broad spectrum of attorneys, black and white, who have worked with or against Mr. Carnes in court have observed that Mr. Carnes is able, ethical, and of the highest integrity and support his nomination.

These are not misguided or mistaken supporters. They are his colleagues and adversaries. These are individuals who have spent their lives fighting for racial justice in Alabama. These are well-respected attorneys who have worked with and against Mr. Carnes in the courts of Alabama where they, better than anyone, can judge him best. I do not discount the sincerity of those who oppose the appointment, but I do not believe a case has been made against him.

Mr. Carnes championed a bill in the Alabama Legislature to insure that death sentences are not tainted by prejudice. He worked to ban the importation of South African coal mined by indentured labor. He has prosecuted two judges for racist behavior and got them removed from the bench. He belongs to an integrated church. These are not the actions of a man who is himself a racist.

In my opinion, Ed Carnes is well qualified to fill the seat to which he has been nominated and I am pleased to support his nomination to the Eleventh Circuit Court of Appeals.

Mr. DODD. Mr. President, I rise in opposition to the nomination of Edward Carnes to be a judge on the U.S. Court of Appeals for the Eleventh Circuit. Although this has been a difficult decision, I must oppose this nomination because I am not convinced that Mr. Carnes is firmly committed to the principle of equal justice for all.

As Senators, we bear an enormous responsibility when fulfilling our constitutional duty to provide advice and consent to the President of the United States—and to the American people—on judicial nominations. These decisions are particularly important because of the nature of judicial appointments. Nominees to the Federal bench, if confirmed, enjoy life tenure and are charged with the awesome responsibility of interpreting and applying the Constitution. Consequently, Federal judges have an opportunity to influence the policies of this Nation for years to come.

Although article II of the Constitution gives the Senate the responsibility to provide advice and consent on judicial nominations, it does not delineate the factors by which each Senator should judge the fitness of a judicial nominee. Thus, each Senator must determine for himself or herself the appropriate criteria for considering the qualifications of a nominee.

In my view, each Senator must begin and end his or her examination of the nominee with one overriding question: Is confirmation of this nominee in the best interest of the United States?

Answering this question in the affirmative first requires that each Senator be satisfied that the nominee possesses the technical and legal skills which we must demand of all Federal judges.

During his 17 years as an assistant attorney general for the State of Alabama, Mr. Carnes gained extensive litigation experience at the trial and appellate levels in Federal and State courts. Additionally, the American Bar Association has rated him as qualified. Thus, although Mr. Carnes may not be the most qualified candidate for the job, he possesses a technical and legal background that is within the range of acceptability.

Our next task is to determine whether the nominee is of the highest character and free from any conflicts of interest. No one has questioned Mr. Carnes' integrity or character.

Finally, we must carefully consider the nominee's record to determine whether he or she is capable of, and committed to, upholding the Constitution of the United States and protecting the individual rights and liberties guaranteed therein.

Toward that end, we must ask whether the nominee has the judicial temperament necessary to give a practical meaning to our Constitution's guarantees. We may disagree about the interpretation of the various provisions in the Constitution, but the nominee's views must be within the appropriate range, and his or her approach must reflect a deep commitment to our constitutional ideals.

Because Mr. Carnes has no judicial experience, our task is particularly difficult. Except for his litigation record and testimony before the Judiciary Committee, we have very little information to evaluate his judicial temperament. After careful consideration

of that record and testimony, I am not convinced that Mr. Carnes is firmly committed to the principle of equal justice or that he understands the importance of removing racial discrimination from the judicial system.

Before I elaborate on the reasons for my opposition to this nomination, I want to note that my opposition is not based on Mr. Carnes' support for the death penalty. Like Mr. Carnes, I also support the death penalty. In fact, I recently voted in support of the crime bill conference report, which would expand the death penalty to 53 additional Federal offenses.

My doubts about this nomination stem from Mr. Carnes' handling of cases in which racial discrimination tainted the jury selection process. In response to the Judiciary Committee's questions on this issue, Mr. Carnes conceded that he pursued appeals in cases involving racially discriminatory jury strikes. He acknowledged that "there have been a number of cases in which district attorneys, or their assistants, either did not have race-neutral reasons for striking blacks of could not recall them when it was necessary to do so."

Despite that observation, Mr. Carnes never refused to pursue a case where racially discriminatory strikes were at issue. Instead, in such cases, he filed an appeal if there was any technical way to sustain the conviction.

For example, in Jackson versus Thigpen, Mr. Carnes pursued an appeal even though the prosecutor admitted that he struck all blacks from the jury for race-based reasons.

In his testimony before the Judiciary Committee, Mr. Carnes also discussed another case handled by his office: Jefferson versus State. In Jefferson, the prosecuting attorney divided prospective jurors into four categories—strong, medium, weak, and black. When asked whether he had sought or would seek permission to confess error in the case, Mr. Carnes answered "no."

In these and similar cases, Mr. Carnes and his staff have attempted to uphold convictions by raising technical arguments and have ignored the racial discrimination which obviously affected the judicial process. Such an approach undermines the principle of equal justice and diminishes the American people's confidence in the legal system.

In short, Mr. Carnes' record and testimony before the Judiciary Committee raise important doubts about this commitment to equal justice. Given those doubts, I cannot support this nomination.

Mr. ROCKEFELLER. Mr. President, I rise in opposition to the nomination of Edward Earl Carnes to the U.S. Court of Appeals for the Eleventh Circuit. It is our responsibility under the Constitution to see that the President's nominees to the Federal courts are not only intelligent and capable, but also have a bedrock sense of fairness and justice. To me, those are the fundamental characteristics of a Federal judge. However, I am not convinced that Mr. Carnes possesses these qualities.

Mr. Carnes asserted under oath before the Judiciary Committee that he "does not believe that capital punishment is applied in a racially discriminatory manner in Alabama or in the Nation." However, for more than a decade, in his role as an assistant attorney general of Alabama in charge of the capital litigation unit, Mr. Carnes has consistently defended the exclusion of African-American jurors in order to obtain all-white juries in death penalty cases. Mr. Carnes has never refused to defend a prosecutor's racially motivated use of jury strikes and never questioned his office's failure to confess error, even in cases involving blatant discrimination.

In his most recent brief to the eleventh circuit, Mr. Carnes personally asked the court to overturn a finding of racial discrimination by a Federal district court in the case of a black woman, Patricia Jackson, sentenced to death by an all-white jury after the prosecutor struck all 12 black citizens.

In the case of Jefferson versus State, the prosecutor divided the prospective juror list into four lists—strong, medium, weak, and black—and used 26 of 26 jury strikes to get all-white juries in a case involving a mentally retarded African-American. The four lists were discovered by lawyers for the defendant during State post-conviction proceedings. Carnes appeared personally at a hearing and spoke on behalf of the State after the lists were discovered and asked the court to deny the claim of discrimination because the defendant's lawyer had not made the challenge earlier—even though the defendant's lawyer was unaware of the lists at the time the juries were struck.

In another case, Morrison versus Thigpen, the prosecutor used 20 of 21 jury strikes against African-Americans. Carnes personally asked the Federal court to reject the claim of discrimination.

I could go on because the cases are numerous, but these tell us sufficiently that either Mr. Carnes was not straightforward with the Judiciary committee or is unable to recognize even the starkest forms of racial bias.

Mr. Carnes has also stated under oath that death row inmates in Alabama receive excellent court-appointed counsel, a view that is at considerable odds with the findings of an Alabama bar panel created to study the problem and by the numerous inmates who have suffered at the hands of poor lawyering. Monroe Freedom, distinguished professor of legal ethics at Hofstra University Law School, has stated that "Ed Carnes has regularly exploited the ineffectiveness of defense counsel in death penalty cases and, in his testimony before an ABA task force, he cynically lied to deny its existence and to prevent its reform. That is a principal reason he should not be confirmed."

Judging from Mr. Carnes' record and from his sworn testimony, I have grave doubts as to whether the nominee is capable of dispensing even-handed justice. I just do not believe he has earned a lifetime appointment to the Federal bench.

I suspect that it will be enormously difficult to find a nominee who can truly replace Judge Johnson. But it is our duty to ensure that he is succeeded in such a way that honors his long, courageous service to the principles of our Constitution. I urge my colleagues to insist on a nominee who truly deserves to uphold Judge Johnson's legacy.

Mr. WIRTH. Mr. President, today we are considering the nomination of Edward Carnes to be a judge on the U.S. Court of Appeals for the Eleventh Circuit. Mr. Carnes was reported out by the Judiciary Committee in May on a 10 to 4 vote—only the 10th time the committee has divided over the more than 500 appointments to the lower Federal courts in the last 12 years.

For almost his entire legal career, Mr. Carnes has headed the death penalty unit in the Alabama Attorney General's Office, arguing and supervising capital punishment cases on appeal. He has built his career on pursuing the execution of primarily poor and minority defendants. Mr. Carnes has no other legal experience to qualify him for the court.

Mr. Carnes' position on the death penalty is not why I question his suitability for the bench. The Members of this body have various beliefs about whether and when the death penalty should be applied, but that is not the scale on which his nomination should be weighed. We must look at what he believes to be a fair trial and adequate representation. What Mr. Carnes believes to be just and right I find to be inexcusable and intolerable.

The Supreme Court has ruled that racial discrimination in the selection of criminal trial juries is a violation of the accused's constitutional rights. However, instead of following and promoting this policy of fairness, Mr. Carnes has sought to circumvent it.

In case after case, Mr. Carnes has exploited and defended this discrimination. In his world, by his own testimony, capital punishment is not applied in a racially discriminatory manner. And yet, many of the African-Americans on Alabama's death row are there because all-white juries put them there—juries that were empaneled by prosecutors explicitly excluding every black.

Although defendants frequently complained on appeal of racial discrimina-

tion in the selection of their juries, there is no evidence in the record that Carnes went to his superior, the attorney general, and sought a clear statement against such pernicious practices. Instead, he fought the defendants' appeals, often on technical grounds, sometimes all the way to the very Federal court on which he hopes to sit.

For example, in the case of Albert Jefferson, an African-American tried in Chambers County, AL, the prosecutor divided the jury list into four categories: strong, medium, weak, and black. The prosecutor then used 26 jury strikes against African-Americans to obtain all-white juries in three separate trials. The lists were found only later and are the basis for Jefferson's challenge in postconviction proceedings.

Instead of acknowledging this clear evidence of discrimination and seeking a new trial without racial bias, Mr. Carnes is vigorously opposing the defendant's claim, which is pending in State court. Although a life hangs in the balance, Mr. Carnes' office argues that the court should not consider the issue because it should have been raised earlier. This is clearly not the act of an individual committed to applying the law justly.

I was taken with the words written by Dennis Sweet, the only African-American attorney to have practiced at the Southern Poverty Law Center, who wrote:

The only racial discrimination that Ed Carnes recognizes is the most flagrant and the most despicable—hate crimes such as the lynching of a black youth and the murder of innocent children in a church bombing. Unquestionably, these deplorable instances of racial hatred in our society deserve the harshest condemnation by Ed Carnes and everyone else in our society.

But African-Americans in Alabama are also threatened by a more subtle, but more pernicious and more pervasive racism than that practiced by the Ku Klux Klan and other hate groups. It is the racism practiced by some public officials in the course of their official duties. It is a racism in which official power is used to deny African-Americans their rightful role as citizens and treats them differently for reasons of race. This racism—such as the exclusion of persons from jury services by prosecutors on account of race, and the treatment of cases differently based upon the race of the defendant—is far more widespread in Alabama than are hate crimes. It occurs in case after case—from those involving minor crimes to the most serious—in communities large and small. It is so pervasive and people are so used to it that many do not even recognize it for what it is.

The cost of this official racial discrimination to the system and to our society is enormous. It diminishes the legitimacy and integrity of the courts. It undermines faith in the system by African-Americans who are turned away as jurors, by those who observe this exclusion in cases involving the fate of a loved one or friend, and by still others in the community who hear from these experiences that those of their color have no role in the criminal justice system.

I do not believe that Mr. Carnes understands how these actions degrade our legal system and stand in the way of justice.

In Mr. Carnes' world, capital defendants receive "excellent legal representation," as he told an ABA task force. The case of Herbert Richardson, an African-American veteran of Vietnam, tells otherwise and bears witness to Mr. Carnes' labors. Honorably discharged from the service, Richardson suffered posttraumatic stress disorder because of his experience in the war. At a resentencing hearing, the prosecutor argued, without any basis in fact, that Richardson should be sentenced to death because he belonged to "organizations in New York City connected with the Black Muslim Organizations," had killed a woman in New Jersey and received a dishonorable discharge. The court sentenced the defendant to death.

On appeal to an intermediate appellate court, Richardson's court-appointed attorney failed to even file a brief. At the next stage of appeal to the Alabama Supreme Court, the lawyer filed a six-page brief which raised only one issue. It failed to mention the prosecutor's inflammatory and erroneous statements at the resentencing hearing. Consequently, the sentence was affirmed.

Before Richardson's new attorney had even filed an appeal before the Eleventh Circuit Court of Appeals, Mr. Carnes sent photos of the victim's bloodied body and head wounds to the court. He also argued that the prosecutor's misconduct could not be reviewed because the issue had not been raised sooner. Richardson's death sentence was affirmed and he was executed.

In another instance, Patricia Jackson, an African-American woman, was sentenced to death by an all-white jury after the prosecutor struck all 12 black persons from the jury. A U.S. district court found not only racial discrimination, but incompetent legal representation. Mr. Carnes acknowledged in his answer to Chairman BIDEN that there was racial discrimination in selecting her jury. But he personally argued to the court of appeals that this racial discrimination should be ignored.

In the case of Horace Dunkins, Mr. Carnes successfully argued that his mental retardation was barred from court consideration by a technicality. This mentally retarded African-American was executed. Mr. Carnes also argued that the issue of mental retardation and the striking of nine African-American jurors by the prosecutor to get an all-white jury in the case of Cornelius Singleton could not be reviewed by the courts because of a procedural technicality.

Mr. Carnes has simply not been straightforward with the Senate. He has used the full force of the State to perpetuate the ugly legacy of the past that black lives are inherently less worthy than white ones.

He also knows that politics and the passions of the moment often influence the actions of elected State judges in capital cases. Yet he has asked Congress to pass laws virtually eliminating any Federal court review of capital cases.

The eleventh circuit court hears appeals from Alabama, Florida, and Georgia, and has been a beacon of hope to millions of Americans in pursuit of civil rights and equal justice. It has enforced the rights of poor and minority Americans when State officials were standing in the schoolhouse doors. The judges on this bench, including Frank Johnson, whom Carnes hopes to succeed, were often the only shield left to protect an individual's rights. They gave meaning to the guarantees of equal protection and due process. At this critical time in our Nation's history, we do not need on the Federal bench people like Mr. Carnes who perpetuate injustice.

We have reached a regrettable point in our Nation's history if the best we can say about a nominee's commitment to equal justice, as Mr. Carnes' supporters have argued, is that he is not a member of a country club and attends a slightly integrated church. There is no comfort in the assurances of some that the nominee will surprise us once on the bench. We have heard this tune before—in the very recent past—and there have been no surprises, merely outrage.

A majority of citizens in this country already perceive the justice system to be ridden with racial prejudice and weighted against the poor and powerless. Confirmation of Ed Carnes would be salt in the wounds of racial prejudice exposed by the Rodney King verdict. It would be both acceptance and perpetuation of racial exclusion in the courts.

I will vote against cloture and against confirmation of Mr. Carnes, and strongly urge my colleague to do the same.

Mr. PELL. Mr. President, today I voted against the confirmation of Ed Carnes to serve on the Court of Appeals for the Eleventh Circuit. In general, I give much weight to Presidential perogative when considering an executive branch nominee. I feel that such nominees should in general be confirmed unless they possess unique and troubling qualities which make them unfit for the office for which they are nominated.

In the case of Mr. Carnes, I am deeply troubled by a seeming lack of sensitivity to the problems of racism in our society and the questionable record compiled while prosecuting capital cases in Alabama. At a time in our country when the fairness and sensitivity of our judicial system is being called into question by many, I believe we must

act with particular care in appointing those individuals most qualified to positions on the Federal bench. I do not believe Mr. Carnes has yet demonstrated that quality and therefore oppose his nomination.

Mr. HATFIELD. Mr. President, throughout my career in public service, I can think of few issues that have torn at me more deeply than the issue of capital punishment. I have spoken many times on this floor in opposition to its use. But, capital punishment is not the issue before us today. As difficult as it is sometimes, we must evaluate judicial nominees in light of their duties under the laws as they existed during the time of service we are attempting to evaluate.

The duty of a prosecutor, like the duty of a judge or a Governor, is to work to uphold the will of the people. To ambitiously advocate the application of capital punishment under the laws of a particular State, as some criticize Mr. Carnes for doing, does not speak to his qualifications to hold office any more than advocating the death penalty during Senate debate determines the qualifications of my colleagues who differ with me on that issue.

It was 30 years ago last month when the death penalty was last used to kill a man in the State of Oregon. I was serving as Governor at the time, and was the final person with the power to halt this act. I also happened to be profoundly opposed to the barbaric retributive killing that we call a death penalty, just as I continue to be opposed to it today. But, the will of the people in Oregon was clear at that time—they had recently turned down a proposed repeal of the penalty—and the facts surrounding that case were even clearer. After agonizing over what may be the most difficult decision I have faced, I decided that my duties in office of Governor would not allow me to commute the death sentence of that prisoner.

The issue before us is the qualification of Mr. Carnes to sit as a Federal judge. In considering judicial nominations, we must view potential judges over a whole range of issues. The record indicates that Mr. Carnes is qualified on issues relating to civil rights. He has the support of many in Alabama who have made a career of advocating civil rights. We have letters in support of Mr. Carnes' record on civil rights from defense attorneys and prosecutors with whom he worked. This is a Federal appellate court position. Mr. Carnes also has extensive experience litigating in the Federal appellate court. As an assistant attorney general, his job should be to advocate strongly for the State. The record does not indicate that he overstepped the boundaries of effective advocacy. The record shows that Mr. Carnes is an intelligent hard-working man with many years of experience in Federal litigation who deserves our vote for confirmation.

The PRESIDING OFFICER. All time has expired.

Mr. MITCHELL. Mr. President, has my leader time been reserved?

The PRESIDING OFFICER. The Senator is correct.

Mr. MITCHELL. Mr. President, I would like to use a portion of my leader time to make a brief statement.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I intend to vote against the nomination of Edward Carnes to the U.S. Court of Appeals for the Eleventh Circuit. This President, indeed any President, is obligated to submit nominees to the Federal bench who are qualified for that office, and the President is entitled to nominate those who share his judicial philosophy. But the Senate has also its own obligations in this process. These include, but are not limited to, the determination of fitness to serve. In this particular case I have reluctantly concluded that I cannot give my consent to the nomination.

By all accounts Edward Carnes is an intelligent and energetic prosecutor. While he has no direct experience on the bench, he is familiar with the judicial process. On paper he is qualified for the post to which he has been nominated. But there is more to being a judge than having a strong resume.

There is judicial temperament, a quality which cannot be precisely measured, but which is ultimately the quality which determines the respect the American people have for the judicial process and the justice it dispenses. Judicial temperament goes beyond the nominee's views on a specific matter involved. It goes beyond the nominee's opinions on the controversial issues of the day.

Judicial temperament is the quality of mind and attitude which brings to the pursuit of the law a special reverence for the pursuit of justice as well as for equality. It allows those who sit in judgment on others, one of the most difficult tasks for any human being to perform, to transcend their own backgrounds when they must decide questions which will affect the lives and, in some cases, the deaths of others. It is on this question that I have doubts about the nomination.

Mr. President, the entire purpose of the constitutional protection guaranteed to all Americans is to ensure fairness to defendants charged with crimes and to assure justice to society. That above all ought to be the criterion juries ought to keep permanently in mind.

The American system of criminal justice is the finest in the world. Our procedures are carefully drawn and their effect is continually monitored by our Federal courts to ensure the constitutional rights which help guard against the miscarriage of justice are observed by the officers of the court and effective in practice as well.

As a former official of our courts, a prosecuting attorney, a defense attorney, and a Federal judge, I am well aware of the strength and tenacity of the efforts our system expends to prevent miscarriages of justice. But precisely because I have a close personal knowledge of the workings of the system, of the nature of the process, and especially of the unpredictable and unexpected events that occur in the legal process, I am also acutely aware of the fact that our system will never produce infallible justice. But the prevention of error, the paramount concern of the delivery of justice, ought to be a high priority.

Supporters of the death penalty have argued for years that the procedural safeguards surrounding the death penalty would reduce the danger of making a mistake. But what if those safeguards are not adhered to because of inadequate defense counsel at the trial level, for example? Are they then relegated to the status of mere technicalities?

Apparently, in Mr. Carnes' view, they are. And it is such sensitivity to such questions that I find lacking. To be sure, he was doing his job.

Mr. President and Members of the Senate, his job at times involved putting people to death.

If ever a job called for particular attention both to reality and the appearance of fairness, it is then. If confirmed to the court of appeals, Mr. Carnes will be confronted again and again and again with appeals based upon technical irregularity, procedural defects, and inadequate counsel. At the same time, as the Supreme Court hears fewer criminal cases on appeals, the Nation's appellate courts carry an increasing burden in preserving the full scope of constitutional guarantees to the cases that come before them.

Indeed, for the overwhelming majority of defendants in the Federal system, appellate courts are the final courts. The appellate courts hear and decide about 41,000 cases a year. Of those 41,000, only about 100 are further reviewed by the Supreme Court. For the overwhelming majority of persons in the criminal justice system, there is no realistic hope for appeal from the decision of the appellate court. That is where the cases end.

Unfortunately, Mr. Carnes' record with respect to the importance of protecting and securing the necessary safeguards, when he recognized and acknowledged that defects exist, leads me to believe that he should not be confirmed, and I will vote against the nomination.

CLOTURE MOTION

The PRESIDING OFFICER. The clerk will state the cloture motion.

The bill clerk read as follows:

CLOTURE MOTION

We the undersigned Senators in accordance with the provisions of rule XXII of the Standing Rules of the Senate do hereby move to bring to a close debate on the Edward Carnes nomination:

Strom Thurmond, Frank H. Murkowski, Bob Dole, Larry Pressler, Thad Cochran, Larry E. Craig, Bob Kasten, Mitch McConnell, Ted Stevens, Conrad Burns, Slade Gorton, Alfonse D'Amato, J. Warner, Al Simpson, Trent Lott, Malcolm Wallop.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is: Is it the sense of the Senate that debate on the nomination of Edward E. Carnes to be U.S. circuit judge for the eleventh circuit shall be brought to a close?

The yeas and nays are required. The clerk will call the roll.

The assistant legislative clerk called the roll:

Mr. PELL. Mr. President, on this vote, I have a live pair with the Senator from Tennessee [Mr. GORE]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "aye." I, therefore, withhold my vote.

Mr. FORD. I announce that the Senator from Tennessee [Mr. SASSER] is necessarily absent.

On this vote, the Senator from Tennessee [Mr. GORE] is paired with the Senator from Rhode Island [Mr. PELL]. If present and voting, the Senator from Tennessee would vote "nay" and the Senator from Rhode Island would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 66, nays 30, as follows:

[Rollcall Vote No. 192 Ex.]

YEAS—66

Akaka	DeConcini	Kassebaum
Baucus	Dixon	Kasten
Bentsen	Dole	Kerrey
Bond	Domenici	Kohl
Boren	Durenberger	Leahy
Brown	Exon	Lieberman
Bryan	Ford	Lott
Burns	Garn	Lugar
Byrd	Gorton	Mack
Chafee	Graham	McCain
Coats	Gramm	McConnell
Cochran	Grassley	Murkowski
Cohen	Hatch	Nickles
Conrad	Hatfield	Nunn
Craig	Heflin	Packwood
D'Amato	Helms	Pressler
Danforth	Jeffords	Reid
Daschle	Johnston	Roth
Rudman	Simon	Symms
Sanford	Simpson	Thurmond
Seymour	Smith	Wallop
Shelby	Stevens	Warner

NAYS—30

Adams	Harkin	Moynihan
Biden	Hollings	Pryor
Bingaman	Inouye	Riegle
Bradley	Kennedy	Robb
Breaux	Kerry	Rockefeller
Bumpers	Lautenberg	Sarbanes
Cranston	Levin	Specter
Dodd	Metzenbaum	Wellstone
Fowler	Mikulski	Wirth
Glenn	Mitchell	Wofford

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Pell, for

NOT VOTING—2

Gore Sasser

The PRESIDING OFFICER. On this vote the yeas are 66, the nays are 30. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

NOMINATION OF EDWARD E. CARNES TO BE U.S. CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT

The Senate continued with the consideration of the nomination.

The PRESIDING OFFICER. Under the previous order, the question occurs on the nomination of Edward E. Carnes to serve on the eleventh circuit.

Mr. MITCHELL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, will the Senate advise and consent to the nomination of Edward E. Carnes, of Alabama, to be a U.S. circuit judge for the eleventh circuit? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Tennessee [Mr. GORE] is necessarily absent.

The PRESIDING OFFICER (Mr. FOWLER). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 62, nays 36, as follows:

[Rollcall Vote No. 193 Ex.]

YEAS—62

Akaka	DeConcini	Kassebaum
Baucus	Dole	Kasten
Bentsen	Domenici	Kohl
Bond	Durenberger	Lieberman
Boren	Exon	Lott
Brown	Ford	Lugar
Bryan	Garn	Mack
Burns	Gorton	McCain
Byrd	Graham	McConnell
Chafee	Gramm	Murkowski
Coats	Grassley	Nickles
Cochran	Hatch	Nunn
Cohen	Hatfield	Packwood
Conrad	Heflin	Pressler
Craig	Helms	Reid
D'Amato	Jeffords	Roth
Danforth	Johnston	Rudman
Sanford	Simpson	Thurmond
Sasser	Smith	Wallop
Seymour	Stevens	Warner
Shelby	Symms	

NAYS—36

Adams	Harkin	Moynihan
Biden	Hollings	Pell
Bingaman	Inouye	Pryor
Bradley	Kennedy	Riegle
Breaux	Kerrey	Robb
Bumpers	Kerry	Rockefeller
Cranston	Lautenberg	Sarbanes
Daschle	Leahy	Simon
Dixon	Levin	Specter
Dodd	Metzenbaum	Wellstone
Fowler	Mikulski	Wirth
Glenn	Mitchell	Wofford

NOT VOTING—1

Gore

So the nomination was confirmed.

Mr. THURMOND. Mr. President, I move to reconsider the vote.

Mr. GARN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1993

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session to resume consideration of H.R. 5679, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 5679) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development and for sundry, independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1993, and for other purposes.

The Senate resumed consideration of the bill:

Bumpers amendment No. 2956, to reduce funding for the implementation of the Space Station Freedom and to increase funding for certain VA health-care related activities.

AMENDMENT NO. 2956

The PRESIDING OFFICER. The pending question is the Bumpers amendment No. 2956. It is the Chair's understanding the remaining time for debate is controlled as follows: the Senator from Arkansas [Mr. BUMPERS] controls 79 minutes; the Senator from Ohio [Mr. GLENN] controls 24 minutes; and the managers control 37 minutes.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas [Mr. BUMPERS].

AMENDMENT NO 2956, AS MODIFIED

Mr. BUMPERS. I ask unanimous consent that I be permitted to modify my amendment.

The PRESIDING OFFICER. Is there an objection?

Mr. GARN. Mr. President, reserving the right to object, and I probably will not, I just would like to know what the modification is.

Mr. BUMPERS. Mr. President, if I may explain to the Senator from Utah,

we had a strike of $2.1 billion. There is a total of about $7 billion in the bill for R&D. This reduces the $7 billion, which accomplishes the very same thing.

The PRESIDING OFFICER. Hearing no objection, the amendment is so modified.

The amendment (No. 2956), as modified, is as follows:

On page 103, strike lines 6 through lines 17 and insert in lieu thereof the following: "vehicles; $5,517,100,000 to remain available until September 30, 1994: *Provided*, That $500,000,000 shall be made available for termination of contracts relating to Space Station Freedom; that $200,000,000 shall be made available for Veterans Health Administration Medical Care in addition to sums otherwise appropriated; that $62,000,000 shall be made available to Veterans Health Administration Medical and Prosthetic Research in addition to sums otherwise appropriated: *Pro-*".

Mr. BUMPERS. Mr. President, I yield the Senator from Illinois such time as he may use.

The PRESIDING OFFICER. The Senator from Illinois [Mr. SIMON] is recognized.

Mr. SIMON. Mr. President, I shall not be long.

Not too long ago the House and the Senate, to a more limited extent, debated whether or not we need a constitutional amendment to require a balanced budget. One of the arguments I heard was that we do not need a constitutional amendment; we can do it on our own.

Well, yes, we can do it on our own, but we are going to illustrate, I regret to say, in whatever the time limit is here, 2 hours, we are probably going to illustrate we are not going to do it on our own. We need the discipline, frankly, of a constitutional amendment to force us to make the tough decisions, and some of the decisions are tough.

I supported the super collider. My friend, the Senator from Arkansas, had the amendment to eliminate it. I think on balance it is needed.

But you know how we work out the compromises around here. We work out the compromises such that if you are for a super collider, we end up voting for that. If you are for a space station, we end up voting for that. And the compromise results in huge deficits and massive harm to our economy.

The New York Federal Reserve Board has recently said in a study that the savings loss in this country primarily because of the deficit has cost us 5 percentage points in growth in GNP. One percentage point, according to the CBO, means a loss of 650,000 jobs. And now we have a proposal for a space station, the cost of which at least will be $40 billion.

Just yesterday David Broder in his column in the Washington Post said the most difficult question the next President will face, whether it is George Bush or Bill Clinton, will be how to control the deficit.

Do we impose another $40 billion? It may run up to $100 billion. My friend, the Senator from Arkansas [Mr. BUMPERS] probably has more information on that, but it will be at least $40 billion. Do we impose that on the next President of the United States? What does the scientific community say?

The Council of Scientific Society Presidents says, "Scientific justification is lacking for a permanently manned space station in Earth orbit."

There are other quotes here. They were sent around in a "Dear Colleague" by our friend and colleague from Arkansas.

I ask unanimous consent, Mr. President, to insert all of these statements by various scientific leaders on the inadvisability of going ahead on the space station in the RECORD.

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

SPACE STATION QUOTES

"The Board believes that neither the quantity nor the quality of research that can be conducted on the proposed station merits the projected investment. * * * If such funds were made available, the research community would likely choose to spend them in a very different way."—Space Studies Board, National Research Council.

"Scientific justification is lacking for a permanently manned space station in earth orbit."—Council of Scientific Society Presidents.

"Neither the commercial processes nor the scientific merit of the microgravity experiments come close to justifying the cost and effort required to build, deploy, and operate the [space] station."—Dr. Allan Bromley, Science Adviser to President Bush.

"In an era of limited resources for science and technology, the United States must choose its priorities carefully. The United States is spending a lot of resources on national prestige technology projects that make little contribution to U.S. economic growth and competitiveness. Comparable spending on generic industrial technology would not only have a major impact on America's international prestige, but also its standard of living, national security and international influence."—U.S. Council on Competitiveness (organization of chief executives from business, higher education, and organized labor: Bobby Inman, George Fisher, chmn. of Motorola, John Akers of IBM, Don Peterson, chmn. of Ford).

"The [space] station * * * to many space experts, it is far from novel or innovative."—"Don't Fight the Revolution," lead editorial, Space News, May 25-31, 1992, page 14.

"These are the critical technologies in which Japan is eating our lunch."—Dr. Eugene Levy, head of U. of Arizona planetary program, in explaining why unmanned spacecraft to Mars would cost less than the space station and would do more to advance research in computers, robotics, and communications.

"None of [U.S. competitive technology] needs are addressed by the proposed Space Station's programs or capabilities * * * the Space Station will do far less to address our country's industrial competitiveness in the coming years than most of the other programs presently in need of government support."—Dr. Arno Penzias, Vice President for Research, Bell Laboratories.

"If a weightless scientific platform is what's wanted, there's no need for a manned space station: most microgravity experiments can be done and much less expensively by unmanned craft."—Robert Sekerka, Chair, Committee on Microgravity Research, Space Studies Board, National Research Council.

"Informed materials scientists uniformly agree that a low priority to commercial materials processing is appropriate * * * Commercial payoffs in materials processing are a generation away."—Robert Bayuzick, Chair, Space Station Science and Applications Advisory Subcommittee.

"[I'd emphasize] competitive based technologies * * * big programs such as the SSC and the Space Station come last."—Dr. Eric Bloch, Former Director of the National Science Foundation, 1984-1991 Distinguished Fellow of The Council on Competitiveness, in response to question about R&D funding priorities for economic competitiveness, June 20, 1991.

Mr. SIMON. Mr. President, we just cannot do everything we would like to do. That is the lesson. Virtually everything we can learn from a space station we can learn without having a space station, and not waste $40 billion-plus.

So I strongly agree with the amendment of my friend from Arkansas. I am not optimistic that we are going to pass the amendment. But I would again say this simply underscores the need for a constitutional discipline so that we are forced to make the tough decisions that we have to make.

Mr. President, whatever time I may have left, I yield to the Senator from Arkansas.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I yield 5 minutes to the Senator from Connecticut [Mr. DODD].

The PRESIDING OFFICER. The Senator from Connecticut [Mr. DODD].

Mr. DODD. Mr. President, let me thank the distinguished Senator from Maryland and commend her for the fine way in which she is managing this legislation. As we all know, this is always difficult legislation because of the complexity of issues involved. So I commend the Senator from Maryland on her efforts this year.

I would also like to commend my colleague from Arkansas, who, in my view, rightly raises an amendment in the debate on these issues and raises, certainly, very legitimate concerns about this important program.

But having said that, Mr. President, I also say that I oppose the amendment. I have done so in the past and will do so again today. I believe the continued funding for the space station *Freedom* is a critical program for this country's future and the future of American space exploration. The vote before us is crucial and will determine the course of space experimentation and space technology for the next decade.

And some of that technology is ready today. I am proud to represent the men and women of Hamilton Standard whose extra vehicle space suits are the

very ones most likely to be used by NASA when constructing space station *Freedom*.

We have the commitment, Mr. President, and we have the technology.

We must not stop now. We have a responsibility to look toward the future. We must consider the enormous potential this project can provide.

Today's vote represents a vote for that future. More importantly, it represents a continuation of a commitment toward scientific space exploration well into the next century. As we consider these issues, I cannot help but draw attention to the enormous potential benefits that this project holds for generations to come.

In the field of biotechnology alone, the unique microgravity environment of space station *Freedom* will allow scientists to explore new areas of crystalline research. The possible results of this critical research could mean new breakthroughs in pharmaceutical technologies beyond absolutely anything we now know.

And with continued biomedical applications, space station *Freedom* research may one day lead to less costly means of production for more purely defined medications and vaccines that could one day help eliminate the major diseases now killing millions of Americans each year and reduce the staggering health care costs to the American taxpayer.

Imagine the possibilities, Mr. President. Improved technologies and methods may one day provide us with the means to eradicate deadly diseases.

Cancer, glaucoma, and quite possibly AIDS, might one day be diseases of the past given the benefits of microgravity research instigated in the scientific cells of space station *Freedom*. These are just a few of the possible horizons which space station *Freedom* might help us to attain.

Mr. President, under the current payload schedule presented by NASA, the schedule of experiments for space station *Freedom* represent no less than 32 different scientific fields for experimentation between 1996 and the turn of the century. These are experiments drafted today—ready to go. Many of these experiments are simply on hold, waiting for a chance to be implemented in the greatest space laboratory ever created.

From bioregenerative water systems research, to advanced microchip development, the field is wide open.

Mr. President, we cannot turn our backs on America's space program. Too much is within our reach for us simply to walk away. We must not let our commitment to space exploration and the scientific possibilities that could be ours slip away.

The commitment is not just ours. What makes this program unique in many ways is that it is a combined effort. It is not a question of whether or not there will be a space station. Clearly, the involvement of our allies to go forward indicates that there will be that development. So our commitment extends beyond our borders. One international partnership is clearly in question.

We must look to the future, Mr. President.

I believe future generations will look back and be thankful to this generation for not having backed away from this endeavor.

America needs space station *Freedom*. The possible returns on today's investment are staring us squarely in the face. Hundreds of critical biomedical experiments are backlogged eagerly awaiting the opportunity to test themselves in the microgravity environment of our orbiting laboratory.

Space station *Freedom* is a program with a purpose, and a program with promise. I urge and encourage my colleagues to support continued funding to make space station *Freedom* a scientific reality.

Mr. President, I thank the distinguished Senator from Maryland for her time and urge my colleagues to reject this amendment and to support this program.

Ms. MIKULSKI. Mr. President, we have unofficial rotation for the Senator from Arkansas. We are going to yield to the Senator from Mississippi.

Mr. COCHRAN. Mr. President, I thank the distinguished manager of the bill.

Mr. President, I strongly support the funding contained in this bill for space station *Freedom* and I commend the distinguished managers of this bill, who have brought a bill to the floor which includes funding to ensure the continuing preeminence of this Nation in space. I have been for several years a member of the unofficial space station caucus, and I support the committee's action in providing $2.1 billion for this project.

Space station *Freedom* will not only provide the obvious benefits in space exploration and research in critical technologies, but, also, it will provide important benefits in the area of education, such as motivation, and career paths for a new generation of engineers and scientists.

The commercial potential of space is now being realized through the shuttle, as well as other launch vehicles. The space station will greatly expand the utilization of this potential, with longer duration experiments, as well as the capability to build on results of ongoing work as results are determined.

Some of the spinoffs of prior space activities are computed tomography scan, magnetic resonance imaging, and laser angioplasty in medicine, as well as computer advances such as the computer reader for the blind and the data glove method of interaction with computers.

I recognize that this is an expensive program, but every Member of this Senate can remember that day in 1969 when we put a man on the Moon. That was one of the key events of our lifetimes, and the space station will lead to other voyages of discovery just as momentous.

This bill also includes $50 million for the advanced solid rocket motor program. In this body, we sometimes get into chicken and egg arguments. In the case of the ASRM and the space station, no matter which comes first, the overall space program will be better served if both programs proceed forward together. I am hopeful that the upcoming conference will result in a bill that provides adequate funding for both programs, which will allow the space station to be built in the safest possible way, while providing maximum flexibility as both programs proceed. I appreciate the efforts of the managers to permit these decisions to be made in conference.

Mr. President, I urge my colleagues to oppose the pending amendment.

The PRESIDING OFFICER. Who yields time?

Mr. BUMPERS. Mr. President, I yield to the Senator from Maine such time as he may use.

Mr. COHEN. I thank the Senator.

Mr. President, my only hesitancy in standing here today in opposition to the funding of the space station *Freedom* is the presence of my colleague, the senior Senator from Utah. He has a distinguished career not only here on Earth but also in space, and I know of his deep commitment to our space programs. He indeed is an explorer and represents the pioneer spirit of the American people.

But I must say that when we stand on this floor and argue day after day about the size of the budget deficit and then agree to fund programs of the magnitude represented by this particular program, then I say that there is no hope that we will ever bring our budget deficit under control. We say one thing, and we do quite another the very next day.

With respect to this particular program, when it was originally conceived, it had eight missions it was designed to perform. Those eight missions have now been reduced to one mission, to be a laboratory for life science and microgravity research. Yet, according to the scientific community, the overwhelming body of scientific testimony would indicate that this research can be performed just as well, and less costly, right here on Earth or by using other space platforms.

So now we have a situation in which a program started out as a $12 billion program. It is now calculated to approach, if not exceed, some $118 billion. We have witnessed time after time after time, particularly in the defense

industry, major programs being sold to the Congress as costing a minimum amount, only to find several years later the costs have been greatly understated.

In this particular case, I think the scientific and the industrial benefits are grossly exaggerated, and indeed the scientific research community is opposed to the space station. The only benefits to be derived from the program will be accrued by those companies that hold space station contracts, and not the American people whose taxes will pay for this $118 million engineering extravaganza.

Mr. President, we have, it seems to me, a Rolls Royce ambition, but a rent-a-wreck budget. This should not be called space station *Freedom*; it should be called space station incarceration, because we are in fact going to imprison the future generations of this country with a budget deficit they will be unable to bear.

We are witnessing at the Presidential campaign level not a feeding frenzy but a spending frenzy. I will not take the time today to talk about the devastation that has afflicted the State of Florida and the horror that the people of that State now have to endure.

Mr. President, for the President of the United States to declare without even consulting Members of Congress or waiting to get a judgment of the need to rebuild Homestead Air Force Base, but to pledge a half-billion dollars to the rebuilding of that particular facility again poses the question: When are we ever going to deal seriously with the budget deficit of this country?

I have a number of statements made not only by scientific organizations and institutions of this country but by the President's own science adviser, Dr. Allen Bromley. He stated, "Neither the commercial processes nor the scientific merit of the microgravity experiments comes close to justifying the costs and effort required to build, deploy, and operate the station."

Earlier this year, Dr. Bromley was asked, "Is there any scientific value to the space station?" His response was a categorical: "No. None whatsoever."

The American Physical Society and the American Chemical Society are the principal associations for American physicists and chemists. In a joint statement, these and several other professional societies have stated that:

> Scientific justification is lacking for a permanently manned space station in Earth orbit. We are concerned that the potential contribution of a manned space station to the physical and life sciences has been greatly overstated and that most objectives currently planned for the space station could be accomplished more effectively and at much lower cost on Earth, using unmanned robotic platforms, or using the shuttle.

An even stronger statement was recently issued by the American Physical Society, the American Society of Cell Biology, the American Geophysical Union, and a dozen other scientific societies. These groups, representing over a quarter million scientists, stated:

> The space station is a multibillion-dollar project of little scientific or technical merit that threatens valuable space-related projects and drains the scientific vitality of participating nations. International cooperation should instead be directed toward projects with scientific value or cost-effective technical potential.

This view is shared by nearly all the other major professional associations of scientists in the United States, including the American Chemical Society, the Institute for Electrical and Electronic Engineers, the American Association for Cancer Research, and many others.

Mr. President, these are the very people who would be the beneficiaries of the space station, according to NASA. And yet these associations of hundreds of thousands of scientists are adamantly opposed to the space station. Clearly, the purported scientific research justification for the space station is nothing but a NASA sales pitch.

So now let us turn to the latest arguments being advanced to support this particular measure. It is said to improve America's economic competitiveness. In a letter sent out last month to Senators, NASA Administrator Daniel Goldin suggested that proceeding to the space station is necessary if United States is going to remain "the world's leading economic power with a technically skilled work force * * * and the world's engine of scientific and technological advancement." He said, canceling the space station would "let another critical technology arena go to our competitors."

Earlier this week, in another letter to Senators, he said, repeating this hyperbole, that the space station was needed to "sustain U.S. economic leadership."

I want to compare that statement with the assessment of the U.S. Council on Competitiveness, which brings together chief executives from business, higher education, and labor to recommend ways to improve our international competitiveness. The council said:

> The United States is spending a lot of resources on national prestige technology projects that make little contribution to U.S. economic growth and competitiveness. Comparable spending on generic industrial technology would not only have a major impact on America's international prestige, but also its standard of living, national security, and international influence.

Arno Penzias, the Nobel laureate and vice president for research at Bell Laboratories, put it more bluntly when he said:

> None of the U.S. competitive technology needs are addressed by the proposed space station's programs or capabilities. * * * The space station will do far less to address our country's industrial competitiveness in the coming years than most of the other programs presently in need of government support.

This view was echoed by the former Director of the National Science Foundation, Erich Bloch. When he was asked what should be our research and development funding priorities in order to improve our economic competitiveness, Dr. Bloch stated that the United States should emphasize "competitive based technologies * * * big programs such as the SSC and space station come last" in priority.

Well, perhaps Mr. Goldin can be forgiven, since he recently moved to NASA from a defense contractor. As my colleagues know all too well, in the defense contractor culture, overselling one's project is expected behavior. Just as the B-2 is going to replace half of the tactical Air Force and the entire carrier fleet, so the space station is now going to save the American economy.

Mr. President, the exact opposite is the case. Every dollar that we appropriate for the space station is a dollar that could better be spent on reducing the deficit, pursuing research that does have value, and otherwise investing in our Nation's future. With a price tag for the station now at $118 billion and only going up, that is a great deal of productive investment we are going to forego.

Let me say that the Senator from Connecticut recently talked about the tremendous potential that research carried out in space can in fact have for future generations. The scientific community seems to indicate that we can carry out that research right here on Earth at a lower cost and just as effectively. So we are now left to the issue of whether we are going to lose our competitiveness. And the National Council on Competitiveness says we are going to lose our competitiveness by investing in programs such as the space station.

In his letter to Senators last month, Administrator Goldin said Senators should vote on the Bumpers amendment only after asking themselves "where would I like to see this Nation in 8 years—at the start of the next millenium?"

Mr. President, my answer to Administrator Goldin's question is that I do not want to see our Nation still facing $400 billion deficits as far as the eye can see. I want to see a Nation with its fiscal house in order. I want to see our precious R&D dollars devoted to programs that truly advance knowledge and promote our economic well being, rather than the narrow economic interest of a few large contractors located in States that happen to have lots of electoral votes.

The National Research Council's Space Studies Board summarized it best: "Neither the quantity nor the quality of research that can be conducted on the proposed station merits the projected investment."

One famous poet said: We shall not cease from exploration; at the end of

all of our exploration, we will arrive at a place where we begin and know it for the first time.

I think it is time to come back to Earth to carry out the kinds of experiments that we know we can afford, which will produce just as good and fine results as they can in space and at a price that we can afford. We cannot afford the luxury of thinking in Rolls Royce terms, once again, while having this rent-a-wreck budget.

I urge my colleagues to support the Bumpers amendment.

The PRESIDING OFFICER. Who yields time?

Ms. MIKULSKI. Mr. President, would the Senator from Arkansas like to proceed? I am happy to yield.

Mr. BUMPERS. Mr. President, I will summarize what I said last evening. I have one other speaker. I think Senator SASSER wishes to speak, and we will probably, if there is any time left, be prepared to yield back our time. We can get the show on the road a little faster that way.

Mr. President, first of all, one thing I neglected to say last night is that I favor the space station. I favor the superconducting super collider. I am not sure I can add the B-2 bomber to that. I can say that I favor a limited SDI. I do not favor a $30 billion intelligence budget. I do not favor a $110 million budget for the Capitol Architect, and I could go on with a host of other things.

But I just want to say that I have offered, am offering, and will continue to offer amendments which only cut about $10 billion out of the deficit for 1993. But, Mr. President, I cannot state strongly enough that it is not just the $10 billion next year on these amendments, it is not just the $2.1 billion for the space station in 1993. We are talking about in the case of the super collider not $500 million in 1993. We are talking about $20 to $30 billion and maybe more over the next 28 years.

In the case of the space station we are talking about not $2.1 billion next year, we are talking about $118 billion according to GAO and $200 billion according to the House study. Mr. President, we are not talking about $118 billion for the next 30 years to operate and man the space station. We are talking about roughly, counting a 3-percent inflation rate, almost $400 billion over the next 30 years.

We are going to borrow every single penny it takes to build it. Mr. President, what do my children and my grandchildren get for the $118 billion, and I am trying to be truthful and conservative in my estimates, nobody believes that today's projection of $118 billion is going to stand. When the President first talked about it he talked about $8 billion. We are now up to $30 billion to build it and $10 billion for the payload. We are talking about $40 billion just to throw it in space, and $78 billion to operate it over the next 30 years. That is $118 billion, and as I say the figure will obviously be much greater but I will use those conservative figures.

What do we get for $118 billion? According to every scientific organization worth their salt, nothing. And what do we get for the extra $200 to $300 billion in interest that we are going to pay over the next 30 years? You do not have to have scientists to figure that out. Nothing.

Oh, Mr. President, this makes me yearn for the days when I was a trial lawyer. What I would not give to submit this case to a jury of 12 men and women good and true. The verdict would come in within 30 minutes. They would hardly get in their seats in the jury room.

That is all lost on the U.S. Senate. I do not know why.

I just got back from 30 days in Arkansas and I can tell you people are upset. They want to know about the deficit. And I tell them what I am trying to do. They do not understand the space station. They do not know about the super collider. They do not know that the deficit in 1990 was $277 billion. They do not know that the deficit in 1991 was $338 billion. And they barely know that in 1992 it is $400 billion and nobody here cares.

The President says I want a constitutional amendment to balance the budget. That is like saying: Stop me before I kill again.

I may vote for it out of abject frustration next year. As a two-bit constitutional scholar I cannot for the life of me understand how that works, when President Reagan said, I will balance the budget for 1984. The Republicans were in control of this Senate for 6 years, had very effective working control of the House with 54 boll weevil Democrats committed to vote for everything Ronald Reagan requested, and by 1984 the deficit was up—not balanced, but up—to $200 billion, by far the biggest in history.

By 1986 we doubled the national debt. That is when you began to hear: If I only had line-item veto. If I could get a constitutional amendment to balance the budget. Oh, if it were not for that spendthrift Congress.

The President says: I cannot spend a dime if they do not appropriate it. What he neglects to add is he cannot spend a nickel he does not sign off on. And what does the President feel about the space station? He is hot for it. How does the President feel about the super collider? He is hot for it. How does he feel about SDI? He is hot for it.

If you could get just that spendthrift Congress under control.

Mr. SASSER. Mr. President, will the Senator yield for a question?

Mr. BUMPERS. I am happy to yield for a question.

Mr. SASSER. Is the Senator aware of the fact that during the years of Reagan-Bush that this Congress has appropriated $17 billion less than President Reagan and President Bush requested in their budget request?

Mr. BUMPERS. I am not only aware of it, I had my staff study this 2 years ago. Two years ago it was $30 billion less than they had asked for.

But to get on with the story, Mr. President, I hear all these people around here talking about microgravity research, crystallography, life sciences.

Two months ago, Mr. President, I picked up the Washington Post and I see where NIH and NASA entered into what looked to me from the report an agreement on the kind of research that was going to be done on the space station. I thought now if I ever saw a political ploy that is it. You know they always roll out the B-2 just before the appropriations process. I can remember many years ago the American Cancer Society used to come up with all kinds of new cures and so on just before the cancer drive started.

So they say NIH and NASA this is wonderful they are going to cure cancer with the space station. Bernadine Healy, Dr. Healy, who is head of the National Institutes of Health, was so distressed about the whole thing she writes Daniel Goldin, who is the Administrator of NASA. She said:

> DEAR MR. GOLDIN: I am concerned that recent newspaper articles have presented a distorted view of the essential nature of the recent Memorandum of Understanding (MOU) that was signed by the National Institutes of Health (NIH) and the National Aeronautics and Space Administration (NASA). I am particularly disturbed by the implication that NIH views future space experiments as critical to the overall success of the biomedical research enterprise. Moreover, your draft letter of July 22 intended to go to members of Congress might be further misconstrued to reinforce this notion.

You see Dr. Goldin immediately sends a letter to everybody after the press conference that said: Isn't this wonderful? We are going to cure cancer with the space station.

Then she says:

> The NIH position of this question remains as stated in my October 1991 testimony before the Subcommittee on Space of the Committee on Science, Space, and Technology, U.S. House of Representatives. At that time I remarked, "If we can understand and treat diseases like osteoporosis, people, especially women, will be able to age healthfully rather than age with illness. This would present an opportunity for us to empty our nursing homes which would have a profound affect on health care in this country. I think that when we say, is that going to be done on earth or in space, in all fairness, it must be said that it will be done on earth."

Who do we consider to be the top medical scientific group in America? The National Institutes of Health. And Dr. Healy said please do not implicate me in that mess, because we have nothing but scorn and contempt for the space station, and why? I will show you why.

Look at this chart. In 1979, Mr. President, of all the applications the NIH got for genuine good medical research in 1979, they awarded 52 percent of all the applications they got. You do not have to have 20-20 vision to see this. In 1990 they awarded 24 percent. That is where AIDS, cancer, arthritis, and multiple sclerosis, and muscular dystrophy are going to be cured. It is not going to be on the space station and where are we headed? Even the VA research project, in 1985, just 7 years the VA was refunding 77 percent of theirs and today they are down to 28 percent of the applications they confront.

You want to know what the American people think? I will answer that question. The answer is no one in this body cares what the American people think or they would not be voting for nonsense like this.

When they say on your support for medical research, 59 percent say research to improve health care and cures.

And, incidentally, 29 percent say research to solve pollution.

And where is space? Where is the space station *Freedom*? A whopping 4 percent in the minds of the people of this country.

Do you know something that is really interesting? Do you know who Allan Bromley is. Allan Bromley is President Bush's scientific adviser. Do you know what he said? I put it on everybody's desk.

In answer to the question: Is there any scientific value to the space station?

George Bush's science adviser, Allan Bromley, says, "No, none whatsoever."

And you know that great competitive council headed up by Vice President DAN QUAYLE. Here is a letter Allan Bromley wrote him in March 1991. This took a lot of courage in my opinion for the President's chief medical adviser to write a letter to the Vice President. You have heard a lot of this story about microgravity.

Dr. Bromley says you cannot even conduct microgravity in the space station as long as it is manned. Think about that. How many times have you heard the term "microgravity research" used in this debate.

He says:

> However, commercial interests in microgravity material science experiments aboard the space station have waned over the years. Our review produced no evidence for a significant commercially driven motivation for a space station microgravity facility as well as a number of specific indications of increasing interest.

And here is the key:

> It is important to note that, in addition, many of the primary microgravity experiments cannot be conducted during periods when astronauts are assembling or inhabiting the station.

So much for microgravity research. Do you know why? Because it requires absolute stillness. Astronauts walking around disturb the experiment and you cannot conduct it as long as it is inhabited.

You go past Dr. Bromley, you go past the National Institutes of Health, you go on down to the American Physical Society. Here it is. Do you remember all those magnificent quotes about the superconducting super collider and how many Nobel laureate physicists were so hot for that? Those same physicists say that is the biggest boondoggle in the history of the world.

Now I want all those people who supported the superconducting super collider and quoted one after another of the premier physicists of this country who favored that, I want them to quote those same Nobel laureates on the space station. The only quotes they will find are that they find this whole diversion of research needed dollars condemnable.

One thing that Dr. Park says in his letter, which I inserted in the RECORD last night, that I thought was good, he says the space station is nothing more or less than a product of the cold war, trying to prove to the Soviet Union, which no longer exists, that we are the big boy on the block.

One other thing I said last evening bears repeating Mr. President, and it is this: In 1985, the Japanese were running deficits comparable to ours as a percentage of their gross domestic product. And the Japanese, who have a tendency to be very realistic about economic policy, they called a little parley and said this is obviously not good economics, not good economic policy, not good for Japan.

So do you know what they did? They took away indexing of their tax system which was effectively a tax increase, they cut quite a bit of spending, and they froze other spending. And today, they have a very handsome surplus of well over $100 billion. And they are today, because their economy like ours is sick, they are committing $85 billion of that surplus to stimulate the economy. And I submit to my colleagues it would be very difficult to tap on $400 billion deficit to do the same thing in this country.

I never will forget those great McCarthy hearings when Joseph Welch, rather paternalistically looked at, I believe it was, Joe McCarthy, it might have been one of his staffers, and said, "Have you no shame?"

Have we no shame here? Are we willing to just go on forever? President Reagan said there is no such thing as a free lunch. Everybody just cheered and shouted and elected him President. And for 12 years you have been told there is not only a free lunch, there is free breakfast and free dinner, and if you want to get really elitist about it, a free supper.

Mr. President, I put something on everybody's desk. Nobody ever looks at anything on their desk. They ought to look at that. What will it cost your State?

Using the $118 billion, it is going to cost the State of Arkansas, that poor State you keep hearing about, $1.1 billion. You keep hearing about my Governor being a failed Governor of a failed State. That is better than being a Governor of the biggest State in the Nation and paying people in scrips, IOU's.

In Arkansas, we pay people cash. And we have one of the best environments, and our children rank above the national average in SAT scores, and we a relatively poor State but we have used it well. And the Sierra Club endorsed my Governor and they did not do it because my State is an environmental disaster either.

So when somebody says how would you like the rest of the States be like Arkansas, I say, I would love it. We at least balance our budget.

Well, Mr. President, we have already spent $7 billion on this, so people say, under the "nose under the tent" theory. We have already gone too far.

Well, you can still save $111 billion. What if we spend $200 billion to throw that sucker into space and it gets hit the next day by a 1-inch fleck of paint? GAO says that is enough to discommode the space station. That is like a 400-pound safe hitting it at 60 miles an hour.

I will tell you, we would be upset, would we not, about having spent all that money and a little fleck of paint doing us in? And you hear about all this great technology: We have got to stay the leader.

Well, we used to have the highest wages in the world. We are now 14th. We used to be way down the list on the crime rate. We are now No. 1. Nobody could even come close to the deficits we run, not many. No developed country allows 25 percent of their children to stay in poverty, and be dead last among developed countries in education.

Do you know why? Because we divert money for these gold-plated, exotic projects like this, have no payback, no spinoff, no nothing except tapping the taxpayers' pocketbooks. And NASA is beginning to make the Pentagon look like a piker.

They have contracts on the space station in every State—I take that back. I think it is 48; 48 States get a piece of the action. We all know how that game is played around here.

A Senator came up to me last night—on the Republican side. He is a new convert.

> Senator, I am for you this year. I wish I had voted for you last year. I am telling you one thing I do know about my State, folks are ready for some changes. They are just tired of the same old thing and politicians think they can go home and con them into believing that they are really doing something.

You watch who comes in here and votes for a $200 billion project. They

are the same people who will argue for a line-item veto, a constitutional amendment to balance the budget, term limitations—you name it; every diversion, every distraction under the shining sun except stiffening their spine and voting to cut spending.

Mr. President, the point I was going to make a moment ago is that all these advances that have been made—Senator HEFLIN put a list of 75 things that we have learned from space in the RECORD last year. I submit to my colleagues, every one of those things came from manned or unmanned space flights; not from the space station. And you are not going to do microgravity research on a manned object. And the GAO says not one single thing is planned for the space station that cannot be done by unmanned or manned flights such as the shuttle.

We know what this is. One Senator said, "Dale, I would like to vote with you but I promised old so-and-so I would help him out."

I have to tell you, and I do not want to get preachy and I do not want to sound paternalistic or moralistic about this, but I tell you, it makes me cringe; $200 billion in actual costs, $400 to $600 billion when you add up the interest over the next 30 years, saying I want to help old so-and-so. Or maybe old so-and-so is up for reelection, I want to give him a hand. That is no way to run a railroad.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Arkansas has 42 minutes.

Mr. BUMPERS. Mr. President, I will close with this quote. When you go through the list of the National Institutes of Health, the American Physical Society, the National Association of Cancer Researchers—that is 8,000 doctors in this country who do nothing but cancer research—and add to them the American Society of Oncologists, all of whom say why on Earth are you squandering this kind of money on something with virtually no payback? We want the technological edge? We do not want to lose the lead? Do you know who we lost it to? Japan and Germany. They do not even have a major space program. Why do you think they are selling everything that has any technology in it in this country? Because they did not squander their money on nonsense like this.

Oh, they are contributing. I think the Japanese have agreed to put $2.5 billion into this. I do not blame them. I might be willing to put $2.5 billion in it, if somebody else is going to put up $200 billion. And the Germans are about to chicken out because the German economy is almost as sick as ours because they gobbled up more than they could swallow with East Germany.

But let me close with this. Who else I have not mentioned do you feel are the top scientists in the country? The National Academy of Sciences. I remember in 1975, Mr. President—they kid me back home about coming to Congress and getting involved in the ozone fight. They say before I came up here I thought Ozone was a town in Johnson County, AR, which it is. But I took on the first fight in the U.S. Senate on the ozone depletion problem. And when we got ready to vote, the chemists and the chemical companies were so thick in that hallway you could not get in here. And BOB PACKWOOD and I got 33 votes.

I said then this may not be a correct theory but I think it is too dangerous not to support this amendment and stop producing these chlorofluorocarbons. It was kind of laughable. I remember going to London on a trip that fall and the British parliamentarians did not even know what I was talking about, and that is how embryonic and new it was because of a couple of young scientists at the University of California at Irvine, Rollin, and Molina, came up with the theory. I was just a freshman Senator. I was sitting back in that corner seat then. I said if we are going to make a mistake, if we are going to err, we ought to err on the side of caution because it takes these things 12 to 15 years to get into the stratosphere. And even if we stopped producing them today we will not know the total damage for 15 years. And we had 33 votes.

Back then everybody argued and said the National Academy of Sciences is going to do a study. That is the premiere, prestigious group we rely on. Two or three years later—and I want to give the space program credit, we were able to do it partly through the space program—the National Academy of Sciences came back and said this theory is probably correct. Then later on they said not only is it correct, we have a big ozone hole over Antarctica. It ought to be enough to scare the daylights out of everybody in the country. But it does not.

So what do the National Academy of Sciences, on whom everybody around here depends—what do they say about this? They say, "In the judgment of the board, Space Station *Freedom* at the present state does not meet the basic research requirements of the two principle scientific disciplines for which it is intended: Life sciences research necessary to support the national objective of long-term human exploration of space—"and bear in mind, this is not life sciences like cancer and AIDS and arthritis. This is life science to determine the effects of living in space which will affect roughly 100 more people in my lifetime who will be astronauts. And they say the same thing about microgravity research and applications.

They close out by saying:

In the judgment of the board, the proposed redesign of Space Station *Freedom* does not meet the stated national goal of enabling the life sciences research necessary to support extended human space exploration.

Bear in mind, we were thinking about going to Mars when this was talked about.

Nor does it meet the stated needs of a microgravity research community, most of whose goals can be achieved in both a more timely and cost-effective manner by alternative means.

You wind up wild, Mr. President, just from frustration. Frustration because I know I am going to lose. Everybody in this body understands this issue. Nobody is going to come in here and vote who does not understand precisely that we are talking about the future of the country, not technologically but economically and fiscally. We cannot have it all. We are not the big boy on the block anymore. We owe $4 trillion.

So it is not just frustrating, it is madness.

On the mining reform bill I got 42 votes to reform the 117-year-old mining bill. Think about that. There has never been a clearer issue presented to the U.S. Senate. There has never been an issue on which all 100 Senators understood more precisely what was involved. And I feel the same way about this.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I yield 1 minute to the ranking minority member for a comment and then will take back my time.

The PRESIDING OFFICER. The Senator from Utah.

Mr. GARN. Mr. President, with all respect to my colleague from Arkansas, I listened to exactly the same speech last evening. I heard it twice. In the interest of time, rather than going point by point, I ask unanimous consent that my rebuttal of last night be printed in the RECORD following his speech today.

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

[From the CONGRESSIONAL RECORD, Sept. 8, 1992]

Mr. GARN. Mr. President, I rise, obviously, in opposition to the amendment of my distinguished colleague, the former Governor of Arkansas. I suppose I have become a little bit weary of this debate. I want this body to know that anything I say is not a reflection on Senator BUMPERS. He and I are members of the class of 1974, and I consider him a very close personal friend, and I mean that sincerely. But we have had this debate for several years.

So I grow a little bit weary of it because I find that Congress seems to be able to afford things that are spent with the money spent prior to the election. But we have a very hard time looking down the road, 10, 12 or 15 or 20 years.

So as I listen to these cost estimates, I would suggest that no one knows at this point exactly what the space station will cost. If anybody had told this Senator when I arrived 18 years ago what the cost of Con-

gress would increase to in 18 years, I would have been appalled. We talk about being the taxpayers' friends. Where we could start is right here in this body cutting down dramatically the cost of the operation of this body.

I have the same number of staff total that I did 18 years ago when I arrived. We function just fine. I have served my State well. But I do not even remember whether it is an increase of six or seven times since I came here in the number of staff. There are a lot of places we could save money if this body had the courage to do so.

I would start at home. I think the American people would approve of that. But also we always hear the life cycle cost of programs like the space station. That is not fair unless we do that with every program. We heard about these costs over 30 or 40 years. I am not here to dispute them one way or another. But I would suggest as we look at that, look at the cost of food stamps.

I am not here to argue against food stamps. They provide a very good service in this country to a lot of needy people. But the food stamp budget is more than $8 billion more per year than the entire NASA budget. Forget the space station.

I think we ought to put these costs in perspective. But do we ever deal about food stamp costs or any other social program in terms of life cycle costs? No. We deal with them in 1 year, and multiply approximately $20 billion times 40 years. It is a lot of money. Talk about the interest on that.

So the comparisons of my friend from Arkansas we can compare to any governmental program. What is the cost of Congress going to be 30 or 40 years down the road and compound interest on that?

Let us compare all Government programs and not just single one out to make it appear far more costly than others.

We would hardly make a dent if we eliminated the space station, if we eliminated NASA. If we just say we do not want a space program anymore, no manned flights, no unmanned flights, no space program, we would eliminate 1 percent of the total budget this year.

So let us keep this in perspective. And also recognize when we talk about Congress having the courage to do something about the budget deficit that approximately two-thirds of the entire budget now are entitlement programs that we members of the Appropriations Committee have no control over. We now appropriate only for about one-third of the total budget. That is defense, that is nondefense discretionary, including NASA, NIH, and other very valuable programs, most of the educational programs that are not entitlements, interest on the national debt, and that pie will shrink.

If we continue at the present pace, you cannot cut defense enough, you cannot cut NASA enough, you cannot cut any of these programs enough to even slow the budget growth until this body and the House of Representatives have the courage to do something about the automatically indexed programs, however politically painful that may be.

You do not have to be too bright. You do not have to go to college and take college algebra to figure out that two-thirds of the budget is growing uncontrolled, no matter how rhetorical speeches that are made like tonight about fiscal year economy, that the budget deficit will only grow larger. Eliminate super collider, eliminate NASA, eliminate things that Government ought to be doing or at least traditionally we ought to be doing, water, sewer treatment plants, highways, all of the things we expect Government to do, national defense, and you are not going to solve this problem.

Get an old green eyeshade accountant with a black arm band, an eyeshade, and he has never heard of Republicans, Democrats, and liberals and conservatives, and ask him to analyze the Federal budget, and he is going to tell you the same thing. Two-thirds is uncontrollable; you cannot raise taxes enough to solve it. But we are going to pick on the space station. And pick on the space station here. There are no benefits.

Well, I cannot tell you what the benefits exactly are going to be 10 or 15 years down the road because when I was in college, when I was a senior in college, if anybody had even come up to me and said JAKE GARN, you will have the opportunity to fly in space in a reusable spacecraft, I would have said, oh, sure, because nothing had flown in space in 1955, not sputnik, nor our first 2½ pound satellite, not JOHN GLENN. Nothing had been in space. But I was able to watch JOHN GLENN, one of my great heroes on this Earth, being the first American to orbit the Earth, and even then, when that happened, little did I think I would have the opportunity to fly in space. But I did.

So how could I possible argue with the Senator from Arkansas about what the benefits will be 10, 15, or 20 years down the road. He does not know and I do not know. But I do know that from our space investment we have a $8 or $9 return to the private sector for every $1 we have spent. I defy the Senator from Arkansas or anybody else to find a Government program that you can make that statement about, 8 or 9 bucks back in the private sector for every taxpayer dollar spent. There is not one. There is not another one.

Forget dollar return. I do not know how you place a value on a human life. I do not know how you place a value on tens of thousands of people who are alive because of a heart pacemaker, or people like my daughter that are diabetics that there are insulin pumps available for. And maybe they could have been developed outside of that, but the fact is they were not. They were spinoffs. Whether we would have gone that direction or not, I do not know. But this Senator cannot place a value on a human life.

So the intangible benefits go on and on.

Said why do we not buy a Mir? I happen to have been in Moscow with General Alexi Leonov in November, who was the commander of the Soyuz part of the Apollo-Soyuz mission back in 1975. He took me on a tour of Star City. I spent considerable time in the Mir space station simulator. I am no expert. But they are not doing any serious science on Mir. Our space lab was bigger, more roomy, and was doing more serious science than they have done on Mir. Primarily, the benefit of that has been long-term physiological effects on their cosmonauts. But they have not done any serious science.

So if they gave it to us for nothing, you cannot compare space station *Freedom* with Mir. We had a better one up there, in terms of skylab. That just is an argument that does not wash at all.

There are a lot of things we can learn from the Soviets and, interestingly enough, another intangible that we do not talk about, men and women being in space. Two weeks ago I was here in Washington at the Association of Space Explorers. All you have to do to belong to that organization is have flown in space. So there are not too many to us. But even during the height of the cold war—I am sure JOHN GLENN, who is on the floor, would say the same things—it did not matter what country you were from, or what language we spoke or what the color of your skin; there is a bond among people who have flown in space that is highly unusual.

When we were at the most bitter part of the cold war, Alexi Leonov and other Russians would come up and give us hugs. We did not know a cold war was going on. We were astronauts traveling together on space ship Earth at a very high rate of speed. How do you place a price tag on that?

I am still convinced that I could even take a Hitler, a Stalin, a Saddam Hussein, and if they could look back at this planet from space, they might have an entirely different perspective on what they are doing. How do you place a price tag on that? How do you place a price tag on space station *Freedom* and an international consortium getting together—obviously we paying most of the price, but astronauts, cosmonauts, astronauts from other countries getting together for the scientific exploration and the bonding that occurs from having had that experience?

I cannot compete with the rhetoric of the Senator from Arkansas. I wish I could describe to you what only two of us in this body can, JOHN GLENN and I, what this Earth looks like from space, how peaceful it looks, how beautiful it is, how magnificent it is, and wonder why we argue and fight, and why there are any problems on this Earth. It is impossible to understand what is going on in Yugoslavia at this time from that perspective.

My point is, yes, there is $8 or $9 back in the private sector for every dollar spent. But there are intangible benefits that nobody in this body can place a price tag on, some human values of this planet, and our place in the universe, and how we ought to behave. I think this is a very good expenditure, 1 percent of our total national budget each year for NASA.

Well, I listened to the scientists and heard my colleague talk about them and how they are against it. I could parade a list of letters from scientists on the other side of the problem. With most of the scientists, if they could design the space station, they would be for it. But if it is not in their image, they are against it. I have heard that over and over again: We are against it, but if you would change this.

One of the reasons for the cost overruns is that it has been changed over and over again. A couple of years ago, the Appropriations Subcommittee of the House of Representatives said: If you will downsize it and cut the cost, you will have stable funding.

How many times has NASA been told that? If you do it the way we tell you to do it, you will have stable funding.

I fight this battle year after year. It never ends. Part of the reason for those big cost overruns, a major part, is the fact that we simply have not been willing to fund it year after year. The good old stretchouts, cutback.

We are going to do that again this year. We are defending a budget that is well under what the President asked for. We have done that every year. And we blame NASA when we do not meet deadlines, when we underfund them. I think it is time to be realistic about this, and make certain that these scientists see their own selfishness.

A scientist in Park City, UT, last winter told me—we happened to run into each other on the chairlift while skiing. He said how

much he loved Park City. He wanted to tell me he was against the space station; it was a waste of money. We could do it all with robots. Men and women were of no value.

And then he said, "I wish I could live in Park City." I said, "Why do you not?" He said, "My lab is in Boston." I said, "Run it with robots. Stay here in Park City and ski, and use your telephone and tell the robots what to do back there." He said, "That is impossible. I need to be in my lab." I said, "How in the heck have you got the guts to tell me that you cannot run your lab in Boston, but we can run one in space with robots?"

He has not spoken to me since. He did not like that answer. It had not occurred to him.

The other argument I heard was that we are going to do it in the shuttle. Having been on a 7-day shuttle mission, working on electrophoresis, processing pharmaceuticals in space—a lot more efficient; much more pure are the medicines you get out of that—we had the first unplanned EVA in the history of the space program. We had to shut it down.

What scientists will tell you they can complete their experiments in 7 days? Sure, you can do limited things. You need that permanent space station so experiments can go on weeks, months, and years, like they do here on Earth.

I am not going to take the time to talk about zero or microgravity and the benefits. Maybe overnight I will drum up the letters and statements from the scientists who talked about the wonderful benefits they have had even from limited experiments in 5-, 7-, 8-, 9-, and 10-day missions on the shuttle.

The other issue brought up was if we will just cut the space station and NASA, we will have a lot more money for other science. The budget does not work that way. The chairperson and I know that we get a 602(b) allocation. When NASA is cut, does it go to other science? No. It stays within that allocation. It goes to EPA, Superfund—those are worthwhile projects—and it goes to veterans and army cemeteries abroad. It stays within that pocket.

So you can go ahead and cut NASA and cut the space station. A scientist is not going to get an extra grant from someplace else. That is not the way it happens. That is not an opinion; that is a fact.

I hoped that in this debate we could really debate the merits of the space station and science, rather than election year "I am a great fiscal conservative, because I am voting to cut big projects." I just repeat that two-thirds of the budget are entitlements, and until we do something about that, the rest of it from both sides are rhetorical games that do not mean anything. Structurally, this budget is out of control, and we are not going to solve it by picking on the future or by eating our seed corn.

It reminds me of a cartoon I saw a few years ago that showed a Conestoga wagon with nobody on the backboard, and the caption said: "Well, we are going to send unmanned vehicles to the West, because it is too dangerous out there." Well, those of us who live in the Western United States are glad they sent manned vehicles, rather than unguarded, unguided Conestoga wagons out there to report back what they saw.

I just wish this body would get a vision of the future. I will be leaving the Senate in 4 months, after 18 years here. And my biggest disappointment is the shortsightedness of this Congress, the willingness to vote for things that give immediate political benefit, but the unwillingness to vote for something that may not bear fruit for 10, 12, 15, 20 years down the road.

I am one who happens to believe that there will be medical breakthroughs because of the research done in microgravity. Again, I cannot place a price tag on that. But I think we will solve a lot of health problems on this Earth by space research and development.

If you also want to solve a lot of environmental problems, look at mission the planet earth. There are a lot of environmental issues, from global warming to the ozone holes, and all of that, that we will not learn solutions to here on Earth; but we will from being in space.

The theme of this year's Association of Space Explorers convention was: Tomorrows Together. Well, that was a very interesting experience, to be with astronauts from a number of countries and talk about going not as Americans or Russians or Hungarians or Brits or Canadians, but to go together, as residents of planet Earth. That feeling was uniform from all of us.

Again, I repeat that I think there are a lot of intangible benefits that a dollar price tag cannot be placed on, of men and women, without regard to their color, nationality, national boundaries, without regard to what language; and that we recognize we are citizens of planet Earth, and start recognizing what we can achieve together. In space, I happen to sincerely believe we can provide a solution to a lot of those problems.

Let us not be shortsighted and play with 1 percent—that is the entire national budget—because it is a Presidential election year.

I yield the floor.

Ms. MIKULSKI. Mr. President, as the chair of this subcommittee, I rise in opposition to the Bumpers amendment to cut the funding for the space station. I so admire the Senator from Arkansas. He is a charismatic speaker. He is a caring and compassionate Senator, whether it is for his people in Arkansas or for the United States of America. And he has certainly been one of the voices on controlling our deficit.

But on this position he is absolutely misguided and the arguments that are used are exactly what is wrong with the United States of America.

First, the argument of the deficit. Let us control the deficit by voting against the space station, a $2 billion silver bullet targeted at it. Gosh, that sounds great. In one fell swoop, let us lop off $2 billion and be able to say what we have done to control the deficit.

Mr. President, you and I know that one of the leading causes of the deficit right now in the United States of America is unemployment. Every 1 percent of unemployment costs the Federal deficit over $20 billion in lost revenues and in expenditures we must make for social programs for the unemployed.

One of the best ways to cut the deficit is to generate activity that will create jobs today and jobs tomorrow. One of the talented, gifted people who ran in the Democratic primary, a former colleague, Senator Tsongas, outlined in his blueprint for the economic empowerment of the United States of America that we need manufacturing, and this Senator sure knows that. But you cannot manufacture something unless you have technology. The space station is a technology program both in research and in development, and the very construction will lead to jobs.

The space station accounts for 75,000 jobs in 39 States, adding more than $7 billion annually to our national economy. It is a public investment with a multiplier effect that generates jobs today, but also it is technology development for the future.

Other Senators have said, oh, what we can do in space, we can do here on Earth. And then they cite the national association of this, or the academy of this or that—all prestigious people. I respect them. But I am a student of history, Mr. President; not only a student of great battles, not only a student of great social movements, but also a student of the history of the development of science and technology. Anytime anybody proposed a new idea, they were laughed at and ridiculed, not only by the general public, but by the current scientific thinking of the time who wanted to hold onto the status quo of their current level of thinking.

One can only look at Louis Pasteur, who revolutionized the thinking on germs and bacteria. When he was saying there was something called anthrax, they said: If you cannot see it, do not believe it. And they ridiculed Pasteur until he came up with a vaccine that saved not only sheep, but the economy of his beloved homeland. In order to do this, he had a new tool called a microscope. Somebody said: What is this gadget here? And they ridiculed the microscope.

If we were to follow the thinking that is being expressed within the U.S. Senate today, there would have never been the development of new thinking in terms of what causes diseases, whether it is viruses or bacteria. There would never have been a tool called the microscope.

We can look at the theories and development in terms of aerospace. There were a couple of guys in the South, in a State called Carolina; young men who were brothers. They not only loved each other, but they were following a dream. They were working on something called an aeroplane. Everybody asked: What are you doing that for? We have enough problems on the ground. Why are you trying to go up there? Did you not read the great mythology, like Icarus, where those Greeks strapped on bird wings with wax and flew, and melted in the Sun?

Along came the Wright brothers. It is right down there on Independence Avenue, in the national Smithsonian exhibit on space. The Wright brothers are right up there because they launched a dream. And in launching a dream, they created a whole new economic opportunity called the aerospace industry, in

which the United States of America leads the way, and on which we based our defense of the free world in World War I and World War II. And it was our gallant Air Force that led us to a triumph in Desert Storm. But, oh, those were the Wright brothers.

And while we had those prop planes, you know, that you had to kind of wing it with, there were a couple of other people who were developing something called a jet engine. They said: Why do we need a jet engine if we have prop planes? Why? Lindbergh can fly the Atlantic. Why can we not just stick with that? If Lindbergh can fly the Atlantic, wow, why do we need a jet? Who has ever heard of a jet?

You know the rest of aerospace history, Mr. President.

Let us look at the development of the United States of America. Wow. Now suppose here we were, at the turn of the century, coming out of the War Between the States, people teeming to our shores, people wanting to head West, and there were some people working on a steam engine.

Steam engine? You know you only use coal to keep your house warm. Steam engine? Whoever heard of that? We have the Conestoga wagon. Why, we do not need a steam engine. We can head to the West in our wagons. What we need is good horses, better mules, large teams. That is what we need to be able to head West.

Mr. President, you and I know that it was the steam engine and the locomotive that linked up the east coast with the west coast, and opened up the frontier that Frederick Jackson Turner talked about, a frontier of endless opportunity and possibility.

Suppose we had stayed with the Conestoga wagon. Where would America be today? It might seem that I am talking about this in a way that makes one ask where does all this tie in? What I am saying is that in the history and development of ideas, there are always the naysayers who say: Let us stick with the status quo; we can do it better. Whether it is a Conestoga wagon, whether it was ignoring the fact that there might be unseen causes of diseases, whether there were undreamed of possibilities to defy gravity—why would anybody want to defy gravity? If God wanted us to defy gravity, I am sure they said, we could be floating around. But in those Wright brothers defying gravity, other opportunities were created.

So here we are, in the last hours of the 20th century, on the brink of the 21st century. America has to decide what it wants to be in the new world order. Do we want to just be sitting with all of our great dreams at a Smithsonian Institution behind us, looking at what once were dreams turned into technological reality? Or do we recognize that change is already here, and that we need not to fear it, but to face it and to embrace it and to lead the way? And the way the United States of America has always led the way. Whether it was Henry Ford, whether it was the Wright brothers, whether it was those people working on cures of diseases for which we now do not yet anticipate the benefits to be gleaned, that is how America led the way: Bold people with entrepreneurial ideas, backed up with what they needed to be able to do it, that invented new technology, that led to the new products, that led to the new jobs, that made us an economic superpower.

Mr. President, I will fight the cutting of the space station, both for what it represents now and what it represents in the future.

Mr. President, I not only feel this way; our distinguished colleague, Senator GORE, feels this way, for the same reasons, about a laboratory in space firing the imagination of the next future.

I commend the Gore letter to your attention. I ask unanimous consent that it be printed in the RECORD.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,
Washington, DC, September 3, 1992.

DEAR COLLEAGUE: On Tuesday, September 8, the Senate will consider the VA/HUD/Independent Agencies appropriations bill which provides funding for NASA and the Space Station Freedom. As the Chairman of the Subcommittee on Science, Technology, and Space, I urge you to support this important initiative.

Last year, the Senate voted by an overwhelming majority to support the Space Station Freedom. The reasons that the Congress has supported the Space Station in the past remain valid. It is vital to ensure a balanced space program, and will present the United States with unique opportunities for world leadership in science, engineering, and education.

The Space Station will serve as a laboratory in space that will enable scientists to conduct important research in a zero-gravity environment. This continuous, stable laboratory environment is expected to yield many new developments in materials, electronics, and medicine.

The Space Station will enable the testing of new technologies which may be adapted for use on Earth, including water and air purification systems and robotics for conducting high-risk tasks.

The Space Station will fire the imagination of the next generation of young people and encourage them to study science, math, and engineering; it will also be a powerful aid to teachers who view space as a learning tool for the challenges of the 21st Century.

During this period of declining defense spending, programs like the Space Station will help stabilize our Nation's industrial base. This is important, as the Space Station accounts for over 75,000 jobs in 39 states, adding more than $7 billion annually to our national economy..

I urge you to support the Space Station Freedom. It is an essential investment in our Nation's future.

Sincerely,

ALBERT GORE, Jr.

Ms. MIKULSKI. Mr. President, when they call the roll today, know that we are not only calling the roll on the space station; we are calling the roll on America's future. And that is why I will vote "no" on Bumpers, and "yes" for America in the 21st century.

Mr. BUMPERS. Does the Senator from Tennessee have an exact amount of time in mind?

Mr. SASSER. Fifteen minutes.

Mr. BUMPERS. I yield the Senator from Tennessee 15 minutes.

The PRESIDING OFFICER (Mr. SHELBY). The Senator from Tennessee [Mr. SASSER] is recognized.

Mr. SASSER. I thank my distinguished friend from Arkansas.

Mr. President, I rise to express my support for the amendment offered by the distinguished Senator from Arkansas [Mr. BUMPERS].

We debated at length on this floor just a few weeks ago the worthiness of another large and very expensive research project, the superconducting super collider. An effort was made at that time by the Senator from Arkansas and myself to try to extinguish that project, primarily and solely, in my case, in the interest of trying to save money.

Looking at a $350 billion budget deficit, I simply at that time did not think the superconducting super collider carried enough promise that we should borrow money, enlarge the deficit, and ask future generations to pay for this project which seemed not very cost efficient on the surface.

Today, we are focusing on another very expensive project, one that will cost four times as much as the superconducting super collider that this body appropriated funds for just a few weeks ago.

One of our colleagues, my friend from Illinois, was on the floor earlier, and he is a strong supporter of the balanced budget amendment. In fact, he is one of the primary sponsors. He opposes this very expensive space station, and he cited as evidence of the need for a balanced budget amendment the fact that this space station would probably carry and would be funded.

Mr. President, I think it is ironic that, if you will look at who supports these various superexpensive projects, 80 percent of the same people who stand on this floor and vote for them and support them are also supporters of the balanced budget amendment. So they get it both ways. They can stand on the floor of the Senate and vote for all the projects. They can go back home and tell the contractors and others, yes, we are with you; we supported that space station; we supported that superconducting super collider. Then they can walk right down the street to the Rotary Club and make a great speech and beat their chests about how much they support a balanced budget and when is this irresponsible Congress

going to do something about the deficit? "I support a balanced budget amendment. I am tough. I want to cut spending."

These people want to reduce spending until they get down to having to vote to do so. And then somehow they loose their ardor for deficit reduction, and they want to look to the future to some ephemeral balance-the-budget mystique that might or might not happen 6 or 7 years down the line.

My friend from Arkansas called this body's attention to the fact that the Japanese are going to spend some $80 billion, as I recall, to stimulate their economy, which is in a minor recession. Now, if we did that in the United States, because our economy is twice as large, we would have to spend $160 billion to stimulate our economy. Think what we could do with a $160 billion economic stimulus. That would represent, according to my rudimentary arithmetic, maybe about 3 percent of gross national product. Think of the accelerated economic growth that would come from that.

But we cannot do that because over the years we have stood here and we have listened to the siren songs coming out of the White House of Ronald Reagan and George Bush, and we are deeply in debt. The United States of America today is the largest debtor nation on the face of this Earth. We are so broke that we cannot take the necessary fiscal stimulus to pull ourselves out of the longest recession that we have experienced since the Great Depression years of the 1930's.

Just to take up the new applicants for jobs that come into this work force every month, we have to produce 200,000 new jobs. Last month, we lost 87,000 new jobs. We have almost 10 million people we can count who are unemployed. When you add up the number who are unemployed, those working part time but want to work full time, and those who are so discouraged they quit looking for work, you have almost 16 million Americans, 14 percent of the work force; 1 out of every 10 people on food stamps. And we are so broke, because we have pursued pie-in-the-sky projects like this, that we cannot deal with this very serious problem.

If this space station is going to do everything that the proponents say it will do, everything from solving our economic problems to curing cancer, I wonder what happened to the Soviet Union. They had a space station 5 years ago. They are bankrupt today, fighting among themselves, anarchy taking over large sections of the country, and why? They followed the same pattern that we did: enormous defense spending or military spending over a period of many years, getting into all these projects like space stations to show how efficient and mighty they were, really prestige projects, national ego projects, and they are broke today. They are bankrupt. They are not a superpower by any stretch of the imagination. They are now a Third World nation.

So, as chairman of the Budget Committee, Mr. President, my concern regarding the space station is its enormous price tag. If we were running a surplus today, I would say, yes, let us go ahead with the space station; it would be a nice thing to have. We would probably learn a few things from it. It might be a steppingstone to space exploration. But we made the wrong decisions over the past decade. We do not have the resources to go forward with the space station.

All the proponents will say is, "Well, you know, it is going to bring a lot of benefits." This space station has a lifetime cost of $118 billion, according to the General Accounting Office. According to the General Accounting Office, research and development costs have grown from $11 billion in 1984 to $18.5 billion in 1991. The same General Accounting Office estimated the total construction and payload costs for NASA's new scaled-down version of the space station would be $40 billion.

Mr. President, we have a $350 billion deficit. This country is broke. And this week the President is going to send a message over here and our colleagues from Florida are going to be here, and they are going to want to put at least $8 billion on the cuff, borrow another $8 billion to deal with the hurricane disaster in Florida. And, of course, we are going to do it. We need to do it. But how much longer are we going to ask future generations to pay for our inability to assign the right priorities to spending? How much longer are we going to do it? We are going to find ourselves in short order in very much the same shape that the Old Soviet Union found itself, I suspect, at the rate we are going.

There are others here who know more about the merits or demerits of this project than myself.

I am simply here as the chairman of the Budget Committee saying the United States of America at this particular point in its history cannot afford to obligate itself for a minimum of $118 billion over the lifetime of this space station. It is simply, given our present fiscal circumstances, not a cost-efficient or wise expenditure not only of our dollars but of the dollars of future generations.

I have read some things about this space station. I have heard what others have said. I have read that the National Research Council estimates that 87 percent of microgravity research planned for the station can be accomplished by other means, either the shuttle or the unmanned space vehicle.

The Space Studies Board, an arm of the Academy of Sciences, concluded that the latest design of the space station: "Cost does not meet the basic research requirements of the two principal scientific disciplines for which it was intended," life sciences and microgravity research.

We are familiar with the Augustine Commission report. I suspect the distinguished Senator from Arkansas will call our attention to that in his very eloquent statement in opposition to the space station. It will not hurt to repeat it. The Augustine Commission, an outside panel established by NASA itself at the urging of the White House, delivered a report that raised further doubts about the space station. The Augustine Commission's initial finding ranks space station exploration, which includes the space station and the Mars mission, as last on a list of five of NASA's priorities for the future, rank them behind space science, space technology, environmental studies of the Earth, and new shuttle development.

Then comes on the scene the ubiquitous director of the Office of Management and Budget, Mr. Darman, who convinces the Augustine Commission that, well, they ought to rank science first and rank everything else second and not make a ranking priority of what NASA ought to do.

Interestingly enough, the White House, the President, the Vice President, have been running around the country blaming the Congress for reckless spending, blaming the Congress for driving the fiscal wagon in to a ditch even though the Congress has appropriated $17 billion less than Bush and Reagan have asked for, over the past 13 years—even this White House, their own commission.

A series of articles written by the Washington Post reporters Bob Woodward and Dave Broder, reveal that the Vice President's top advisers were highly critical of the space station. The Vice President's Chief of Staff, his National Security Adviser, his assistant at the Space Council, all recommended killing the space station. What did the Vice President have to say about it? He said "The importance of the space station is not the power of the circuits, it is the size of the dream."

What does that say about a Vice President who really does not have the confidence of the American people to begin with—they do not have much confidence in his ability to handle complicated subjects quite frankly—what does it say when he will not even listen to his own advisers and says, well it is the dream that is important.

Well, the real importance of the space station depends on whether or not its future capabilities are worth $118 billion. Mark my word, before it is over $118 billion, it is just going to be a drop in the bucket.

We have a Federal budget that is under great demands. As I said earlier, the President is going to want $8 bil-

lion, $8 billion this week for disaster relief in Florida, $8 billion we have to borrow.

Yet we are standing here today on the verge of obligating ourselves to incur another $118 billion in debt.

The distinguished President pro tempore, the chairman of the Appropriations Committee, Senator ROBERT BYRD of West Virginia, an able man and a man who has grown wise with years—I remember when I first came to the Senate, an old staff person said Senators always grow when they come to the Senate, and said some swell up and others mature in growth.

Well, Senator BYRD is wise. He came to this floor not too long ago, and said "with all the unmet human and fiscal infrastructure needs facing the Nation and with too little funding to address them, we may have to substantially cut or even eliminate this request," talking about the space station.

Recently, he referred to the space station on the floor of the Senate as the "Titanic in the sky."

Mr. President, I have no quarrel with my colleagues who support the space station. It would be an interesting project to fund in another day at another time. In the 1960's, it would have been a project that this country could well afford. Perhaps even a project that we could marginally afford in the decade of the 1970's. But we bankrupted ourselves virtually over the past 13 or 14 years and we simply cannot afford it.

In the final analysis, is the science behind this space station worth committing billions of dollars over the next decade? Should this particular NASA enterprise whose primary purpose is to determine the hazards of long duration space flights on humans receive a greater commitment to funding that we spend on AIDS research today right here on this Earth? Have we come to the point where projects of this sort can be justified on the grounds that we can always point to something else that is growing at a more alarming rate, or that wastes more money?

The truth is, there is no reasonable justification in this budget environment for continuing the space station, and I hope that my colleagues will support the amendment offered by my distinguished friend from Arkansas, because I think the needs of the country at this time in the year 1992 demand that we show some fiscal responsibility and make some savings where we can in these enormous deficits that are facing us.

Mr. President, I thank my friend for yielding the time.

Mr. HEFLIN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. GARN. I yield 6 minutes to the distinguished Senator from Alabama.

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

Mr. HEFLIN. Mr. President, I rise in strong opposition to this amendment which would destroy space station *Freedom*. This program easily stands on its own merits, and its opponents have consistently relied on distorted or incorrect information to create a number of damaging misconceptions concerning *Freedom*.

I have heard some say that the space station is too expensive and we cannot afford it at this time, as if the station alone is responsible for the deficit. The truth is that space station funding represents about one-tenth of 1 percent of the Federal budget and NASA itself represents only about 1 percent of the Federal budget. Moreover, the key to America's long-term economic growth is improving productivity through investment in research and development programs like NASA.

One of the most popular misconceptions I have heard voiced is that the space station is squeezing out other small science programs. The truth is that the space station program is growing at a lower rate than the rest of the science budget and its main purpose is to serve as a platform for thousands of future low cost, high payoff small science projects. In 1992, the space station grew by 6 percent, space science and applications grew by 10 percent and the National Science Foundation [NSF] by 14 percent. In fact, in the 5 years since space station *Freedom* contracts were awarded, the science budget has grown by 77 percent. In the final analysis, without the space station's unprecedented abilities and resources, students and commercial users will find that small science projects will continue to have very limited access to space.

I have heard some of the proponents of this amendment say that cancellation of the space station program will reduce the deficit and send a strong message to the American people that we are serious about solving this country's problems. They could not be more wrong. I agree canceling the station will send a message; the American people would get the wrong message and think that their leaders have no guiding vision of the future of our great country.

The loss of the space station's science, research, and employment opportunities would certainly send the wrong message to the youth of this country about the importance of math and science and engineering education. It would also send the wrong message to our international partners and the rest of the world about how seriously we take our international commitments. Finally, canceling the station would send the wrong message to the thousands of Defense engineers and scientists trying to transition to other areas of work. NASA needs these men and women, just as they need the opportunity to work on challenging programs that will carry us into the next century.

There is also a misconception that station's costs have skyrocketed from $8 billion to $118 billion. I believe space station opponents have intentionally inflated the program's cost figures to create a shock effect. The 1984 estimate for the space station development program was $8 billion. Subsequent to restructure, the new estimate is $11.2 billion. The main causes of this cost increase were insufficient funding and unexpected design changes. This is a huge and complex program, and some cost growth is expected. The $118 billion cost estimate is derived by projecting the cost decades into the future in an effort to make the present cost seem unacceptable. By analogy, the average voter would never pay over $64,000 for a $12,000 car. But if you priced out how much this car would cost if you operated it for 30 years, you would be lucky to spend less than this amount. Station opponents use this same twisted accounting to inflate the station's cost. Through the year 1999, the station cost is $30 billion, a figure that includes building it, putting it in space, and operating it through the turn of the century. This is the cost we are debating today.

The final misconception I would like to address is the charges that space station is only a shadow of its former self and is irrelevant to real science and economic competitiveness. The truth is that space station *Freedom* will be an international laboratory with unprecedented capability for scientific research and technological development that cannot be duplicated on Earth.

Aboard space station *Freedom*, we will reach beyond our current limits to live and work in the virtually unexplored environment of space. Researchers aboard *Freedom*, working nearly free of the effects of gravity, pressure, and atmosphere, will be able to produce higher quality materials which are sure to have many practical uses and applications toward future scientific discoveries. Space-age spin-offs have already enhanced life on Earth, from life-saving medical equipment to improved television and communications systems.

Space station *Freedom* will allow science and technology experiments to run as long as necessary in the near-weightlessness, vacuum, and/or radiation environment of space. This makes possible many breakthroughs in science and technology that have eluded us on Earth. The station's capabilities will go far beyond those of earlier space programs. The best we can do now on a regular basis is to cram every possible activity into a grueling 7 to 14-day shuttle mission.

The recently completed U.S. microgravity laboratory mission gave a tantalizing glimpse into the future of science and makes us realize that the

possibilities for the results of microgravity research are endless if only we have the necessary time in Earth orbit. It took 35 years for scientists to grow the first protein crystal large enough for its structure to be analyzed. On the space shuttle, we can grow usable crystal in days, as exampled by the recent mission, but these crystals must be returned to Earth for analysis, and some are too fragile to withstand the stress of gravity. Aboard *Freedom*, protein crystals can grow for months, be analyzed in near-weightlessness, and the results sent down to Earth.

With these capabilities, new or improved drugs for medical treatments, more effective chemicals for agricultural applications, and more resistant strains of crops can be developed faster than through experimentation on Earth.

The experiments conducted during space shuttle flights have helped researchers learn more about what happens when materials are processed in space and how to design experiments for microgravity. The most serious drawbacks have been the short durations of shuttle missions and the long wait for a second flight of an experiment, which could answer questions raised by the first.

The continual presence of people aboard the space station will be unique as well as invaluable. The opportunity to apply the powers of the human mind, intuition, and spirit raises awesome potentials for discovery.

When space station *Freedom* is in orbit, its crew will wake up and go to work just as efficiently as we do on Earth—continuing projects from the previous shift or workday. The promise of uninterrupted and unlimited time for experimentation in space with the presence of human judgment and perception presents the possibility of arriving at solutions to complex problems that we cannot solve on Earth.

Inside *Freedom's* pressurized laboratories or free-flying platforms, experiment programs that must have extended periods of near weightlessness can be conducted for weeks, months, or years as required, and investigators in space and on Earth can immediately change experiment conditions or rapidly design other experiments if needed.

The long-term exposure to microgravity aboard space station *Freedom* and the ability of the crew to interact with the experiments will have many benefits. Crystals with controlled purity and perfection are needed for computers, lasers, and many optical devices. On Earth, gravity causes defects in electronic crystals, and these defects can reduce their usefulness for some of today's high-tech devices. On space station *Freedom*, where gravity does not have the same effect it has on Earth, the crystals may grow with fewer flaws. We can look to a future of faster computers, faster communications capabilities, better fiber optic materials, and better detectors for medical diagnosis and therapy equipment and astronomical instruments as a result of the purer, more perfect crystals.

If space station *Freedom* does not continue as planned, the United States will be deprived of a national laboratory in space that will not only facilitate our future manned space program, but also provide the opportunity to do basic scientific research that will lead to new processes and medicines on the earth that will cure diseases and make the United States more competitive internationally. Cancellation would result in tens of thousands of America's finest engineers and scientists losing their jobs. We simply cannot allow this to happen.

The Senate has passed countless pieces of legislation and sense-of-the-Senate resolutions supporting space station *Freedom*. I am confident that we will continue to support this program as we have for the past several years. If the United States wishes to remain the world leader in science and technology we can do no less.

I therefore urge my colleagues to join me in defeating this amendment.

Mr. President, I want to introduce a copy of a speech by Daniel S. Goldin, the NASA Administrator to the National Space Club entitled: "The Future Is Freedom; the Future Is Now."

This is an excellent speech that the Administrator has made recently. I ask unanimous consent that it be printed in the RECORD. I hope Senators will read it in detail.

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

THE FUTURE IS FREEDOM; THE FUTURE IS NOW

(Remarks by Daniel S. Goldin, NASA Administrator, to the National Space Club, June 24, 1992)

Tomorrow, Space Shuttle Columbia blasts off on NASA's longest shuttle mission ever. This one won't have another high-wire act, with three astronauts grabbing a satellite. Columbia's crew will be busy with a host of scientific experiments. Already, the media is saying that's not exciting enough. That's like saying the only kind of worthwhile air travel is sky diving.

Well, put away your parachutes and lean back in your seats, because Columbia's experiments are first-class all the way.

During Columbia's 13 days in orbit, we will probe the mysteries of viruses and diseases. For instance, researchers will grow crystals of the proteins in the AIDS virus and its antibody. By understanding their molecular structure, we hope to speed the search for drugs that will interrupt the virus's vicious cycle of destruction.

Thirty-one different protein crystal experiments will be performed, along with dozens of other kinds of research. We'll be examining the structure of new drugs, blood cells, antibodies, and enzymes that control bodily functions. One experiment will try to find out what makes bacteria resistant to penicillin, so researchers can make "tougher" penicillin against infection.

What else? We'll be growing synthetic zeolite crystals. These remarkable crystals can be a catalyst, a miniature sponge, or a filter that can separate one liquid from another. They're used in petroleum refining, cleaning air pollution, and toxic waste clean-up. In space, we hope to make them larger and more uniform, and thus more efficient.

When people ask why we still send people into space, this is why: The work of those seven astronauts in orbit affects millions of lives on Earth.

Those experiments, and many others, are what the space program is all about. They're far more important, and just as exciting—than any shuttle launch or satellite rescue you'll ever see on TV. I think this science ought to be on TV too, because the problems we see night after night—disease, pollution, poverty—are what NASA works on day after day.

The tidal wave of basic science that's waiting to be flown in space is what will let us live longer lives, in a cleaner environment, with a higher standard of living.

That's what we do at NASA: reach out into the future, and bring back answers to the world of today.

The cutting-edge technology that comes from space research is what provides the new jobs and new industries of tomorrow. Between 1979 and 1986, the new products generated from NASA science and engineering created over 350,000 new jobs. NASA itself has a workforce filled with genius: 250,000 employees, university researchers, and contractors.

But we do more than just provide opportunity; NASA provides inspiration, hope, pride, and boldness. Space gets kids excited about learning. NASA's educational programs touch millions of students, and make science and math fun. Studying rocks in geology class suddenly comes alive when the rock comes from the Moon. That's why we let a quarter of a million students experiment on rocks brought back from the Moon long before they were even born.

Which leads me to my next point.

Twenty years after landing on the Moon, President Bush said, "The Apollo astronauts left more than footprints on the Moon; they left some unfinished business. America's ultimate goal was not to go there and go back, but to go there and go on."

People ask, "Why should we go back to the Moon? We've been there."

"Why should we go to Mars? We could blanket that planet with robotic probes for a fraction of the cost." They deserve an answer, and I have one.

The whole point of exploration isn't the destination; it's the journey. It's not about going some place; it's about what you find along the way.

Space acts as our magnet—our inspiration. But NASA doesn't spend money in space. We spend it on Earth, for the people of Earth. And we spend it right here in America, not Europe or Japan.

Many Americans remember Apollo as the simple accomplishment of a national goal. What people need to understand is how Apollo's technology radically changed American society for the better. Life as we know it in 1992 would not be "life as we know it" were it not for Apollo.

Every time you make a long distance call, you should thank the inventors of Mission Control. Every time you make an airline reservation, thank Mission Control. Every time you take cash out of a teller machine, thank Mission Control.

To coordinate space flights, NASA had to invent a way to synchronize computers thou-

sands of miles apart, and write huge error-free computer programs. No one had ever done it before, but NASA did it because we had to.

Walk into any hospital and look at the technology. CAT scans, magnetic resonance, intensive care monitoring equipment—all derivatives of Apollo. No wonder Newsweek called Apollo "the best return on investment since Leonardo da Vinci bought himself a sketch pad."

Life on Earth is better because of the lives we've sent into space. Thank goodness we finally have a president that understands how important space is to the strength, and competitiveness, and future economic growth of America. George Bush and Dan Quayle are strong supporters of a robust civil space program because they've seen how science and technology drives this nation forward. But there are critics who don't understand. John F. Kennedy had to deal with them too.

"Many Americans make the mistake of assuming that space research has no value here on Earth," Kennedy said. "Nothing could be further from the truth. Our effort in space is not, as some have suggested, a competitor for the natural resources that we need to develop on Earth," he said. "It is a working partner and a co-producer of these resources."

There is so much waiting to be discovered out there. But what are we doing for the next generation—for the ones who weren't even born when we landed on the Moon? When will we stop eating the seed corn to feed our bellies today, and start investing in the future? What hope can we offer the child living in public housing who dreams dreams of owning a house of her own with a paycheck that was earned in a job that was created by far-sighted leaders who saw the value of investing in the science and technology of space?

We've waited long enough. To keep the next generation of benefits from space flowing back to Earth, America must have a permanent presence in space. We need Space Station Freedom, and we need it now.

Just weeks after I took office in April, Congress was voting for the umpteenth time on whether or not to stop NASA's space-based biomedical and microgravity research—trip it at the starting line—by canceling the space station. I couldn't believe it. I couldn't believe they were voting on it again. And I couldn't believe that April marked the month that we have now spent more time arguing the merits of a space station than it took to put a man on the Moon!

If you've never heard why we need Space Station Freedom, here it is in one sentence: We need a laboratory in space so scientists can learn how to protect the health of humans living and working for long periods in space, and to improve the quality of life for humans here on Earth.

Let me elaborate. Despite 30 years of space flight, doctors still know very little about how the body reacts in space, since no NASA mission, except for Skylab, has lasted more than 14 days. Even the data we've received from the Russian Mir is woefully inadequate, because their research and technical capabilities just aren't robust enough. Before astronauts can live on the Moon, or travel to Mars, or even spend months in orbit, we need to find out how to counteract the debilitating effects of zero and partial gravity. And the only place to learn about the effects of space is in space.

In weightlessness, fluids are lost, muscles deteriorate, the cardiovascular and immune systems work differently, inner ear problems can cause nausea, and cosmic radiation poses a serious threat. The rate of bone loss in space is ten times as great. On Earth, we call that osteoporosis. Twenty million American women suffer from it. Finding how to counteract it would bring relief to those women.

This is why space exploration is vital to our future. The hard challenges of space force us to find solutions to problems that might otherwise go unanswered. And the harsh environment of space, with its lack of gravity, can also be a unique tool for scientific investigation.

Currently, the hair of a scientist can turn gray waiting to get their first experiment on the shuttle, let alone the necessary follow-up research. You can't make much progress doing one experiment every five years or so.

Look at this crystal of a pesticide formed on Earth. Now look at the same crystal formed in space. X-raying crystals is how scientists uncover the three-dimensional structure of a substance, whether it's a semiconductor or an enzyme. This is a computer-generated three dimensional view of human serum albumin—blood plasma—and how aspirin attaches to it. Hooking drugs directly onto proteins like this is the goal of many drug researchers.

As you can see, growing crystals in Earth's gravity can be an alternative, where at least experiments can be repeated over and over without waiting five years for another space flight. In my view, there's simply no substitute for a permanent lab in space where scientists can repeat experiments day after day.

There's even more that can be done in zero gravity. New types of ceramics and metals can be mixed in ways they won't on Earth, giving clues on how to make stronger, lighter, and more heat-resistant materials back on the ground. In zero gravity, we can watch how fluids behave and interact with gases without having the experiment be tainted by the container they're heated in.

In biotechnology, NASA has invented a bioreactor that can grow human tissue larger and faster than on Earth. This will allow doctors to see for the first time in three dimensions how tumors grow.

And because human cells grow so much faster in space, maybe entire new human organs could be regenerated. Growing a new kidney or liver is just science fiction for now, but so was walking on the Moon a few years ago.

Whether it's medical knowledge for our first crew to Mars or new industrial products, the space station will be like the old frontier trading post—serving the pioneers and explorers, but also shipping valuable and exotic goods back to civilization.

A final reason to build Space Station Freedom is simply American leadership in space. America made a promise to Canada, Europe, and Japan to build the station in exchange for a significant contribution from them. Going back on our word would mean giving up our role as the world's leader in space.

The end of the Cold War brings the opportunity for new partnerships never thought possible. Instead of competing against the Russians, we're exploring how we can work with them. If America could go to the Moon alone, just imagine what a united world could do.

Last week, under the Apollo-Soyuz spacecraft in the Air & Space Museum, I signed an agreement with Yuri Koptev, my counterpart in Russia, to examine how to incorporate Russian hardware into our space program.

He told me that he had spent his whole career in the Cold War defense industry. I told him I had spent much of my career doing the same. Maybe now, I said, we can beat our swords into plowshares, and together reach for the stars.

In a country that focuses all too often on the short term, NASA is one of the few agencies dedicated to our future. America invests $14 billion a year in NASA—just one percent of the federal budget. For that small amount, the dividends we pay are enormous.

About $2 billion of NASA's budget next year is for the space station. Sounds like a lot until compared with the $6.3 billion Americans spend on pet food each year, or the $4.3 billion we spend on potato chips, or the $1.4 billion for popcorn. Put another way, Space Station Freedom costs each American two cents a day. If Americans only knew what they'll get out of Space Station Freedom—and believe me, we're going to tell them—I have no doubt they'll put in their two cents' worth.

I've tried to give a sense of the discoveries we might find on Space Station Freedom, but it's impossible to predict them all. Those who say the station's not worth the cost remind me of the Commissioner of Patents back in 1899 who recommended closing down the Patent Office to save money. "Everything that can be invented has been invented," he declared.

It's a good thing no one told the Wright Brothers.

Every time America has gone to the frontier, we've brought back more than we could ever imagine. As NASA turns dreams into realities, and makes science fiction into fact, it gives America reason to hope our future will be forever brighter than our past.

Space is no longer just an experiment or a symbol. It's no longer a "luxury," the way automobiles and air travel were once viewed. Space is an essential part of America's future in medicine, science, and technology.

Thirty years ago, John F. Kennedy said, "In 1990, the age of space will be entering its second phase . . . When some meet here in 1990, they will look back on what we did and say that we made the right and wise decisions." He spoke those words in Houston—the day before he died.

What will people say 30 years from now of the choices we make today? Will they say they were "the right and wise decisions?"

We can light up the sky with the inspirational work of Space Station Freedom, or we can stand by and watch the greatest technological bonfire of the century if it's canceled.

All of you understand what's at stake. We need your help in taking our case for Space Station Freedom to Congress and the American people. Once they understand the magnitude of what's to be gained, they'll demand we start the countdown for Freedom's launch.

Lincoln said, "The struggle of today is not altogether for today—it is for a vast future also." I believe we will continue to be bold and keep reaching out. We will never give up the quest for exploration.

That is our dream. That is our desire. And that is our destiny.

ADDITIONAL REMARKS

We are being challenged like never before. We all need to do more and do it better. NASA is performing a self-reassessment of how it does business. How to put the agency on a more business-like footing. How to incorporate Total Quality into the very fabric of our institution and programs. Our contractors and university partners must do the same.

The time is now to set clear priorities for the civil space program. We must explain in

clear English what the merits of the space program are to the American people. We engineers and scientists must not be so arrogant to think the space program belongs to us. It belongs to the American people. We must give it back to them in terms they understand—not incomprehensible technical jargon!

Congress wants change. They have made it clear. They expect us to meet our goals on time without continuing cost growth. Congress also expects us to control our appetite. The growth decade of the 80's is over. NASA will not double again in the 90's. We must get more product value for each dollar invested. NASA and its contractors and university research associates must continuously improve.

We have a challenge, but I am convinced we can respond. We must—because it is our ability to respond to this challenge that will determine whether or not the nation will have a space station.

The clock is ticking. There are no tomorrows. The future of our children and our nation is in our hands. We have the responsibility to make the case for Space Station Freedom. We have the responsibility to integrate this program into the fabric of our society. We have the responsibility to make this program happen on time and within cost.

Let's get out there and do it. Let's quit talking about whether or not we should build Space Station Freedom. Let's start talking about the benefits of our investment and the payback to America.

This is our moment to collectively shape the future of our nation and the world. May the Force be with you!

The PRESIDING OFFICER. Who yields time?

Mr. GLENN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 24 minutes.

Mr. GLENN. I will reserve 5 minutes of that for Senator SHELBY later on.

Mr. President, let me go back and be a little philosophical for a moment on what really built this country of ours. If you want to challenge an audience on the campaign trail, you can ask: If you could pick two things that made this country great compared to other nations around the world, what would those two things be?

Some will say we had great resources. We had the amber fields of grain and purple mountain majesty, and majestic rivers flowing to the sea, all those things. But there were other places in the world that had those same natural resources, those same advantages, and they did not develop the way we did.

Why did we develop as we did? I submit that the first reason was education. Education in this country was not just for the kids from the castle, the rich, politically connected. It was for everybody. We did not do a perfect job of education. We did a better job than anybody else in this world, up until the last few years. Now we know we are being challenged in this area. We have to shape up, and our schools must do a better job.

We cannot take second place to anybody in the world in education if we are to keep leadership in this world. Leadership means not just waving our styrofoam finger in the air after a ball game and saying we are No. 1. Being No. 1 in leadership in this world means that we have the options of the future. We are the ones that determine our own future, without having to go to other nations.

The second element that made this country what it is: Basic, fundamental breakthrough research. Research that let that educated citizenry—with some investment and capital in there and entrepreneurs willing to take a chance, once those information patterns were formed and we knew these new things, whatever the source of it, we just leapfrogged ahead of others in creation of new jobs, and most of it was in small businesses. To this very day, entrepreneurship furnishes about two out of every three new jobs formed in this country. I think that is a pattern that fits right into what we are debating here today.

Let me depart from this just a moment and say there is nobody in this body I respect more than Senator BUMPERS. So it pains me somewhat to have to oppose him on this particular amendment.

I know personally of Senator BUMPERS and his wife Betty's personal interest in Arkansas, when he was Governor, of trying to get all the kids immunized, and take care of health problems. And I have seen him with tears in his eyes almost, talking about holding hands with a senior citizen saying: "Why can you not help us, and recognize that I am here and that I am a human being?"

There is nobody in the Senate body, husband and wife, that have been a better team in helping the youth of their State in immunization and health matters, and there will be thousands of young people growing up in Arkansas that will not have disease, because they were immunized, and because of the programs that then Governor BUMPERS and Betty put into effect in Arkansas.

And also, I know of no one here who has a greater concern for the budget. He has risen on the floor so many times talking about the budget, how we must control it. I certainly share that view.

But let me say that I think that even in tough times we have to make tough choices and investments—if they are valuable enough or have enough potential or look like they have a potential of providing some of the basic information for the future of research. We know from our past efforts that research has paid off in this country. It seems to me if there is anything that we have learned in this country, it is that money spent on research, on basic research, has a way of paying off in the future beyond anything that we usually see at the outset.

That is where we come around then to discussing the space station.

The space station fits in the tradition of basic research of this Nation of ours and and it continues the quest for knowledge which other people have followed even before our Nation began. We can go way back in ancient times to Archimedes, who had a curious, questing desire to know the new and was willing to bear ridicule. Other questing, curious people followed Archimedes, even though they were ridiculed in their time, they went ahead with their research experiments. Another example is Sir Alexander Fleming who had a curiosity about mold in a Petri dish in the laboratory, mold. Other people ridiculed him, so we read, but he persisted in his inquiry, and out of that came antibiotics, came penicillin which he discovered. That lengthened and improved life for all of us.

And my distinguished colleague from Maryland, who is floor managing the bill, Senator MIKULSKI, pointed out a number of things just a few moments ago here about the Wright brothers. I would add to that Henry Ford's efforts and people yelling "get a horse," and so on; Faraday having sparks jumping in a laboratory, and the British Prime Minister touring the laboratory saying, "What possible use is it?" Faraday said, "What good is a baby?" That was his answer.

Maybe we are in the infant stage of this exploration of space and perhaps it is from that that we could learn a lesson. And I think what good is a baby, well—what good is a whole new capability to go into space and do microgravity research?

I would like to discuss a few things which I read into the RECORD last night concerning benefits to everybody here on Earth, from the space program—and there were page after page after page of those.

But you do not have a space program just to prepare to go to space and have that as the only advantage of the program. You conduct experiments on board. And way back in the early days of the manned space program when I was involved with it, at that time we had on board even on the first orbital flight a number of experiments and research efforts to look in different directions, not only things on microgravity but looking back on the environment on Earth and looking on out into deeper space to find out what is out there and what new radiation may be out there.

Now, much has been made here of the opposition of some of the scientists to the program. I did not mention this in the speech last evening—but I was reminded of the fact that back about 8 or 9 years ago I thought that we should probably have a Department of Science and Technology in this country. Almost every other nation on this Earth that is a major industrialized country

has a Department of Science and Technology which coordinates their scientific activities and does it on a rational basis and planned basis where our arrangement in this country has been much more hit or miss with a number of different organizations separately administered, having different parts of the pie and quite often overlapping in their activities.

When I suggested a Department of Science and Technology, I fully expected that the scientific community would jump on that, that I would have full support, because it just seems to me as we go into the future and try to be competitive that better coordination is essential.

Do you know what happened? The scientific community very, very much opposed what I was proposing. That did not want a Department of Science and Technology, and I was somewhat shocked because I had not even questioned whether they would support it or not. I had assumed that they would. Then when I sat down with many groups of scientists and questioned them about why they would not support such a department when I thought they should, they said, you know, Senator, it is going to disturb our lines of support. Their lines of financial commitment which they have worked on over many years with whatever department of Government supports them would be disrupted.

I am not saying all the scientists opposed to the space station are people who have that much of a self-interest in mind and when something like the space station comes up their interest in the greater good goes down the tube. But I am saying that self-interest certainly may play a part, because there are many scientists who are very jealous of others who have funding and who cannot get that same kind of support for themselves.

I would like to say a word about the budget. The domestic discretionary budget is about $531 billion. What we are talking about for the space station here is only four-tenths of 1 percent of that domestic discretionary budget. It is one-seven hundredths of the total budget. It seems to me that when we are talking about basic research for the future, it seems to me that such amounts as we may spend on the station are well worth the expenditure that we are talking about here today.

I do not question at all, I do not question at all the need for the other programs that my distinguished colleague from Arkansas, Senator BUMPERS, talks about and I am with him on those things and voted with him on the need for the better immunization and money for NIH and doing the research in those areas that will benefit the people of our country, especially our young people.

But we have had a lot of past experience with NASA and the research benefits associated with the early space program. And we have had everyday applications from past NASA research. We have had computer software improvements, solar power cells, onboard monitoring devices developed for Apollo space waste management, all of which have civilian practical application on Earth.

Plant and ecosystems habitat research for regenerative process on future space craft. That has an application, and a rock/plant filter system for treating domestic sewage has been developed from that kind of research, and on and on.

Earlier I mentioned onboard monitoring devices are being used now for systems adapted for commercial use by sewage companies to monitor sewer lines for leaks and stoppage, practical things of that nature.

I could go on and on with page after page of applications that already have been spun off into civilian use, and these are things that NASA estimates have provided about a 7- or 8-to-1 advantage for every dollar spent.

I remind my colleagues that the dollars spent are spent right here on Earth. They are not spent anywhere else out there in space. Even if NASA's estimates are a little off say by 50 percent, which I do not think they are, that is still 3½- or 4-to-1 advantage for our economy from money that has been spent in the space program.

Now, as for research to be conducted on space station *Freedom* and potential benefits, I think these are rather impressive. Let me run through some of these very briefly here.

Let me add before I get into this, my distinguished colleague from Tennessee, Senator SASSER, said a few moments ago that other nations are not supporting the space station.

His assertion is not supported in fact because current figures that reflect commitments to the space station, commitments to their programs that will be cooperating with our space station and which will be part of the space station, are as follows—right now about $1 billion from Canada; the Europe space agency $4½ billion; Japan $2.2 billion including a pressurized laboratory and exposed facility and experimental logistic modules; and Russia with all their difficulties are developing a life boat that will add safety to the space station. That is the record on what the commitments are of other nations.

We are talking about new technology development and so on. There will be separate modules called racks on the space station. One will be a modular combustion facility. You know there is a lot we do not know about combustion phenomena and processes important to fire safety and how we use flames and how we transfer heat from its source to its use. What is the potential Earth benefit of this? Improved fire prevention; detection by increasing our understanding of what happens when fire ignites, smolders and spread; learning how to make combustion processes cleaner and more efficient.

A second rack will have a fluid physics facility which enables researchers to study basic fluid dynamics and the behavior of fluids in the absence of gravity. Potential benefits right here on Earth? We may gain insights into our atmospheric processes, ground water movement and the engineering properties of soils; new materials and process innovations in the chemical and materials industries.

Another facility is the space station furnace facility. The description of it: It produces crystals of electronic and photonic materials and studies specific processes. Potential Earth benefit right here: Advanced technology or high performance materials, gain knowledge of the dynamic of solidification that may allow novel materials to be produced in another facility.

Advanced protein crystal growth facility: Will grow protein crystals for high resolution analysis which are larger and purer than any that we can grow here on Earth.

The potential Earth benefits: Further our understanding of protein crystallization, allow new insights in the function of proteins, and provide information for drug development and treatment of disease.

Manned observation techniques is another one of our areas. Utilizing optical quality, Earth-oriented windows, station astronauts in direct communication with ground-based scientists will analyze and enhance the technologies for observations made by remote sensing devices.

Potential Earth benefits: The present capability to view Earth from the space shuttle will be extended by the enhanced observation and communications technologies developed through this experiment.

We have very large-scale integrated circuits that will be developed up there. And potential Earth benefits come back to large-scale computers here on Earth which is being affected by radiation. We can test all of those things.

Another one that I think is very important also, and that is the Batelle zeolite crystal growth facility.

It is a multipurpose, multitemperature zeolite crystal growth furnace, which will be able to process up to 38 zeolite solution samples.

Zeolite is not a common term, but they have several applications. As ion exchangers, they are used to extract radioactive elements from waste;

As adsorbents, they are used to remove sulfur dioxide gas from smokestacks, natural gas from crude oil, to separate air into its individual elements, to separate ammonia from sewage effluents, and to remove carbon di-

oxide in manned spacecraft/submarines;

As catalysts, they are used to crack crude oil and to convert methanol to gasoline;

As decsiccants, they are used to remove water from hydraulic systems, air, natural gas, cracked gas, and refrigerants; and they may also be used as adsorbents in the medical and resins fields.

I read through these things and I cannot guarantee what is going to happen in these areas, but these are areas that some of the scientists and researchers want to look to and any one of these things may come out to give us an advantage in our economy that may be far beyond anything that it would cost us to sent up the space station to begin with.

We have a vapor transport facility.

As Earth-grown crystals form, gravitational forces cause defects and inhibit growth. In space, gravitational effects are virtually eliminated, allowing crystals to grow much larger and with fewer imperfections in their structure. The quality of a crystal directly affects its strength and performance, while its size determines its functional capability.

Potential Earth benefit: Larger and more perfect crystals grown in VTF would result in more useful infrared and ultraviolet detectors and semiconductors which would be used to manufacture trillion instructions per second processors.

We have talk about leading the world in computers and we want to do that and we are under increasing pressure. What if we can come up with something like this: manufacture trillion instructions per second processors? All of these are advantages to funding the space station. There are several others here that I could go through, but I do not have time here this morning in the limited time I have remaining.

Let me mention the U.S. commercial electrophoresis system.

Electrophoresis is a process that uses electrical forces to separate mixtures. In continuous flow electrophoresis, the components take different trajectories and, therefore, form different streams which can be collected separately. Electrophoresis in microgravity allows for purer more complete separation of materials.

Potential Earth benefits: U.S. companies could use space-based electrophoresis to purify existing or new products such as growth hormone, impaired growth in children; beta cells, for diabetes; and epidermal growth factors, for wounds and burns. And you can produce that in space better than you can here on Earth. So electrophoresis experiments are something that we want to look into also.

Gas grain simulation: Simulates fundamental physical and chemical processes involving particles in the submicron to millimeter size range.

Potential Earth benefits: Increase knowledge of fundamental physical and chemical processes of small particles;

Increase understanding of atmospheric processes, including climatic change.

And there will be a biotechnology facility that can grow three-dimensional tissues to be used in medical and biological research and allows growth of cell cultures without gravitational stress, which has obvious benefits right here on Earth.

There will be a provision for what are called small and rapid response payloads on which our university system and the other academics may try experiments.

Other racks include space physiology; materials processing system; solution crystal growth; module for integrated cell research in orbit; test module for plants and organics; organic/polymer facility; and very high-speed integrated circuit fault tolerance.

Mr. President, these have the potential of being enormously beneficial.

Now, there is one other area also I think we should not overlook. If we want to call this an inspirational angle, we could call it that.

How much time do I have remaining, Mr. President?

The PRESIDING OFFICER (Mr. HEFLIN). Approximately 4½ minutes.

Mr. GLENN. I yield myself 1 more minute, Mr. President.

Back in the early days of the space program, we saw an enormous interest of young people in math and science. And I want to see that same kind of excitement in the program again. I think it is inspirational, space station is something that benefits us worldwide also. We are cooperating with other nations in this area.

But I know that a lot of the scientific terms, the things I mentioned here this morning, will sort of roll over heads here, but they are the basis, the building blocks for the future. And I do not see that we can afford to miss this investment.

I ask unanimous consent to have printed in the RECORD statements by Presidential candidate Bill Clinton in support of the space station.

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

BILL CLINTON ON AMERICA'S SPACE PROGRAM

The end of the Cold War offers new opportunities and new challenges for our civilian space program. In recent years the program has lacked vision and leadership. Because the Reagan and Bush administrations have failed to establish priorities, and because they have not matched program needs with available resources, National Aeronautics and Space Administration (NASA) has been saddled with more missions than it can successfully accomplish.

Bill Clinton supports a strong U.S. civilian space program—for its scientific value, its economic and environmental benefits, its role in building new partnerships with other countries, and its inspiration of our nation's youth. A Clinton Administration space program will seek to meet the needs of the United States and other nations while moving toward our long-term space objectives, including human exploration of the solar system. In addition, a Clinton space program will promote the development of new technologies, create new jobs for our highly-skilled former defense workers, and increase our understanding of the planet and its delicate environmental balance.

THE CLINTON PLAN

Almost a quarter century ago the United States put a man on the Moon. Now we must lead other nations in exploring the Universe for the benefit of humanity.

Move beyond the cold war

The Reagan and Bush Administrations spent more on defense space initiatives than on civilian space projects. Restore the historical funding equilibrium between NASA and the Defense Department's space program.

Achieve greater cooperation in space with our traditional allies in Europe and Japan, as well as with Russia. Greater U.S.-Russian cooperation in space will benefit both countries, combining the vast knowledge and resources both countries have gathered since the launch of Sputnik in 1957.

Improve the American economy through space

Direct NASA to give high priority to continued improvement of the American civil aircraft industry, which faces increasing international competition. NASA research can play an important role in developing less polluting, more fuel efficiency, and quieter aircraft.

Work to improve our space industry's competitiveness. We'll direct NASA to develop cutting-edge rocket and satellite technologies. We will also develop a National Launch System to maximize efficiency with scientific and commercial payloads.

NASA and the environment

Support NASA efforts—like Mission to Planet Earth—to improve our understanding of the global environment.

Call on NASA to develop smaller more focused missions which address pressing environmental concerns.

NASA and education

Direct NASA to expand educational programs that improve American performance in math and science. Space education can help maintain our technological edge and improve our competitiveness.

Direct NASA to expand the outreach of its educational efforts beyond NASA's five field centers, so that millions more young people can learn about space.

Encourage planetary exploration through the best space science

Stress efforts to learn about other planets. These improve our understanding of our own world and stimulate advances in computers, sensors, image processing and communications.

Fully utilize robotic missions to learn more about our place in the universe.

Maintain the Space Shuttle and continue work on the Space Station

Maintain the Space Shuttle's integral role in our civilian space program. The Shuttle is extremely complex and will always be expensive and difficult to operate. But we must take full advantage of its unique capabilities.

Support completion of the Space Station Freedom, while basing its development on

the twin principles of greater cooperation and burden sharing with our allies. By organizing effectively on this project, we can pave the way for future joint international ventures, both in space and on earth.

Build a vision for the space program in the 21st Century

Aim to establish a permanent human presence on the moon and to send humans to Mars. Although we cannot yet commit major resources to these goals, they should be among the considerations that guide our science and engineering. Because the entire world would share the benefits of human missions to the Moon and Mars, the costs should be borne by other nations as well as by the United States.

GOVERNOR CLINTON'S POSITION ON SPACE STATION FREEDOM

I know that many of you are interested in Governor Clinton's position on Space Station Freedom and the civil space program. Our party's standard bearer has spoken out on the Space Station on a number of occasions, most recently at the Democratic convention. Each time Gov. Clinton has expressed his strong support for both the space program and the Space Station.

For example, in response to a question on a recent "Today" show about whether we should continue to pursue a manned space station: "I think we should pursue it, yes."

He then went on to say, "a space program, from my perspective, is an important part of our building the kind of scientific and technological base this country needs."

Gov. Clinton made the same points at the convention, adding that [in reference to Space Station and other high-tech projects], "I do not consider those projects to be boondoggles. I consider them to be an important part of our development of a high-tech, high-wage, high-growth economy." And "in the areas of science and technology, I admit to having a bias in favor of projects that seem likely to generate a whole new range of high-tech production and high-tech jobs."

I know that some of you hold an opposing view on Space Station. We Democrats have room for divergent views in our party—that is our strength. Nonetheless, I hope you will give serious thought to governor Clinton's position and not undercut him as he develops his vision for getting America moving again.

Mr. GLENN. Mr. President, just in closing, very briefly, I strongly urge my colleagues to defeat the amendment. I think the space station continues in the historical interest of this country in research. Research is such that you do not always know the full benefits which will come. But I have pointed out some of the things here this morning very, very briefly, some of the things that I think have a tremendous potential and the reason why we have a space program. It is crucial for our own country's industrial base. We did not even get into the number of people employed in the industry.

For these reasons, I believe we must fund the space station. I am as concerned about a balanced budget as Senator BUMPERS, but we also have to provide some seed corn for the future and that indeed is what we are doing with the space station, and I urge that this amendment be defeated.

Mr. SHELBY addressed the Chair.

Mr. GLENN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Approximately 3½ minutes.

Mr. GLENN. I yield that time to the Senator from Alabama [Mr. SHELBY].

Mr. SHELBY. Mr. President, I rise today in strong opposition to the Senator from Arkansas' amendment. It seems ironic that on the 500th anniversary of Columbus' discovery of the Americas that we would stand in this body and make the arguments against exploration and discovery that were advanced by the proponents of the flat Earth theory five centuries ago. "Do not explore" they said, "we know all that we need to know. We will discover nothing and waste the King's treasure."

We have heard this here today, but a lot of us know better.

We know that Americans, by their very nature, need horizons to explore and obstacles to conquer. When the frontier of this country was formed by the Appalachian Mountains, explorers and immigrants pushed West. When the Great Plains formed a boundary to our expansion, we built railroads and conquered the Far West to the Pacific Ocean.

When the continental United States had expanded to its limits, President Teddy Roosevelt expanded our Nation's horizons throughout the corners of the globe through naval power. When, in the 1950's, our country looked as if it had expanded as far as possible and there was no more room for Americans to move, we underwent a revolution in technology and transportation that led to the highly mobile society that we have today. When President Kennedy challenged us to conquer the horizons of space, we placed a man on the Moon within a decade.

Now, Mr. President, we are challenged forth to take another step toward the conquest of the so-called final frontier. Space station *Freedom* is the next step in the conquering of this frontier. Our Nation's character and legacy demand no less than that we build the station.

Against this background, there are several arguments in favor of the space station that I would like to advance today. The first relates to the need for a permanently manned orbital platform as a next step in the human exploration of space. We have much to learn about long-term human presence in space and its effects on human physiology. Shuttle flights last at most 2 weeks. Without the ability to study human exposure to zero gravity for months or years, we will lack the basic knowledge to handle long-duration space flights to other planets or to manage a prolonged presence on the the surface of the Moon. Space station *Freedom* will provide us with necessary data for, and solutions to, the muscular, circulatory, and nervous problems that will result from long-duration space missions.

Moreover, the station promises to solve the problems of human life support that will arise with an expanded human exploration program. Space station *Freedom* is creating state-of-the-art water, air and waste recycling systems that will allow long-term space missions to be largely self-sufficient with regard to these basic necessities. Engineers at the Marshall Space Flight Center in Huntsville, AL, are nearing perfection of a system that will recycle and reuse all of the station's water, air and waste right down to the perspiration on an astronaut's body.

The second necessity for completing space station *Freedom* is international. The United States has long been recognized as the leader in space exploration and technology. Cancellation of the space station will effectively relinquish this position.

Termination will leave our civil space program with no clear direction and will encourage other nations to aggressively pursue their own initiatives in space technology and exploration, ultimately surpassing the United States in these areas.

In addition, space station *Freedom* is an international partnership involving 16 nations. Our international partners will contribute $8 billion in hardware development and construction, and will share operating costs over the life of the station. Retreating from these agreements will not only be an international embarrassment, but will also hamper the ability to reach and to carry out future cooperative space research and exploration agreements.

Space station *Freedom* is a model for the peaceful, international research and development programs that we should pursue in the post-cold-war era. Cancellation of the program smacks of isolationism and marks another retreat from our natural role as the leader of a peaceful, global technological, and economic community.

Third, space station *Freedom* will provide our Nation with new technologies that promise tremendous economic, environmental, and medical benefits. The station will provide unprecedented opportunity for biotechnology and materials science research. Recent long-duration shuttle flights have shown dramatic promise in the growth of protein crystals. However, to effectively grow and develop these crystals, scientists require the long duration that the space station will afford for their research.

The growth of proteins in the absence of gravity allows for the growth of perfect crystals that give us valuable insight into genetic defects that cause numerous diseases. Moreover, the zero gravity environment promises unheard of advances in drug manufacturing techniques and semiconductor research. The purity of drugs manufac-

tured in this environment will allow the Russians to produce 50 percent of their insulin on the Mir Station by 1995. They are proving that such research has direct commercial and medical applications.

Space station *Freedom* will provide us with an observation platform for astronomical and environmental research, and observation. *Freedom*'s equatorial orbit will permit the observation of 56 percent of the Earth's surface and will allow the visual monitoring of environmental conditions on Earth.

Finally, I believe that the most powerful argument in favor of the station is economic in nature. Traditionally, every dollar spent on space-related technology by the Federal Government has returned $7 in economic growth and output. A 700-percent return, Mr. President, on our investment. New construction techniques, life sciences advances, and on board research will all have competitive economic applications within the national economy.

Presently, 75,000 Americans are directly or indirectly employed by the space station project. Companies in 39 States receive funds appropriated for space station *Freedom*. Employment in our aerospace industry dropped by 8 percent in 1991 alone and one out of every eight aerospace workers has lost his or her position since 1989.

The U.S. aerospace industry is one of the few sectors of our economy that still enjoys a favorable balance of trade. The aerospace industry is critical to our global competitiveness. Space station *Freedom* not only provides jobs in the industry, but also contributes significantly to the technological research and innovation that is critical for the industry's continued position as the leader in space technology and application. To cancel the program now, when the industry is showing signs of strain and the economy is in recession, is poor and shortsighted public policy.

Mr. President, space station *Freedom* is on time and on budget. NASA and its contractors have shown a true commitment to maintaining costs and complying with congressional mandates regarding design and delivery parameters.

NASA Administrator Daniel Goldin is working diligently to actually reduce the cost of the station below current price estimates. We should not reward this responsibility by canceling the program. The station represents one-seventh of 1 percent of the Federal budget. NASA's funding is only 1 percent of the budget. This is a small price to pay for discovery, economic investment, and the maintenance of this Nation's position as the leader in space science and technology.

Cancellation of the station lacks vision and reason.

Mr. President, this is a important piece of legislation that is to fund the space station. We have all heard the arguments. We have heard the biotechnology arguments, we have heard the employment arguments.

We led the world in space technology. Let us not go backward. The space funding only takes up a small, small part of our budget.

It is important, but technology is important to the future generations.

I ask all my colleagues to vote against the Bumpers amendment.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, how much time does each side have remaining?

The PRESIDING OFFICER. The Senator from Arkansas has 16 minutes and 55 seconds; and the Senator from Maryland and Senator GARN, the Senator from Utah, have a total of 14 minutes and 20 seconds remaining.

Mr. BUMPERS. Mr. President, I will wrap up my part of this ball of wax.

I want, first, to thank my very distinguished colleague and classmate, Senator GLENN, for his overly generous and kind remarks about my and Betty's efforts in behalf of children in the country. He was overly generous in his comments.

Senator GLENN and I came to the Senate together in 1975. Not only have he and Annie been steadfast friends of mine and Betty's, but I consider Senator GLENN perhaps the most consummately honest man in the U.S. Senate. And our disagreement on this, I promise you, is one of the heart and head both, on both sides.

My good friend from Utah, Senator GARN, is also a classmate. Senator GARN and I have had some interesting battles since we came here. We both came in 1975. There were only two Republicans in that class, as I recall: Senator GARN, and Senator LAXALT from Nevada. And though we have slightly different philosophies of government, we have remained, both on and off the floor, steadfast friends. I will miss his countenance and his words of wisdom on the floor of the Senate after the first of the year, because he has chosen to leave this body.

I thank Senator MIKULSKI for her very kind remarks. She is overly generous in her nice words about me, and I would like to reciprocate by saying that she always presents the very best arguments for her causes. And this one is no exception.

Mr. President, I have placed letters from both the American Legion and the AMVETS on the desk of every Senator. I pointed out last night that those veterans health programs continue to decline. And the health of veterans continues to deteriorate because we do not fund those programs at a proper level.

One hundred beds closed at a brand new hospital in my State for a lack of funds, and left a long line of veterans waiting, desperate, needing the care—and they cannot get it. The $200 million that I proposed to transfer to that would go a long way toward alleviating that problem.

My concern here has nothing to do with personalities. It really does not have an awful lot to do with the space station except, in my opinion, the space station should not be a priority, given the limited amount of money we have to spend to deal with what everybody agrees are the terrific, terrible problems of this country.

The amount of money we are going to spend on the space station would go a long way toward providing health care for everybody in the country. It would cure all of the problems of the seniors. We would not have to be talking about cutting Medicare all the time.

Senator GLENN very magnanimously covered immunizations a moment ago. As I said last night, we have vaccines—a new vaccine for chicken pox, a new vaccine for hepatitis A, a new vaccine for hemophilus influenza that prevents encephalitis, a vaccine for hepatitis B, which is the progenitor of 25 percent of all the liver cancer cases that people ever get. We are not going to be able to immunize all our children against them, because we do not have the money. And here we are embarking on a program that is going to cost somewhere between $180 billion and $200 billion, and probably more than either, because we all know these things always cost more than they are projected to.

The cost of the space station is now up 50 percent from when Ronald Reagan first proposed it in his inaugural address, I believe it was in 1984. It is a very curious thing, too, Mr. President, that the President of the United States proposed this in his inaugural address in 1984, and exactly 1 year prior to that, his own science adviser, Dr. George Keyworth said, "Developing a manned space station would be a most unfortunate step backwards." He said he would need to see a well-defined application for it, and he just did not see one. Nor do many other scientists in the entire United States.

It is a work program, but a very poor one. Twenty-two thousand people working on the space station, that will take $2 billion next year. Are you interested in jobs? Two billion dollars in the space station creates 22,000 jobs; $2 billion to repair highways in America creates 116,000 jobs and, in my opinion, will have a much longer-lasting benefit.

We have 10 million people out of work. The Soviet Union went broke trying to keep up with us in both defense and space. And what do they have left? They have a space station. They have a space station right now circling the Earth. It has been there for 5 years. I invite my 99 colleagues to call the So-

viet Embassy and ask them do they think that was a wise investment. Number two, ask them: What have you gotten out of it? I will tell you what the answer is: Nothing. "No" to the first one; "Nothing" to the second one.

And the verdict is still out in this country, Mr. President, as to whether or not we went broke trying to keep up with the Soviet Union. We have a penchant around here for, no matter what the rationale is, no matter what happens to the rationale, we just keep going. We started out with eight missions for the space station—that was back when we were talking about $8 billion in research on the space station—eight specific missions. And one by one, they have fallen off, and we are down to one; only one mission for the space station. And the enthusiasm by the proponents is just as great as it ever was.

It reminds me of the B-2 bomber. Every time somebody said, well, that is not a good rationale for it, somebody would come up with another one.

One of the greatest lines ever uttered since I have been in the Senate was by the Senator from Vermont [Mr. LEAHY] when all of a sudden they tested the B-2 bomber against radars; because, you know, the whole rationale for it was it could penetrate the Soviet Union, and the Soviet's radars could not see it. And the first time they fly it, there it is, on everybody's radar.

And Senator LEAHY said, "The B-2 bomber has appeared, and the Soviet Union disappeared, all within a matter of months." And there are people here who still want to keep building the B-2 bomber.

The cost of this thing is up 50 percent. Does anybody think the $200 billion estimated cost by the House study group—does anybody here think that is it? Do you think, by the year 2000, that figure will still be legitimate?

Mr. President, we have to help Florida. We have to help Louisiana. We do not have to build this space station, and we are going to remain last in education as long as we continue to divert our resources to exotic gold-plated projects such as this while our children go begging for an education. I yield the floor.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Ms. MIKULSKI. I yield 7 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, I thank our distinguished chairman of the subcommittee for yielding.

My arguments against this amendment are pretty basic. Let me start with the most important point first.

Twenty-five years ago, five percent of the Federal nondefense budget was on research and development; 25 years ago, 5 cents out of every dollar spent by the Federal Government on nondefense matters was on research and development, technology, investing in the future by developing new science, new technology, and new knowledge, which, combined with the most efficient economic system on the face of the Earth, made America the richest and most competitive Nation.

Twenty-five years later, today, we are spending far more total dollars, far more in terms of Government spending as a percentage of GNP than we dreamed of spending 25 years ago, and yet now investment in science, technology, and in the future is not 5 percent of that budget but 1.8 percent of that budget, and that assumes full funding of the budget request for the National Science Foundation, full funding for the SSC, full funding for NASA, and we have yet to issue final approval of those expenditures.

What we are doing, Mr. President, is reducing expenditures on investments that yield dividends in the future. Clearly, there are 100 Members of the Senate, and many of them have different priorities. As I listened to our colleague from Arkansas talk about spending on science and technology and how it ought to be cut, I think about a vote we had on another day on an amendment to freeze expenditures of the Corporation for Public Broadcasting at $275 million per year. I thought we ought to freeze the expenditures. The Senator from Arkansas thought we should not. Does that mean I was right and he was wrong? No. It means we had different priorities. I am willing to vote for an amendment that cut Government spending on discretionary programs by $10 billion and to lower the cap and rewrite all the appropriations bills to do it.

But what I am not willing to do is to go through and systematically cut the parts of the budget where we are investing in the future. That may very well mean, if we reduce the overall spending level, something I have fought consistently to do, that we may spend less money on science and the future. It might not. But the point is that we are already spending on science, technology, and the future about one-half as much of a percentage of the budget as we spent 25 years ago.

So what we are talking about is reordering priorities. We have a spending cap, the money below the cap is going to be spent, the President is going to enforce the spending caps with vetoes, those vetoes are going to be sustained. The issue here is not spending but priorities. In terms of priorities, I believe and I am absolutely convinced that, relative to the amount of money that Government spends, we are underinvesting in science, we are underinvesting in technology, we are underinvesting in the future. We not only are spending more money at the Federal level, but we are consuming more and investing less, and our Nation is a loser because of both of those decisions.

So I urge my colleagues to reject this amendment. When we are spending only one-half of a percentage of the budget what we spent 25 years ago on science and technology, when America is the one Nation in the world that has benefited more from the development of science and technology than any other nation, I think it would be a poor decision to adopt this amendment. I trust we will not. I yield back the remainder of my time.

Mr. GARN addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. GARN. Mr. President, I yield myself the remainder of the time.

MODIFICATION TO AMENDMENT NO. 2955

Mr. GARN. Mr. President, I send a modification of an amendment to the desk. Last night we adopted a Chafee amendment. This is a technical change. We need to change 262.3 to 261.3. I send that modification to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The modification is as follows:

In amendment number 2955, strike "262.3" and insert in lieu thereof "261.3".

Mr. GARN. Mr. President, we are nearly at the end of this debate, and there is not much new that can be said. Essentially, the proponents of the Bumpers amendment made the same speeches they did last evening.

One point I wanted to follow up on, which the Senator from Texas just mentioned, is the cost figures. It is very appealing during a Presidential election year and senatorial and House election year to talk about saving the taxpayers money. Let us keep this in perspective, not only what the Senator from Texas just said, that social programs have increased dramatically in this country over the past couple of decades, but all science research has gone down. I do not dispute some of that was necessary.

Let us put the whole thing into perspective. Forget eliminating the space station. If we eliminated NASA and said, "We do not want a space program anymore, we are going to eliminate the agency," we would save 1 percent of the total budget of this country. So most of what we heard today is a vast exaggeration, not only of the total cost of the space station, but, even if it did cost as much as the proponents of this amendment say, we also ought to talk about costs in terms of oranges and oranges and apples and apples to string out the whole life-cycle cost.

We can do that with anything. We can take the annual cost of the operation of Congress, which has gone up more dramatically than most other governmental expenditures. I think we have far too much staff and the American people would like us to cut the cost of the operation of this body and

the House of Representatives. But let us multiply that for 30 years without even any cost increases and amortize that with compound interest.

With every single Government program you can make that case, like buying a house. How many people would buy their house if they were told it is not just the initial cost, but it is all the maintenance, it is the operation, it is the utilities, it is the taxes, everything you do on that and all the interest for the next 30 years. You would say, good heavens, I cannot do that. We would be talking about a $100,000 house costing $1 million or more over that period of time.

So the proponents wish to dramatically exaggerate the cost. This is an investment in the future. I will not go into a repetition of all I said last night. It is an investment in the future of our children.

In a recent op-ed piece in the Washington Post, "Who Needs a Space Station," July 27, Maxine Singer and Donald Brown suggest that those of us who support space station *Freedom* base our entire support on its potential value for biomedical research. I suppose I understand their myopia, but they should, as scientists, at least acknowledge that their arguments address only one of the wide array of reasons for investing in the space station.

Interestingly enough, Maxine Singer, who is one of the coauthors of this op-ed that we do not need a space station, is the very same person who, on April 28 of this year, in a House hearing on the NASA authorization bill said, "I don't need space technology to do my research. I can do it using equipment such as displayed in this hearing room."

Miss Singer did not realize the equipment to which she was referring is the bioreactor, a device designed and built by NASA for use in the space station.

This is typical of a lot of the scientists who are testifying against this. They believe that it will result in more money for their pet scientific project. Well, that has never happened. In all the years I have been on this subcommittee, if you cut the space station, if this were accomplished today with the Bumpers amendment, money would not go to other science. It stays within this subcommittee allocation. It will go to EPA. It will go to a lot of different things: to veterans, to Superfund. And maybe people would like to do that. But it would be reallocated within that subcommittee. It would not go to order scientific projects.

Ms. Singer is not alone. Unfortunately there are many Americans like her who are not aware of the vast array of scientific equipment and medical devices and techniques which exist because of space research. The medical benefits alone have revolutionized modern diagnostic and therapeutic equipment used today in the practice of medicine. These include: implantable pacemakers, CAT scans, MRI scans, defibrillators, medication delivery systems, and paramedic ambulances and lifeflights, to name a few.

The question is not whether these spinoffs are worth the investment—for how can you place a dollar value on a human life. The question instead becomes how do we educate the American people about how their lives are affected each and every day by space related spinoffs, and that without a space program America's technological future is at risk.

I recently received a letter from a Florida resident who was hospitalized and operated on in the spring of 1981 for a ruptured colon. Because of the high dose of antibiotic needed to kill the rampant infection, his heart was in jeopardy. As part of the procedure, an instrument was inserted into his heart to monitor its beating. Several times over the next 3 weeks the instrument signaled the doctors who were forced to discontinue the antibiotics as his heart began to beat erratically.

Following recovery, the man's doctor said, "I suppose you'll really support the space program now. The device which saved your life was developed by the space program. We've only had it for one month. You're very lucky."

The gentleman concluded his letter to me by asking "How do you say thanks to a program or a piece of equipment that saved your life? Please support the space program if for no other reason than to promote the medical research like that which saved mine."

That was 1981. Since then, space-related medical advances reach into the tens of thousands.

REBUTTAL TO THE WASHINGTON POST ARTICLE OF JULY 27, 1992, TITLED: "WHO NEEDS A SPACE STATION?" BY MAXINE F. SINGER AND DONALD L. BROWN

Mr. President, the authors state that $50 to $100 billion will be required for the construction and flight of space station *Freedom*. They also claim that the space station cannot be justified in "the light of competing national needs, including scientific programs. * * *"

First, these costs are misleading, if not inaccurate. The construction of the space station is currently estimated to be $30 billion. The operation of the space station is planned for a 30-year period with an annual cost of about $2 billion a year. Further, we believe that the scheduled reductions in military and strategic defense initiatives create a shift in national needs. Without the space station, these reductions will leave the Nation without programs which are on the cutting-edge of engineering and technology. The medical benefits derived from applications of NASA technology alone have revolutionized modern diagnostic and therapeutic equipment used today in the practice of medicine. To mention a few: implantable pacemakers, defibrillators, medication delivery systems, patient telemetry for intensive/coronary care units, paramedic ambulances/lifeflights, diagnostic computer-assisted tomography [CAT] scans, magnetic resonance imaging [MRI], and positron emission tomography [PET] scans. In testimony to the House Subcommittee on Space recently, Dr. Michael DeBakey, chancellor and chairman, Department of Surgery, Baylor College of Medicine, vigorously defended the continuation of space research in all areas, including biomedical, if we hope to continue the brilliant technological progress that has characterized the first 30 years of the program.

The authors say that space station is not "required for space exploration or for biomedical research."

The authors are not representative of the large community of investigators in the biological and medical community in the United States and other industrial nations throughout the world. The space station is required to qualify humans for space exploration. The Soviets did accomplish an unmanned mission to the Moon, but the scientific return was limited, even as was our unmanned Viking mission to Mars in 1975.

The statement is made that the "useful instruments developed in the manned space program were developed on Earth; we don't need to go into space to create new technology."

But, the point is that it was developed for operation in space, and this alone has driven us into new areas of technology that have subsequently been used to advantages in other areas back on Earth. For example, the miniaturization of numerous medical and biomedical devices for space application have proven to be of great advantage here on Earth.

The statement is made that "physicists and astronomers repeatedly state that little if any unique science will come from a space station."

It is commonly accepted that more was done to advance our understanding of the sun and solar activity on our first manned space station, Skylab, than in any comparable period of time or effort. The combination of scientists in space using new and unique instruments that were operated in the unique environment of space provided two elements that are required to advance our knowledge in any scientific field. It is true that most space physics and astronomy is now conducted on unmanned space missions. It is possible, however, that we have not planned the kinds of physical science for the space station that would yield "unique science." It is also possible that physicists and astronomers prefer to use robotic space missions.

The authors of the article suggest that we must examine whether we are

ready to subject humans for long periods of time to what we already know to be a debilitating and inescapable environment—low gravity and radiation characteristic of space—especially because present and future technological advances will permit us to explore, study and utilize space without resort to manned space flight.

It is inconceivable that the authors actually believe that we can do as much or more in exploration and research without humans being present to respond to changes in experimental operations or observe unexpected results. As far as the risks are concerned, we are confident that we can mitigate those from zero-gravity and radiation to levels comparable with those of other occupations here on Earth. Every human endeavor, whether on Earth or in space, involves risks. The question is whether the gains to society as a whole which are expected from the endeavor justify the risks which a few must take. The risks of space travel by humans are justified. Further, we can mitigate them to levels that will be judged acceptable by the appropriate authority. Humans provide a flexibility and ability to make direct observations, as well as the ability to make real-time decisions to improve an experiment. If we are to fulfill the President's national goal of having a permanent human presence in space, then we must develop suitable countermeasures to obviate or attenuate the adverse effects of microgravity on the cardiovascular system, on bones and muscles, the renal/endocrine system, and on neurosensory systems. The space station provides the necessary laboratory to carry out these studies.

The authors state that "extensive data concerning the long-term effects of space on humans have already been acquired."

American space scientists have been working with our Russian counterparts for about 25 years. We can say with confidence that although they hold the record for endurance on their long-term Mir missions, we have gained little knowledge from those missions on the various gravity-influenced systems. The effects of microgravity and the various countermeasures used have not been studied systematically, and the cosmonauts return in a state of considerable debilitation. Further, the Russians have not, to date, used sophisticated equipment and protocols to conduct the requisite studies. They have used the shotgun approach or a combination of countermeasures which have been of limited success. We are currently working jointly with the Russians and attempting to perform sophisticated studies to learn all that we can from their long-term Mir missions. Their Mir technology, however, is some 20 years old, and their space station which was to remain aloft for 2 years has been there now for 8 years. On July 8, 1992, two cosmonauts performed an EVA to install two available gyrodynes and to prepare 5 to 8 gyrodynes for replacement or repair by the next crew.

The authors state that there is no obvious merit in space research on cellular processes in normal and diseased cells and organisms.

This point of view is contrary to that expressed by Dr. Marylou Ingram, a biotechnology researcher from the Huntington Medical Research Institutes, Pasadena, CA:

> We have begun to utilize microgravity emulation as a key experimental tool for improving adoptive immunotherapy. Space station *Freedom* will offer a unique opportunity for long-term studies of tissue cultures in the microgravity of space.

She further states that the opportunity to do such research in the microgravity environment of space of the duration of 6 to 9 months will be particularly important in understanding basic cellular physiology. She believes it would be important in advancing our knowledge of normal human cells as well as cancerous cells. She also expressed the opinion that longer exposures would allow the study of microgravity effects on cellular repair, cell aging, programmed cell death, constancy of gene expression, genetic drift and selection in cell populations and cell interactions during establishment and maintenance of normal and malignant tissue architecture.

The authors states: "It is extremely difficult to imagine what special conditions space might provide for answering important questions about the cause, diagnosis and treatment of human disease. * * *"

Marylou Ingram, M.D., of the Huntington Medical Research Institutes, Pasadena, CA, testified recently before Congress that experiments simulating a weightless environment have shown great promise in developing countermeasures for a particularly lethal form of brain cancer. Dr. Ingram said the experiments using a device called a bioreactor showed that "Space Station *Freedom* would offer a unique opportunity for long-term studies of tissue cultures in the microgravity of space." The United States is the world leader in biotechnology and medical science research. A February 1991 report from the President's Council on Competitiveness estimated that biotechnology will grow from a $2 billion industry to a $50 billion industry by the next decade. It will play a pivotal role in solving environmental and health care problems, and may exceed the computer industry in importance. Opportunities for doing research in the microgravity environment of space which would permit exposures to the length of 6 to 9 months would be particularly important in understanding basic cellular physiology. This would be important to advancing our understanding of normal human cells as well as human cells that are cancerous in nature. Longer exposures of several months such as could occur in space station *Freedom* would make it possible to extend the studies to include microgravity effects on cellular repair, cell aging, cell death, and genetic mutation.

The authors state that "sick people in our world are sick for earthly reasons," and that it is more cost effective to seek cures on this planet than in space.

We agree with this statement to a point. However, it must be stated that the primary reason for NASA's biomedical program of research is to ensure the health, medical safety, and well-being of the astronauts in space and on return to Earth. We are not primarily looking for cures of all sick people or diseases; this is the function of the National Institutes of Health, with whom we recently signed an agreement for closer cooperation in medical problems of mutual interest. Microgravity offers unique advantages in research particularly on the neurovestibular system without the interference of the otoliths of the inner ear. It also provides, as indicated from preliminary zero-gravity simulations on Earth, a milieu for the growth and propagation of 3-dimensional tissues which can then be used as a model for a host of investigations: tissue differentiation, response to drugs, response to infectious agents. Such tissue models of significant size cannot be produced by classical cell culture techniques now in use on the ground.

The authors suggest that biological experiments are always more complex than anticipated and that good experiments require fastidious attention to detail and flexibility on the part of the investigators.

Surely they are not suggesting that space scientists are incapable of designing experiments with attention to detail and flexibility. As a rule, space experiments are designed to fulfill both of these requirements. Because opportunities to conduct research in space are hard to come by, attention to detail and flexibilty have become one of the characteristics of space experiments. It is true that some of the very large astronomical experiments have experienced instrument problems in the last few years. Yet, we have obtained new knowledge even under those conditions. The biomedical experiments which will be done in space are orders of magnitude less complicated.

The authors state that a recent experiment to grow crystals of the AIDS virus protein in space was unsuccessful.

In a letter to the NASA Administrator, the principal investigator, Dr. Lawrence DeLucas, associate director, University of Alabama at Birmingham Center for Macromolecular Crystallog-

raphy, "This is absolutely incorrect." He said that he had examined the crystals grown of reverse transcriptase on the USML-1 mission and found them to be perfectly formed. He admitted that they had been unsuccessful in growing the same crystals in previous shuttle flights. Perhaps that is the origin of the author's comments. Dr. DeLucas also pointed out that the reverse transcriptase flown on USML-1 was complex to an antibody, a structure that is of great interest to the scientific community and different from the structure being solved by the Yale group.

The authors imply that it takes a long time to develop experiments for space research and that this makes it difficult for us to make a "last-minute dash back to Earth" to obtain supporting equipment that was not planned for. They also suggest that research will be done on Earth which will render a space experiment obsolete by the time it is carried out.

The fact is that biomedical experiments have historically had among the shortest development lead-time of all space experiments. The problem for life sciences in the past has been the lack of opportunity to conduct detailed experiments in space, especially with humans as subjects. The space station, is, in fact, an answer to both of these problems. Because it will be a well equipped general-purpose laboratory, it will be supplied with the necessary supporting equipment to allow scientists to alter experimental procedures and pursue different avenues of research as new discoveries are realized. We anticipate an era in which especially some of the physiological problems encountered by humans in space will be advanced more rapidly than ever before. The problem with both the United States and Russian biomedical experiments in the past is that we have not been able to make all the critical measurements which are needed. Space station *Freedom* will resolve this problem.

The authors refer to a recent congressional hearing with medical researchers representing the American Cancer Society, Alzheimer's Association, and the Arthritis Foundation cast into doubt the claims of space station proponents.

Following the hearing, the American Cancer Society issued a statement saying that it officially, "has no position on the space station. The society will not testify to the advantages or disadvantages of finding the space station. We have no expertise, no knowledge, and no credit as a commentator on this project." (April 24, 1992) NASA has made no claims to investigate Alzheimer's disease. NASA is, however, interested in osteoporosis research in space where the bones decalcify ten times faster than during ground-based bed-rest studies. In certain cases, research in microgravity can be of considerable benefit in advancing the treatment (countermeasures) of this disease.

The authors ask whether the biological discoveries in space will justify their expense. Their answer is they almost certainly will not. They add that biological research done on the space station will probably be a "whopping and very expensive bore."

A bore to whom? Physicists and astronomers, other biomedical scientists, the public? It is probably true that even most biomedical research done on Earth is a bore to some of these groups, if not all. One thing we have observed in the past is that the public has been intensely interested in what humans do in space. As Dr. Michael DeBakey testified before the House Subcommittee on Space, we can never know beforehand the extent of applications from knowledge obtained in research. The space station will be a laboratory where research can be conducted in a unique environment that eliminates some of the forces experienced on Earth. One technique in research is to isolate a subject from as many external forces as possible so that its fundamental reactions can be studied. We can never know which research will justify its expense and which will not. But, we will have no chance of advancing our knowledge if we do not support research, including that which produces "biological discoveries in space."

The authors state that "most of us do not support the funding that will be necessary for the space station," adding that our efforts are needed here on Earth.

First, who are "most of us?" Do they mean physicists and astronomers, medical researchers, academicians, society presidents, or whom? Such statements should not be taken seriously as they have no data on which to base them. The authors admit that voyages of men and women in space are dramatic testimony to the imagination and skill of scientist and dreamers. They also admit that even they are thrilled by them. It is from such ventures in science and discovery that incorporate the imagination and skill of scientists and dreamers that we are able to make dramatic advancements in our knowledge of the universe in which we live and its influences upon us.

Mr. President, I ask unanimous consent to have printed in the RECORD letters from Dr. Bernadine Healy, from Dr. Daniel Goldin and Bernadine Healy, and a second letter from Dr. Healy, as well as a letter I received just a few moments ago from Dr. Goldin on the issue of the NIH and NASA agreement.

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

NATIONAL INSTITUTES OF HEALTH,
Bethesda, MD, September 3, 1992.

Mr. DANIEL S. GOLDIN,
Administrator, National Aeronautics and Space Administration, Washington, DC.

DEAR MR. GOLDIN: I was pleased to learn that you have distributed copies of our recent Memorandum of Understanding (MOU) to interested members of Congress. I am confident that our joint effort to tap into the respective strengths of NIH and NASA enhances our ability to respond to the challenges and opportunities provided by the space environment.

I am encouraged by the progress that we have achieved already in creating mechanisms to implement the strategies set forth in the MOU, and I believe that we will be able to sustain this momentum. It is my hope that the mission of both agencies, and the health of the American people, will be advanced through continued collaboration.

On a personal level, I look forward to working with you as you provide visionary leadership for NASA.

Sincerely yours,

BERNADINE HEALY, M.D.,
Director.

NATIONAL INSTITUTES OF HEALTH-NATIONAL AERONAUTICS AND SPACE ADMINISTRATION,
August 14, 1992.

Dr. CHARLES A. LEMAISTRE,
President, the University of Texas, M.D. Anderson Cancer Center, Houston, TX.

DEAR DR. LEMAISTRE: On July 21, 1992, NASA and the National Institutes of Health (NIH) signed an agreement to stimulate new opportunities in the biomedical and behavioral research community. A copy of our Memorandum of Understanding is enclosed. In order to ensure that these endeavors are proceeding to meet the identified goals, NASA and NIH have agreed to establish an extramural advisory committee. The committee will be composed of a chairperson and ten members mutually agreed to by both agencies. The committee will examine the progress of ongoing joint activities and will provide advice concerning appropriate programmatic themes and strategies.

We would like to invite you to serve as chairperson of the NASA and NIH Joint Advisory Committee on Biomedical and Behavorial Research. We believe your expertise will be very beneficial in this agreement that will ensure the maximum return on our investment in space-based biomedical research. It is our goal to identify the Committee membership and have its formation complete by October 1, 1992.

We hope that you will be able to accept this invitation, subject to formal establishment of the committee and prescribed appointment procedures. We look forward to hearing from you.

Sincerely,

DANIEL S. GOLDIN,
Administrator, National Aeronautics and Space Administration.

BERNADINE HEALY, M.D.,
Director, National Institutes of Health.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION,
Washington, DC., August 11, 1992.

Dr. BERNADINE P. HEALY,
Director, National Institutes of Health, Bethesda, MD.

DEAR DR. HEALY: I am glad we had a chance to talk on the phone and put to rest an issue that in reality was a non-issue.

I am most pleased that NASA and NIH will be working together to ensure the maximum

return on our investment in space-based biomedical research to the American people, and I am glad that we will be working together to increase opportunities for space flight experiments. I understand from Dr. Len Fisk of NASA we are making significant progress with our collaborative activities and that several institutes of NIH have already met with NASA and more are scheduled to meet.

Finally, I have enclosed a copy of the final letter we agreed upon to transmit the NASA/NIH Memorandum of Understanding to the Hill.

Thanks again for your cooperation in resolving this matter—let's stay in touch.

Sincerely,

DANIEL S. GOLDIN,
Administrator.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION,
Washington, DC, September 9, 1992.

Hon. JAKE GARN,
U.S. Senate, Washington, DC.

DEAR SENATOR GARN: Based on what I heard last night during floor consideration of the VA-HUD Independent Agencies Appropriations Bill, I think it is clear that some additional facts concerning the status of the NASA-NIH relationship need to be presented.

First, NASA and NIH were not brought to the table unwillingly with regard to our recently signed agreement. NASA and NIH have been engaged in cooperative activities for several years and our staff have an excellent working relationship. The agreement that was entered into in July was the fruit of these prior cooperative activities.

Second, as stated in Dr. Healy's remarks from the July ceremony that concluded the agreement, "NIH has two reasons for pursuing biomedical research related to the space environment. First is the desire to assist NASA in achieving its mission to protect the health of space travelers by focusing on biomedical research on the potential health problems engendered by space travel. The second reason concerns NIH's interest in exploring the degree to which the unique space environment might serve as a 'laboratory' for the conduct of studies bearing on the full spectrum of conventional health problems existing on Earth."

NASA fully shares this rationale and feels that it is totally consistent with the emphasis being placed on materials processing, biotechnology and life sciences research planned for the Space Shuttle and the Space Station. While I cannot say with certainty that Space Station Freedom will cure a specific disease, I do believe that the unique microgravity environment of space will help us better understand the functioning of the human body and allow us to treat diseases and dysfunctions in patients on Earth. To quote the distinguished physician, Dr. Michael DeBakey, "Space Station is a research activity that is important to our future, that is important to medicine and medical science, and is important to Americans, in general. It can provide and continue to maintain the leadership which we now have in medical science throughout the world."

Third, despite what you may have read in the trade press or heard on the street, the "so-called" problem over the letter transmitting the NASA-NIH agreement to the Congress was the outgrowth of a draft letter that my staff sent to the NIH for their comments and inputs. The final letter that transmitted the agreement to the Hill fully incorporated the NIH viewpoint and represented only minor changes to the "original" draft. If people would take the time to read the correspondence between Dr. Healy and myself since this occurrence, one would discover that we are in agreement on scope, content, and pace of our agreement; we have approached Charles LeMaistre, President of the M.D. Anderson Cancer Center in Houston, Texas to be the Chairperson of a Joint Advisory Committee; and we both strongly believe that our cooperative research activities between the two agencies will result in benefits to NASA and the American public (see enclosed correspondence).

Simply stated, NASA and the NIH are moving out together to implement our new Memorandum of Understanding on Biomedical and Behavioral Research. And, we are moving out together to ensure the maximum return on our Nation's investment in biomedical research.

As you know from our telephone conversation, I find it amazing that the supporters of the Space Station are overlooked by the opponents of the program. Supporters of the stature of Dr. Michael DeBakey and Dr. Charles LeMaistre, leaders in the field of medical research who have done so much to improve our quality of life and who are well aware of the benefits of space-based biomedical research never seem to be quoted in the debate. Therefore, I thought you would find some extracts from the House Committee on Science, Space and Technology hearing on this matter interesting (see enclosed).

Finally, as the new Administrator of NASA and as a taxpayer, I find it perplexing to hear information presented as "factual" that bears no relationship to the current program that has been restructured based on guidance from the House and Senate. Along those lines, I wonder how many members of the Congress have had an opportunity to read any of the fact sheets—and I do mean "fact sheets"—that the agency has transmitted to each and every Senate office during the last month. As you know, I am convinced that the more people who know the facts, the more likely they will be to support the Space Station program. I would be grateful, therefore, if some of these fact sheets could be inserted in the Record (see enclosed).

I would like to thank you and your colleagues for trying to present the facts last night, and I hope that you will have further opportunities today to further educate the members of the Senate.

Sincerely,

DANIEL S. GOLDIN,
Administrator.

NASA-NIH AGREEMENT

Mr. GARN. Mr. President, the record needs to be perfectly clear that NASA and NIH and their leadership are in total agreement concerning the purpose, content, scope, and pace of their joint agreement on biomedical and behavioral research. Space station *Freedom* will provide a unique environment in which to conduct materials processing, biotechnology, and life sciences research and NASA and NIH working together will maximize our return on our investments in these areas.

As the attached letters indicate, Dr. Healy and Mr. Goldin are making progress and do believe that there is substantial value to cooperative research activities and to space-based and Earth-based research.

Finally, I have heard so much about the GAO report on the cost of space station *Freedom* that I would like to quote from the report, too:

Two possible benefits to be derived from microgravity research are the development of less flawed crystals to improve computer technology and the growth of large protein crystals to use in understanding how diseases occur and in developing the counterattacking medicines for illnesses such as cancer. The human and economic return of these endeavors—if successful—could be enormous.

SPACE STATION "FREEDOM" COST

I would like the record to show since NASA and the Congress agreed upon the restructured space station *Freedom* program in the spring of 1991, the program schedule and costs have not changed—the agency has made real progress—despite the fact the Congress has not honored its budget agreements with the agency concerning overall funding or funding for this program.

I also would like the record to show NASA currently has established a series of internal red and blue teams that are now starting to interact with contractor teams to find better and more efficient ways to implement their programs. Currently under review is the space station *Freedom* operational regime, management structure, and transportation requirements. Out of this activity, the agency is confident further cost reductions in the outyear budgets will be achieved.

The key thing that the space station program and its international partners need right now is stability. NASA has expended nearly $7 billion and its partners nearly $2.6 billion to date and considerable progress has been made. The critical design review will be completed by next June and the first element launch is still scheduled for 1995. Space station *Freedom* is real—as are the men and women who are working on this program.

To help Members better understand the numbers, I ask unanimous consent to insert a table in the RECORD. This table compares the original cost estimate of the program in fiscal year 1984 dollars and real year dollars to the current cost estimate.

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

SPACE STATION "FREEDOM" FUNDING ESTIMATES $8B VERSUS $30B

[In billions of dollars]

	Original estimate	Current estimate
1984 constant year dollars	8	11.2
Real year dollars	12	16.9

Original Station estimate of $8B was made in 1984, prior to completion of definition studies.

Original estimate was in 1984 constant year dollars, for definition/development only.

Current estimate for definition/development in 1984 constant year dollars is $11.2B (equates to $16.9B in real year dollars).

Cost to reach permanently manned configuration (1999), (definition, development,

operations and transportation) is $30B in real year dollars.

Mr. GARN. Mr. President, during the course of the debate, many different members have quoted Dr. Bromley as being opposed to space station *Freedom*. I would like to insert a statement that Dr. Bromley has made on behalf of space station *Freedom* in the RECORD so that members will understand Dr. Bromley's position.

I also would like to indicate that I have spoken to Dr. Bromley and he is still an ardent supporter of this program. Space Station *Freedom* will provide a unique environment for microgravity research in many fields of endeavor. But most importantly, Space Station *Freedom* will hopefully allow us to develop the necessary countermeasures to continue our exploration of the solar system.

Members who are basing their vote against this program on quotes from the President's science adviser—need to talk to the President's science adviser.

I ask unanimous consent that the article be printed in the RECORD.

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

EMBRACE A NEW AGE OF EXPLORATION

(By Dr. Allan Bromley)

Since he became president, George Bush has sought to cast the annual budget negotiations with Congress in a new light. He has emphasized investments in the future—in education, preventive health care, the transportation infrastructure, environmental protection, the exploration of space and scientific research. In particular, George Bush has given stronger support to science and space than has any president during the past two decades.

Congress also recognizes the importance of investing in science, technology and space, and it has taken a number of steps to increase those investments. But the tight fiscal climate created by the need to reduce the deficit has presented both Congress and the administration with difficult choices. The whole point of last fall's budget agreement was to encourage priority-setting. As the budget season progresses, we must keep in mind the consequences of the choices Congress makes in setting priorities for the nation's future.

One difficult choice for Congress involves Space Station Freedom. Last month a House Appropriations subcommittee voted to eliminate funding for the space station, with the funds going instead to other programs, including those of the Veterans Administration and the Department of Housing and Urban Development. The full House later reversed the subcommittee's decision on the space, but chose to offset that by freezing all of NASA's funding. Although space science would continue to constitute about 20 percent of NASA's activities, needed growth in NASA programs requested by the administration would be lost.

Opponents of the space station have presented the tradeoff as being between space and science, but the administration does not believe that the debate should be cast in these terms. Nor is it a matter of big science vs. little science. It is between investments in the future and current consumption.

The administration believes that its budget strikes a careful balance between our current needs—including our commitments to veterans and the homeless—and future investments. By funding the Veterans Administration and HUD at levels higher than the increases requested by the administration, the House is tilting this balance and contributing to a long-term decline in future investments by the federal government.

Space Station Freedom has never been primarily a science project, just as the Apollo program was not primarily a science mission. Rather, the space station is our initial permanent step into space, the critical next chapter in a grand story of exploration that will take humans away from the home planet into an endless frontier.

There is also one form of scientific research that can be done only with a permanent, manned outpost in space. We need to know how humans can adapt to the harsh and unforgiving environment of space and to prolonged weightlessness. A major scientific effort, involving substantial numbers of astronauts in space, will be needed to understand the physiological and behavioral changes that occur in space and to devise methods for coping with them. Much work needs to be done to carry out such a program. Scientists and engineers need to work constructively with NASA, the administration and Congress toward this end.

Like the scientific returns, the technological returns from the station are impossible to predict but are certain to be rich. The Apollo program offers a good analogy. When the National Academy of Engineering recently picked the top 10 engineering projects of the past quarter-century, the Apollo program ranked first, ahead even of the microprocessor and communication satellites. The Apollo program also represented the first time in the history of our species when a quantum leap in both science and technology took place without the impetus of a global war.

Those who argue that money saved from the station will go to research and development overlook the pressures being exerted on Congress. The point missed is that the probability of funding both science and space is maximized when the two stick together as part of one future-oriented coalition. As Budget Director Richard Darman said in testimony before the House Committee on Science, Space and Technology, "The reality is that appropriators will tend to do exactly what the station-killing committee has proposed to do: give no more to science than in the president's budget; reduce station to zero; and reallocate every single dollar thus 'saved' to nonscience."

Killing the space station would also threaten our ability to fund areas of science and technology far removed from space. The public supports scientific research and manned space exploration for two primary reasons: because it believes these investments pay off and because of the intellectual excitement and adventure these activities provide. Space exploration has captured the imagination of much of the American public, especially our youth. In the 1960s the Apollo program inspired many of them to become scientists and engineers, even if they did not work directly in the space program. To attract the next generation of scientists and engineers, and to promote science and technology much more broadly in our society, a manned space program is essential as part of a balanced space exploration program.

The House's decision to save the space station has set the stage for more positive actions by the Senate. But Congress now faces a choice: By expending only one-third of one percent of our GNP on NASA, we can embrace a new age of exploration. Or we can choose to spend the money on the political system's insatiable consumption habits, thereby closing the door on space—the next great frontier—and on America's leadership on that frontier. The choice, to me, seems clear.

Mr. GARN. In addition, I ask unanimous consent that a letter from the European Space Agency, from the Center for Macromolecular Crystallography, University of Alabama, be printed in the RECORD, and a series of additional letters from groups including International Association of Machinists.

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

EUROPEAN SPACE AGENCY,
Paris, July 22, 1992.

Hon. GEORGE BROWN,
Chairman, Committee on Science, Space, and Technology, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN BROWN: For the second time in the current Congressional budget cycle, I find myself writing to you concerning the International Space Station Freedom programme. My first communication was prompted by a threat to cancel the programme during House floor action on NASA's FY93 Authorization Bill. Fortunately the Roemer Amendment was defeated by a substantial margin.

At that time I stated that our participation in Freedom forms an integral part of the European space effort. I also pointed out that our Industrial Policy committee had authorised the placing of contracts with industry for the development of Columbus elements, at a time when Europe is facing constrained space budgets and debating the future direction of its space cooperation.

These budgetary contraints are leading to major revisions in the Agency's Long Term Space Plan, which we are currently reviewing with our Member States. In making such revisions Europe has been forced to extend the time scale for achieving its ambitions, particularly as regards the development of an autonomous capability for manned operations.

However, while carrying out this exercise we have remained conscious of the importance of Space Station Freedom as the next major step in the manned exploration of space and of the obligations we have undertaken, to our Station partners, through our signatures of the Intergovernmental Agreement and ESA/NASA MOU. We have therefore made every effort to ensure that, whatever the necessary revisions to our Long Term Space Plan, we will maintain our commitment to the development of the Attached Pressurised Module as our contribution to Freedom, on a schedule as agreed with NASA.

While I certainly have no intention of proposing to the Congress the manner in which it should deal with the current fiscal situation in the United States, I trust that the United States will honour its international commitments and that this will result in the allocation of the necessary financial resources to your portion of the Freedom programme.

In this way we will be able to continue to implement what is often referred to as the

largest scientific and technical cooperation ever undertaken and will demonstrate our reliability as partners in this very important endeavour.

Yours sincerely,

J.M. LUTON.

CANADIAN EMBASSY,
Washington, DC, July 22, 1992.

Hon. JAMIE L. WHITTEN,
Chairman, House Committee on Appropriations, Washington, DC.

DEAR MR. CHAIRMAN: The House is expected to vote in the near future on continued funding for Space Station Freedom. In anticipation of the possible introduction of an amendment to terminate its funding, I am writing to urge you to support the continued development of this pioneering project at this critical juncture.

We understand that the budgetary pressures currently facing the United States are substantial and present difficult choices for the funding of programs. The United States, however, is not alone in this regard. All of the partner nations in the Space Station are confronted with very restrictive fiscal situations with similarly intractable choices.

Canada has steadfastly honoured its commitments to Space Station Freedom amidst these budgetary pressures. We will have expended C$550 million by the end of 1992 towards the development of the Mobile Servicing System. Further, while the 1991 restructuring of the project required us to make difficult technical adjustments at substantial cost, we made those changes needed for the project.

Canada has continued to stay the course not only because we believe it is important to stand by our commitment but because we regard this project as a critical step in international space cooperation. Much of the important science and technology work needed by our countries in the coming decades will only be feasible through international collaboration. Space Station's success will be pivotal in fostering this cooperation.

The Congress has the opportunity at this stage to reinforce the United States leadership in manned space flight by sustaining its funding for the Space Station. I urge you and your colleagues to support this key decision.

Yours sincerely,

MARC BRAULT,
Chargé d'Affaires, a.i.

NATIONAL SPACE DEVELOPMENT AGENCY OF JAPAN,
Tokyo, Japan, July 20, 1992.

Hon. THOMAS S. FOLEY,
Speaker of the House of Representatives, Longworth House Office Building, Washington, DC.

DEAR MR. FOLEY: This letter is to express my grave concern about the current situation the budget for the Space Station Freedom Program is encountering during the coming budget processes in the US House of Representatives.

This Program has been conducted since 1985 when NASA and other International Partners started the SSFP preliminary design. The National Space Development Agency of Japan (NASDA) is deeply committed to this program to the extent that any adversity in the United States Program seriously affects the Japanese space program.

The Intergovernmental Agreement on Cooperation in the Space Station Program entered into force between Japan and the US this January thirtieth. Based upon the Agreement, the Science and Technology Agency and NASDA are now strenuously conducting the development of the Japanese Experiment Module (JEM).

This JEM Program is the centerpiece of the Japanese space development program, and has grown to require one-third of the annual NASDA budget. NASDA has already completed the JEM Preliminary Design Review and has proceeded to the critical design of the Engineering Model. In so doing, NASDA has made contracts equivalent to forty percent of the total JEM development cost. NASDA further expects that this figure will reach fifty percent by the end of fiscal 1992.

Convinced that the Space Station Program is essential to extend human presence in space, NASDA is most eager to successfully complete the Program through the cooperation with the United States and other partners. This Program is also central to the future partnership between the United States and Japan in the field of space development.

I therefore hope that you will support the stable implementation of the Space Station Program.

Sincerely,

MASATO KAMANO,
President.

EMBASSY OF JAPAN,
Washington, DC, April 28, 1992.

Hon. GEORGE E. BROWN,
House of Representatives, Washington, DC.

DEAR MR. BROWN: I have learned with great concern that amendments will likely be proposed to the Multi-year NASA Authorization Act which will be taken up for deliberation on the House floor in the near future.

As you are well aware, such amendments would undoubtedly affect very seriously the viability of the Space Station Freedom Program which was initiated by the United States. Japan, several European countries and Canada were invited to participate in the program and the signing of the Intergovernmental Agreement on Space Station Cooperation took place in 1988.

The Japanese Government deposited the instrument of acceptance with your government in 1989 after securing Diet approval and it entered into force on January 30 of this year. Bearing in mind the importance of international cooperation to develop space science and technology, Japan has fulfilled its commitments.

From its initial commitment to participate in this program in 1988 through last year, the Japanese government has already appropriated 41.2 billion yen ($310 million) and completed the process of awarding contracts amounting to 124.4 billion yen ($960 million). This represents 40% of the total cost to develop the Japanese experiment module.

With a view to the importance and significance of this international cooperative program, I would appreciate your invaluable support for this program once again so that this program will be ensured and promoted in accordance with the Intergovernmental Agreement.

Sincerely,

TAKAKAZU KURIYAMA,
Ambassador of Japan.

INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS,
Washington DC, April 27, 1992.

DEAR REPRESENTATIVE: The House is scheduled to vote Wednesday, April 29th on H.R. 4364, the NASA authorization bill for the Science, Space and Technology Committee. It is expected that one or more amendments will be offered concerning this bill, which if passed would terminate or at least gravely weaken the Space Station Freedom program.

Space Station Freedom increases job opportunities and enhances economic competitiveness. It will help to maintain America's leadership in technology, improve the quality of life, stimulate our Nation's youth to study science and math, and fulfill our vision of the future. Space Station Freedom means jobs for those who would otherwise be unemployed because of reductions in defense spending. In today's highly competitive world, we can not afford to waste superb hard won high tech skills.

Space Station Freedom is the future of the manned space program. Without it, the entire manned program is in jeopardy. America must lead humanity's expansion into the last frontier, the frontier of space.

The NASA space program provides thousands of jobs for American workers. The future of the aerospace industry depends on your support for this legislation with no weakening amendments. The International Association of Machinists and Aerospace Workers urges you to vote no on all such amendments.

Sincerely yours,

GEORGE J. KOURPIAS,
International President.

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, DC, July 21, 1992.

House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE: This letter is to state our strong support for development of Space Station Freedom. There can be no question of the thinking that the development of this scientific milestone will be of immeasurable benefit to our industrial base economy, which at this time in our nation should not be ignored.

No one would argue, from this vantage point, that the Apollo Program wasn't a great benefit to our country in countless ways. We believe the SSF Program holds for our country the same promise.

For these reasons and more, we earnestly urge your support of the NASA SSF Project.

Thanking you for your consideration of our views and with best wishes, I remain

Sincerely yours,

PAUL J. BURNSKY.

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, DC, April 24, 1992.

DEAR REPRESENTATIVE: The AFL-CIO urges your support for passage of H.R. 4364, the Multi-year NASA Authorization, without disabling amendment.

NASA's programs of both unmanned scientific and manned space activities are important to maintaining the technological vitality of our industrial base. Research, development and implementation of our major space programs have important spinoff benefits for many sectors of our economy.

In addition, the space program, including the space station, provides thousands of skilled jobs which keep honed the talents of our workforce, as well as providing a decent standard of living. For one, the aerospace industry, which will be hit hard by the defense builddown, will find these programs increasingly important to its wellbeing.

The competition among domestic non-defense discretionary programs, including the space programs, should take place within the

appropriations process where there is an opportunity to understand just what trade-offs are involved in apportioning available federal funds. We believe that the space program, including the space station, should be given a multi-year authorization and strongly urge your support for H.R. 4364.

Sincerely,

ROBERT M. MCGLOTTEN,
Director, Department of Legislation.

APRIL 30, 1992.

Senator JAKE GARN,
U.S. Senate, Capitol Hill, Washington DC.

SIR: It was a privilege for the entire STS 42 crew to meet you in Washington on February 26, 1992. As a German citizen and as an ESA astronaut I am especially proud that you gave me an opportunity to exchange views on several subjects. What I remember vividly, is our discussion of the space program, specifically the International Space Station Freedom. From you I learned, that it is not definite whether the Space Station will be built or not.

I lived for more than two years in your great country. I enjoyed the privilege of working on several space missions (Spacelab 1, D 1, D 2 and IML 1). As I gained more insight into the complexity and the logistics of spaceflight the more I started to admire what your country has done and accomplished.

It is my view that manned spaceflight symbolizes the best of American traditions. On one hand it pioneers new horizons and pushes the borderline between the known and the unknown and on the other hand it stimulates the development highly technological systems, another American trademark.

I do not comprehend that your country may even consider to withdraw from the spaceprogram. I feel it would lose part of its character as a world leading nation.

I am looking forward to another opportunity to meet you again.

Sincerely yours

ULF MERBOLD.

MERRITT ISLAND, FL,
April 6, 1992.

Hon. JAKE GARN,
Washington, DC.

DEAR SIR: You will receive many letters regarding the necessity of bases on the Moon, going to Mars, effects of gravity on medical experiments, employment impact of the space program and many other reasons for supporting the Space Station program.

My interest is different from any of these. In the spring of 1981 I was hospitalized with a ruptured colon. After two days I was operated on. I was so full of poison that drastic measures were necessary. Your heart can only work with a certain blood thickness. If too much antibiotic fluid is pumped into your veins, then your heart could beat irregular and even stop, just like putting water in your gas tank.

An instrument with a needle was put into one of my veins and into my heart to monitor the beat. Several times the doctors were forced to discontinue the antibiotic fluid as my heart began to beat erratically.

When I had recovered (3 weeks later), my doctor said "well, I guess you will really support the space program now. The instrument that probably saved your life was developed by the space program and is used to monitor astronaut's heart beat. We have had this equipment for only one month so you are very lucky."

How do you say thanks to a program or a piece of equipment that saved your life? Please support this program if for no other reason than medical research.

Sincerely,

JOE G. SMITH,
U.S. Navy (Retired).

UNIVERSITY OF CALIFORNIA,
Riverside, CA, July 28, 1992.

Senator JAKE GARN,
Washington, DC.

DEAR SENATOR GARN, I am writing to express my strong and enthusiastic support for a continued United States commitment to the development and deployment of Space Station Freedom. I want to encourage you to do the same in the next few days and weeks should that commitment be called into question.

I have participated as a principal scientific investigator and as a co-investigator in numerous space missions over the past several years. Our experiments aboard the U.S. Space Shuttle have focused on the growth of protein and virus crystals in a microgravity environment. The substantial enhancements that Space Station Freedom would afford this field of investigation are of enormous value both in terms of duration and quality of the microgravity environment. Their significance to scientists knowledgeable in the field are unquestioned. Their benefits to life scientists and material scientists openly acknowledged.

On International Microgravity Laboratory-1, flown in January-February of this year, we obtained results unprecedented in the area of virus crystallography. At this time, a manuscript describing those results is "in the press" of *Protein Science*, the official journal of the Protein Society and one of the most prestigious in the field of biochemistry. The importance of microgravity research such as this is both profound and essential to further progress in molecular biology and biotechnology.

The potential that microgravity research on Space Station Freedom will offer in future years is broad in scope and rich in promise. The leaders of the United States must assure its scientists, its youth, and its concerned citizens that our country will not turn away from the challenge and the achievement of Space Station Freedom, for it will unquestionably be the achievement of our age. It is our Notre Dame, our Hagia Sofia, our St. Peter's Cathedral.

I urge you to do all you can to see that Space Station Freedom is supported vigorously by our Congress and by our President.

Sincerely,

ALEXANDER MCPHERSON,
Professor of Biochemistry.

CENTER FOR MACROMOLECULAR CRYSTALLOGRAPHY,
Birmingham, AL, July 27, 1992.

To: Dr. Daniel S. Goldin, Administrator, NASA Headquarters, Code A.

From: Dr. Lawrence J. DeLucas, Associate Director, University of Alabama at Birmingham Center for Macromolecular Crystallography.

Re: Initial results of Protein Crystal Growth Experiments on USML-1.

The initial analysis of protein crystal growth experiments aboard USML-1 has been completed and I am pleased to report that the preliminary results are very promising. I want to start by responding to this mornings article in The Washington Post which stated that we were unable to grow crystals of the AIDS virus protein, reverse transcriptase, being investigated by Dr. Eddie Arnold from Rutgers University. This is absolutely incorrect. In fact, the crystals grown of reverse transcriptase on USML-1 were extremely large and perfectly formed. These crystals were set up by me using the new protein crystal growth glovebox hardware which has a significant advantage over the VDA apparatus which has flown on several previous shuttle flight missions. The glovebox hardware allowed me to optimize the crystal growth conditions and to ensure that we had complete mixing for all experimental setups. (The VDA hardware does not thoroughly mix viscous solutions in the microgravity environment). We flew reverse transcriptase in the VDA apparatus on a previous shuttle mission without success; perhaps this is where the information in The Washington Post originated. Also, it should be pointed out that the reverse transcriptase flown on this mission was complexed to an antibody, a structure that is of great interest to the scientific community. This is different than the structure being solved by the group at Yale referred to in The Washington Post article.

Malic enzyme, a second protein flown on USML-1 produced large, high quality crystals, again using the glovebox hardware. This protein was flown on two previous shuttle missions in the VDA apparatus and failed to crystallize. We believed this was due to inadequate mixing of the sample. Using the glovebox hardware, I was able to ensure complete mixing of the sample and once initial crystals were observed, optimize the crystal growth conditions. The initial x-ray data analysis indicates that the space-grown crystals from USML-1 are producing the highest quality data ever seen to date with an improvement in resolution of 0.5 A. This difference is significant and may provide the resolution enhancement needed to determine the structure. (All previous earth-grown crystals diffracted so poorly that a structure solution was not possible). The co-principal investigator for this protein is Dr. Howard Einspahr from Upjohn Pharmaceutical Company.

Both of these proteins yielded high quality crystals because of my interaction with the experiment on orbit. I cannot think of a better example of why we need scientists interacting with an experiment. I should also point out that the 14 day mission was critical in obtaining these high quality crystals since by Day 7 the reverse transcriptase crystals were far too small and the malic enzyme optimization procedure was still underway.

In addition to the two striking examples mentioned above, there were several other proteins that yielded exciting results. Human α-Thrombin, co-principal investigator Dr. Pat Weber of DuPont Merck Pharmaceutical Company, yielded several large (> 0.7 mm) high quality crystals. Data collection on these crystals is currently underway. Proline Isomerase, co-principal investigator Dr. Manuel Navia of Vertex Pharmaceutical Company, produced many unusually large, (3.0 mm 1.0 mm plates) well formed, single crystals. Factor D, co-principal investigator Dr. Lawrence J. DeLucas of the University of Alabama at Birmingham, produced one exceptionally large crystal (the longest crystal ever grown) of a morphology that has been very difficult to obtain on Earth and yet is clearly the desired morphology for the drug design stages of this project. (Our lab has worked for the last nine months on Earth trying to obtain more crystals with this morphology without success. This same

batch of protein that produced the new morphology in space was used in extensive ground experiments without success.) Canvalin, co-principal investigator Dr. Alexander McPherson of the University of California at Riverside, produced many large, (greater than 0.1 mm 0.1 mm 0.1 mm) perfectly formed crystals in both the VDA apparatus and the new glovebox hardware. Several other proteins also yielded diffraction sized crystals but, as you know, it will take at least 6 weeks for the detailed x-ray data analysis to be completed.

The length of this mission and my involvement as a Payload Specialist clearly had a positive influence on our experimental results. I am confident that the long crystal growth time provided by this mission was of tremendous benefit for several of these experiments. Unfortunately, it was clear by Day 9 that several other protein crystallization experiments needed an additional 2 weeks to complete their growth cycle. There is no doubt that extended duration missions will greatly benefit protein crystal growth experiments as will a laboratory that allows scientists to interact with the experiments on a day to day basis.

THE AMERICAN ACADEMY OF OTOLARYNGOLOGY—HEAD AND NECK SURGERY, INC.,
Alexandria, VA, June 26, 1992.

Senator BARBARA A. MIKULSKI,
Chair, Senate Subcommittee on VA, HUD and Independent Agencies, djWashington, DC.

DEAR SENATOR MIKULSKI: I am writing on behalf of the American Academy of Otolarynogology-Head and Neck Surgery, the world's largest medical society of physicians and scientists dealing with disorders of the ears, nose, throat, face, head and neck. We want to urge you to support the continued funding for the Space Station Freedom, as well as NASA'S Life Sciences budget. We have repeatedly testified before your committee regarding the potential medical care benefits from space biomedical research and cannot emphasize these potentials strongly enough.

America cannot lose its spirit of progress, its spirit of exploration and quest for new information and leaps of technological advances. To severely hinder our exploration of space at this time would be a blow to the spirit of America and our need for a diverse approach to biomedical research.

Please consider the impact upon our national spirit when you and your colleagues vote for the continued funding of the Space Station Freedom and NASA's Life Sciences. As Americans and as physicians and scientists, we need these exciting future opportunities.

Respectfully yours,

G. RICHARD HOLT,
President.

AMERICAN SOCIETY FOR GRAVITATIONAL AND SPACE BIOLOGY,
Arlington, VA, April 28, 1992.

Representative GEORGE E. BROWN,
Chair, House Committee on Science, Space, and Technology, House of Representatives, Washington, DC.

DEAR REPRESENTATIVE BROWN: The American Society of Gravitational and Space Biology (ASGSB) is a growing organization of more than 500 researchers in academia, industry, and government service engaged in the field of space life sciences research. As President-Elect of this organization, I wish to voice strong support for the Space Station Freedom (SSF) program on behalf of many colleagues as well as myself, who believe in the manned space program, and who also feel that Space Station is the next worthwhile and logical step in the evolution of that program. To kill the SSF program would be a tragic mistake that would threaten the entire manned space program.

Investment in the human venture into space will reap many rewards as we move into the twenty-first century: The search for alternative energy sources for Earth, mining of valuable new mineral resources, and the development of superior technological products enabled by the weightless condition will mandate that humans learn to live for long periods of time in space. An orbital laboratory is needed to do the basic research that will allow humans and their life-support partners, animals and plants, to live healthfully and productively in the space environment. If growth and development problems are found using plant and animal models, as they probably will be, then we will have to learn how to develop countermeasures to deleterious micro-gravity effects, again using that orbital laboratory. Beyond application, SSF will be a powerful tool to elucidate the basic mechanisms by which living things respond to one of the most important forces on Earth, which is gravity!

Without an orbital laboratory near Earth, the manned space program would be forced to leap directly to the lunar and planetary exploration missions, lacking basic information regarding chronic exposure of organisms to hypogravity and radiation. The risks to human well-being as well as to economic investment and political stature in the eyes of the space-faring nations of the world would be significant and could set back progress if system failure occurred due to ignorance of basic precautions. Space Station is the logical, rational next step in evolution of the space program.

From a more intangible but equally important perspective, SSF will be important to keep alive the pioneering spirit of the American people, and to rally our youth toward the values of education, science, technology, and achievement rather than toward leisure, idleness, and drugs. Space Station Freedom will in fact become a symbol of hope for the future of mankind right at the dawn of a new century, and a shot in the arm for an American society whose ideals, values, and pride need boosting.

Congress must take the broad view of potential returns on the investment for "big science" projects such as SSF. Special interest groups, of course, argue for or against expensive projects depending on their view of what it does for or to their own pet project. Returns on the investment for SSF will have broad application over many fields of human endeavor, but those returns will not all be realized soon after deployment in space. I represent one of the constituencies that your Congressional Committee serves, and as potential users of SSF, scientists within ASGSB feel that the SSF program is a worthwhile endeavor that should receive full support from Congress to its fruition, and should be funded at a rate consistent with the health of the U.S. economy. Thank you for your thoughtful consideration of this significant issue.

Sincerely,

CARY A. MITCHELL,
President-Elect.

THE AMERICAN PHYSIOLOGICAL SOCIETY,
Bethesda, MD, April 28, 1992.

Representative CONNIE MORELLA,
Longworth House Office Building, Washington, DC.

DEAR MRS. MORELLA: The House is scheduled to vote tomorrow (Wednesday, April 29) on an amendment to the budget proposal that would delete the funding authorization in Fiscal Year 1993 for Space Station Freedom. The American Physiological Society urges you to vote against the amendment.

The Administration has requested a spending authority of $2.25 billion for the space station program. The current appropriation for the NASA project—$2.04 billion—faced a similar House amendment last year, but it was defeated when it came to the House floor.

The nation's stated goals of colonizing the moon and sending manned space flights to Mars within the next two decades is dependent upon a space life sciences research program designed to ensure the health of crew members in extended periods of zero gravity, to protect them from long term radiation exposure, to develop reliable life support and medical care systems, and to predict human behavior in isolation.

A prime focus for study is the change in human physiology in space, such as loss of body fluids, motion sickness, bone demineralization, muscle atrophy, and cardiovascular deconditioning. These needs became more evident with last fall's Columbia shuttle flight, the first American space biology mission in more than 17 years.

At the beginning of that flight all but one of the seven crew members suffered motion sickness soon after arriving in orbit. Motion sickness has plagued more than half of the astronauts, but an effective cure was found on this flight, the use of the drug promethazine.

The crew also discovered that the body begins to adapt to weightlessness earlier than expected and that both the nervous system and the endocrine system have significant roles in that change. Moreover, ground-based studies on weightlessness were shown to be inadequate.

Another unexpected finding was the differences in the flow of blood and air through the lungs, which was thought to be caused by gravity and was expected to disappear in weightlessness. Scientists must now look for another way in which the lungs do their work.

Space Station Freedom and its space biomedical laboratory will provide unique capabilities for the exploration of a spectrum of biomedical and biotechnological experiments that would have direct applications for the medical treatment of diseases, disorders, and disabilities.

The American Physiological Society, the nation's senior medical sciences society whose 7,000 members include Nobel Laureates and members of the National Academy of Sciences, seeks your support to continue the development of Space Station Freedom in Fiscal year 1993.

Sincerely,

MARTIN FRANK, Ph.D.,
Executive Director.

UNIVERSITY OF CALIFORNIA,
Davis, CA, April 17, 1992.

Dr. BERRIEN MOORE,
Chairman, Space Science and Applications Advisory Committee, Science and Engineering Research Building, University of New Hampshire, Durham, NH.

DEAR BERRIEN: The Space Station Science and Applications Advisory Subcommittee

(SSSAAS) has been an exceptionally active element of the NASA Advisory Council structure, meeting regularly to discuss the status of both the station design and its suitability for critical research programs, and also to review the utilization plans and concerns of the Office of Space Science and Applications and other user groups. SSSAAS has also established an active liaison with the scientific advisory committees of the other International Partners (Canada, Japan and Europe) through the International Forum For the Scientific Uses of Space Station. This latter forum also meets regularly to coordinate and discuss user concerns and issues which are common to all users of the Space Station. Previous SSSAAS discussions focused primarily on areas which required additional activity or resources to correct deficiencies or incompatibilities. It is appropriate, therefore, that SSSAAS now go on record to recognize the very significant prospects for significant advances in scientific and technological research activities, particularly in the Life Sciences and Microgravity Sciences, that are represented by the current Station program.

At the last meeting of the SSSAAS, held near Ames Research Center on February 10–14, 1992, the Subcommittee conducted a through review of the status and capabilities of the Space Station program

During the meeting, SSSAAS reiterated its position that the Station provides a unique and essential environment for the accomplishment of science, and that the program is taking positive steps to maintain and improve the scientific potential of the on-orbit facility. The program offices at NASA Headquarters and Reston have been very responsive to a variety of concerns raised by SSSAAS, particularly in the areas of a controlled microgravity environment and the formal inclusion of the 2.5 meter Centrifuge into the baselined configuration. Significant progress and improvements have also been made in the data management area to simplify the system complexity, particularly at the interface to the user payloads. Finally, the recent decision to restore a modest set of accommodations for external payloads provides important basic research opportunities to the observing and sensing sciences.

In summary, SSSAAS is very encouraged by the current direction and momentum of the Station program and by the program's credible evidence of a commitment to develop a productive, unique and international research facility in low Earth orbit. Further, Space Station, as supported by both SSAAC and the OSSA Strategic Plan, will provide an important and essential element of our nation's future space science program.

Sincerely,

CHARLES A. FULLER,
SSSAAS Chairman.

UNIVERSITY OF ALABAMA, CONSORTIUM FOR MATERIALS DEVELOPMENT IN SPACE,
Huntsville, AL, August 6, 1992.

Senator BARBARA MIKULSKI,
Chair, Senate Subcommittee on HUD, VA and Independent Agencies, Dirksen Building, Washington, DC.

DEAR SENATOR MIKULSKI: I received a call from Dr. Robert Phillips, Chief Scientist, Space Station Freedom, yesterday asking if I would provide a few paragraphs which you might use in your Floor debate on behalf of utilization of Space Station Freedom (SSF) by the scientific community. As a future user of SSF in the area of cell biology and biotechnology, I am happy to send you the following information which I hope will be useful in your debate.

If the United States is to maintain leadership in space exploration and technology development, a provision is required to ensure the safety and maximize the productivity of humans during space exploration and habitation.

The scientific community recognizes that a facility is essential for conducting research on the effects of altered gravity on human physiology both at the level of the whole organism and at the cellular level. Space Station Freedom (SSF) will provide this capability.

As the 10th NASA research facility, and the only U.S. facility that will allow routinely accessible, long-term (years), continuous exposure to the space environment, SSF can provide an on-location, real-time, low-gravity laboratory in which to conduct basic research leading to remediation of undesirable space effects as well as a number of Earth—based disorders. There is no way on Earth to achieve this long-term, low-gravity environment.

Over the past three decades, we have obtained a significant database on the effects of microgravity on human physiology and cellular biology. We seek to expand this database through use of the unique long-term, low-gravity environment on SSF.

Some of the known, short-term (from less than a week to a year) effects of spaceflight on humans are included below. Corresponding Earth-based disorders are also listed to indicate that research into cause and remediation of space-induced conditions can also benefit persons suffering from related disorders on Earth.

We must continue to investigate the underlying causes of space adaptation to find countermeasures so that humans returning to Earth after extended space travel will be able to re-adapt to Earth.

Some low-G effects: Bone demineralization, immune response blunted, cardiac deconditioning, muscle deconditioning, and decreased red blood cell count.

Corresponding Earth-based disorder: Osteoporosis due to aging, immune deficiency, leukemia, hypertension, heart failure, muscle wasting diseases, and anemia.

Fundamentally, the effects of low-gravity on human physiology can be traced to effects at the single cell level and cells may be used as basic models to investigate mechanisms of low-G response. We know that the following processes are altered in single cells flown in microgravity.

Some of the microgravity effects at the single cell level are:

Gene expression—certain genes which function to initiate cell division are not expressed in some types of cells. This means that some of the cells and cellular products needed by the body may not be available during long-term spaceflight.

Cellular metabolism—Glucose use rate is lowered indicating a change in energy-producing cellular functions. This indicates that metabolic function may be altered in microgravity.

Secretory processes may be decreased or increased depending on the cell type. For instance, growth hormone is produced but the Secretory process is reduced in pituitary cells. This means that some hormones which serve as signals to stimulate specific functions in cells may not be available. Long-term effects of spaceflight in this area are not known.

T-lymphocyte reactivity is suppressed. T-lymphocytes are the immune system cells which function to rid the body of cells infected with viruses and other organisms and some types of cancer cells. The T-lymphocytes also stimulate B cells to produce antibody to fight infectious diseases. Long-term microgravity effects on the immune system are not known.

Because, in the past, researchers have not had constant and routine access to low-gravity, we have not yet determined the mechanism underlying these low-G induced changes.

Thus, in the area of cell biology, the Freedom Station can provide the essential low-gravity laboratory for research to determine cellular mechanisms and thus to develop remedies to ameliorate space effects. An added benefit is the application of knowledge gained to Earth based disorders and treatments.

Research in cell biology utilizes single cells as models. It is imperative to understand how cells will develop and function during spaceflight. For instance we do not yet know:

Why red blood cells do not develop as well during spaceflight and how to remedy this.

What the interactions of cells with drugs and medications in microgravity will be and how dose response will be affected.

How to remedy bone mineral loss and reduce bone cell growth.

What the mechanisms are which result in reduced immune cell response.

How well viruses will replicate in cells and how cells will respond to viral infections.

SOME OF THE BENEFITS FROM SSF RESEARCH

The benefits to science, technology development, and maintaining America's competitive edge in the world economy from research conducted on the Freedom Station can be enormous.

In the biological sciences, research on SSF will include such areas as biomedical research, basic cell biology, biotechnology (products such as monoclonal antibodies from genetically engineered cells), protein crystal growth and resulting drug design, life support (oxygen generation and waste degradation) and hardware development for cellular life support.

Benefits include:

Impoved quality of life on earth resulting from long-term research capability on SSF

Safety and maximize productivity of humans in space

Development of new materials and technologies transferable to private sector industries because the non-terrestrial environment requires innovative technology development.

Knowledge gained on fundamental biological processes is applicable to Earth-based medicine and technology development.

In the area of technology development and maintaining a competitive edge in the world market, commercial space ventures are expected to increase as the database targets potential profit-making processes and products from microgravity research. Spending in the area of bipharmaceuticals is increasing. For instance, Earth-based spending for biopharmaceuticals by the end of this decade is projected to be in the range of $60 billion, 50 times greater than it is now (Burill, G.S. and Lee, K.B. 1991. Biotech 91: A Changing Environment, Ernst and Young, San Francisco, CA).

The development of bio-processes and biopharmaceuticals in space on SSF leading to enhanced quality of life on Earth, amelioration of undesirable space effects and contributing to U.S. leadership in the world economy is a reasonable expectation.

Freedom Station will allow scientific exploration in a new environment not accessible anywhere on the face of the Earth, stimulate investigations which will advance knowledge of fundamental biological processes not yet understood, and provide a source of information for education for America's next generations.

I have included several charts of the above information from my "Space Station Freedom Utilization Conference" presentation. I hope this information will be helpful and I sincerely wish you a successful debate in behalf of research scientists planning to use SSF to gain fundamental knowledge in the biological sciences.

Yours truly,

MARIAN L. LEWIS, Ph.D.,
Manager, Materials Dispersion and Biodynamics Project.

UNIVERSITY OF CALIFORNIA,
San Francisco, CA, August 6, 1992.

HON. BARBARA MIKULSKI,
U.S. Senate,
Washington, DC.

DEAR SENATOR MIKULSKI: I am a principal medical investigator studying osteoporosis and possible medical intervention to prevent bone loss. Each year osteoporosis result in 1.2 million fractures in the United States. Of these, hip fractures are the most serious. Some 250,000 hip fractures occur each year with a mortality of 12–20 percent. The direct and indirect cost of hip fractures in this country alone is from $7 to $12 billion. While the estimated cost of osteoporosis world wide is near $100 billion yearly. Several pharmaceutical strategies have had limited success, these include increased calcium intake, estrogen therapy and most recently, bisphosphonate treatment. None are totally successful. Both estrogen and bisphosphonate therapy inhibit bone resorption. Currently there are no pharmaceutical therapies that increase bone formation in older Americans. I am especially conscious of the personal implications of bone loss since my father died at the relatively young age of 65 with complications from a hip fracture.

In my academic investigation of bone loss I found that one of the most striking biomedical findings from space missions is the continuous progressive loss of calcium and bone. Human and animal studies from spaceflight have demonstrated that the loss of bone is due to lack of new bone growth. Specifically, in the 1973 Skylab mission, the astronauts lost an average of 4 percent of their bone during 84 days in space. The cosmonauts, in their missions, lost anywhere from 0.9–18 percent of their weight bearing bone during flights of 75 to 184 days.

The possible medical applications from spaceflight do not stop with osteoporosis. In a recent review of the literature I found that many changes experienced in space flight by astronauts are also found in older people. One dramatic example, for instance, is the baroreceptor response, where older people get dizzy and fall when they stand up rapidly after sitting (orthostatic intolerance), has parallels in space flight. The data from the recent STS–40 mission strongly suggests that the baroreceptors become less responsive during flight and explains the orthostatic intolerance sometimes noted in astronauts upon return to Earth. The other symptoms experienced by astronauts during space flight and older earthbound citizens are reduced cardiac function and a reduced immune response.

Recent evidence has suggested that the changes in bone growth and the other symptoms may originate in basic biological mechanisms that are affected in microgravity. The intriguing medical questions are: why do young, fit astronauts have osteoporosis, orthostatic intolerance and reduced immune function induced during space flight? By studying these cellular changes in space we will have the opportunity to find the underlying molecular mechanisms behind osteoporosis, loss of baroreceptor function, cardiac deconditioning and reduced immune response. Once the basic mechanisms are known, the next logical step is the design of new drug strategies to treat the disease.

Life, as we know it, has evolved in the presence of gravity; but in space, for the first time, we are now able to study life processes in the absence of gravity. Just as in mathematics, where removal of one variable allows the solution of a quadratic equation, so in space the removal of the variable, gravity, will give us the opportunity to solve some of the physiological problems of disease.

In order to make progress, it is important to the science community to be able to investigate the changes in cell function under microgravity conditions in spaceflight. If we can answer these questions, the solutions will have direct and immediate benefits for those of us that are Earthbound.

Sincerely yours,

MILLIE HUGHES FULFORD, Ph.D.

KANSAS STATE UNIVERSITY,
DIVISION OF BIOLOGY,
Manhattan, KS, August 6, 1992.

Hon. BARBARA A. MIKULSKI,
Chair, Senate Subcommittee on HUD, VA and Independent Agencies, Hart Senate Office Building, Washington, DC.

DEAR SENATOR MIKULSKI. Once again I am writing to express my endorsement, and to request your vigorous support, for the sponsorship of our nation's development of Space Station Freedom.

While gravitational forces can be experimentally increased, and almost every other aspect of the living environment of both plant and animal cell species can be scientifically controlled, the potential impact of earth's gravity on living cells, tissues and organs continues to be a mystery.

As a nation we are poised at the threshold of a historical opportunity to explore the potential role of earth's gravity on virtually all life forms. Essential to this knowledge is the future availability of Space Station Freedom that is projected to play a major role as a unique orbiting laboratory for studies of gravitational life sciences.

Space Station Freedom holds promise for numerous societal benefits including: fundamental knowledge of the microgravity environment on life functions; the exploitation of microgravity to generate products that will improve the quality of life on earth; and, the provision of accurate projections of long-term influences of the microgravity environment that may threaten future space exploration.

I realize that these are formidable financial times for our nation, and that many difficult decisions lie ahead. Clearly, there are many more legitimate and crying needs than available resources. However, every effort must be mobilized to ensure the long-term future of our nation. Certainly, science and engineering advances will continue to be critical to our nation's future and welfare. As you are well aware, Space Station Freedom is unique in many ways, and serves as an international partnership and inspiration for the future quality of life on our planet.

As I have to related to you on a previous occasion, I know of no viable alternatives to the space station for long-term life science studies in microgravity. Understanding the influence of the microgravity and space environment on living forms is critical to any reasonable expectations for future space exploration. While engineering capabilities of the future may well allow the availability of space vehicles for travel, the safety and welfare of the crew will never be insured in the absence of information concerning the potential impact of the extraterrestrial environment.

In science there is no standing still, one either advances or falls backward. Clearly, the latter possibility is unacceptable for our nation.

Sincerely,

TERRY C. JOHNSON,
University Distinguished Professor and Director, Division of Biology.

UNIVERSITY OF LOUISVILLE, DEPARTMENT OF MICROBIOLOGY AND IMMUNOLOGY,
Louisville, KY, August 6, 1992.

Senator BARBARA MIKULSKI,
Chair, Senate Sub-Committee on HUD, VA and Independent Agencies, Dirksen Office Building, Washington, DC.

DEAR SENATOR MIKULSKI: I am writing in support of continued funding and development for NASA, in general, and for the Space Station Freedom, in particular. I am a research scientist who has been carrying out space-related life sciences studies since 1976.

The research area I am most interested in involves the effects of space flight on immune responses and resistance to infection. A hallmark of immunological research is the requirement for use of freshly harvested living tissue for research. This is true if studies are carried out using tissue culture or by harvesting tissue from individuals. Most immunological parameters can not be analyzed using fixed or frozen cells.

As a result of this, most of our space immunology studies have involved analyses carried out immediately upon return of the space craft to earth. We have observed impressive changes in immune responses after flight, but our lack of a laboratory in space in which to carry out the analyses on live cells harvested in space has made it difficult to determine the timing, duration, and reversibility of the changes induced by space flight. In addition, it has been difficult to separate the effects of microgravity on immunity from those of stress and acceleration forces induced during the return from space flight. Only the provision of a laboratory in space for analyses of living cells will allow us to answer these questions fully. Also, the provision of a wet laboratory in space can allow us to use space as a model for alterations in immunity that occur much more slowly on earth, such as immune alterations due to aging. The space laboratory could, therefore, serve to aid research not only involving problems that occur in space, but also for crucial ground-based health problems.

For these reasons, I strongly support continued full funding and development for Space Station Freedom, the vehicle that will provide this life sciences laboratory for us in space. This will be very much in the national interest of promoting exploration of space and development of biomedical research. Thank you for your kind consideration.

Sincerely yours,

GERALD SONNENFELD, Ph.D.,
Professor and Section Editor for Immunology, Journal of Interferon Research.

THE UNIVERSITY OF ARIZONA,
HEALTH SCIENCES CENTER,
Tucson, AZ, August 6, 1992.

Hon. BARBARA MIKULSKI,
Chairperson of the Senate Subcommittee on HUD, VA, and Independent Agencies.

DEAR SENATOR MIKULSKI: I am contacting you to urge your support of funding for Space Station Freedom. Having a facility to conduct long-term experiments in space will provide biologists with the opportunity to greatly further our knowledge of cell function. Already exciting biological discoveries have been made in experiments on the space shuttle despite the limited access we have had to spaceflight experiments. Such findings have included the startling discovery of altered immune responses in space. As we strive on earth to better understand the problem of AIDS, information gained in space about the immune system may prove to be extremely valuable. Data gathered about the functioning of bone and muscle cells in space may also facilitate the study of disease processes in these tissues on earth.

One may wonder how data gathered in space can facilitate studies on earth. The key connection is that space provides a unique environment in which normal functioning of cells may be perturbed. Similarly, in earth-based laboratories, we often use perturbations since deviation from the normal helps us to understand precisely what constitutes normal function. For some systems it is possible to mimic effects of weightlessness in earth-based model systems. Testing the reliability and validity of such models can only be done through longer duration experiments in space. Proving that a model system is valid allows us to conduct many subsequent experiments in earth-based laboratories thus freeing the laboratory space on the space station to develop new technologies and to test new ideas.

My own work has shown how valuable is comparative testing of data from spaceflight with that of earth-based model systems. We had been using a model system to study muscle atrophy for more than a decade. Finally we obtained hard evidence on STS-48 in September, 1991 that the laboratory results could be duplicated in space. Thus we can now feel extremely confident about results from our and other laboratories, which make use of this model for studying muscle wasting.

In the final analysis, the successful orbiting of Space Station Freedom will provide several decades of opportunities to conduct biological experiments in space which will further our knowledge of basic cell function and how cells modify their function in response to an altered environment. In trying to understand disease processes, the researcher often considers a similar question; that is how and why does a cell change its function? Such a question can only be answered if our knowledge of the functioning of that cell is complete.

Respectfully,

MARC E. TISCHLER, Ph.D.,
Professor of Biochemistry and of Physiology.

THE UNIVERSITY OF TEXAS,
HEALTH SCIENCE CENTER AT HOUSTON,
Houston, TX, August 6, 1992.

Senator BARBARA MIKULSKI,
U.S. Senate.

DEAR SENATOR MIKULSKI: Fundamental information on how bone and skeletal muscle "sense" load bearing to maintain their size will be obtained from NASA studies. A NASA/NIH Workshop on the "Effects of Space Travel on the Musculoskeletal System" concluded:

There is no clear understanding of the signal transduction between applied load and bone cellular response.

Bone develops on Earth to support the body against gravity. Studies in space could provide an improved fundamental understanding of bone size, shape, and development.

NASA models that have been developed to improve understanding of skeletal changes in microgravity should be examined as potential tools for understanding bone loss and osteoporosis on Earth.

Two thirds of astronauts and many bed rest subjects report low back pain during their exposure.

NASA studies may also provide insight to challenges faced by patients returning to normal activity after prolonged immobilization.

There may be similar problems in astronauts and in patients with prolonged periods of restricted activity and movement; and the problems are probably accentuated in the elderly when it is especially important for postural control to be optimized to prevent falling and bone fractures. It is likely also that the results of studying movement control issues will benefit patients recovering from neural impairments such as stroke and spinal cord injuries.

In addition to the above conclusions of the Workshop, skeletal muscle shrinks rapidly in space. Two weeks of astronaut muscle loss in space equals one decade of muscle loss on Earth at age 50 yrs. NASA research will be invaluable to improving the quality of life by senior citizens by NASA's devising ways to prevent the loss of skeletal muscle in space. Worthwhile information to improve the quality of life is and will be obtained from the NASA research into how gravity cause muscles and bones to be strong and healthy.

Sincerely,

FRANK W. BOOTH, Ph.D.

CENTER FOR MACROMOLECULAR CRYSTALLOGRAPHY, UNIVERSITY OF ALABAMA AT BIRMINGHAM,
Birmingham, AL, August 6, 1992.

Hon. BARBARA MIKULSKI,
U.S. Senate, Chair, Senate Subcommittee on HUD, VA and Independent Agencies, Washington, DC.

DEAR SENATOR MIKULSKI: Space Station Freedom will be invaluable in advancing our knowledge in basic biology and especially cell biology. Zero gravity has profound effects on cells and can accelerate disease processes that take years to become full-blown on earth. A good example is osteoporosis. This affliction takes decades to develop on earth at one g, but starts within days of launch and shows up as a calcium loss-bone demineralization in space. This means that bone tissue culture cells grown in space will be vastly superior systems for testing pharmaceuticals that can inhibit the ravages of bone loss and breakage associated with osteoporosis. This means, in turn, that the pharmacological testing can go much, much faster and the resultant drugs offered to patients much sooner.

Our Center is very much involved in the Space Shuttle program. We use microgravity to grow protein crystals which provide the specific information necessary to develop new medicines. Space Station is essential for this program. We need the time and frequency of access to a space laboratory that Space Station Freedom can provide. In turn, Space Station will provide cell biology test systems that can monitor the efficacy of the medicines designed using the information from the space grown crystals. This happens because the disease process speeds up in space. Rather than waiting for years to judge a drug's efficacy in preventing bone loss, for example, you can do your testing in the time frame of weeks and months.

Thanks for the opportunity to describe how very important we view Station for cell biology, protein crystal growth and the drug discovery process.

Sincerely,

CHARLES E. BUGG, Ph.D.,
Director.

AMERICAN INSTITUTE OF AERONAUTICS AND ASTRONAUTICS, AMERICAN SOCIETY OF CIVIL ENGINEERS,
Washington, DC, July 27, 1992.

Hon. JAMIE WHITTEN,
Chairman, House Appropriations Committee, Washington, DC.

DEAR REPRESENTATIVE WHITTEN: In the current debate on Space Station Freedom, there is a tendency to forget that any space station provides specific engineering and technical capabilities essential to the conduct of a strong, balanced national civil space program. It may, therefore, be useful to have these capabilities in mind while considering budget decisions for Fiscal Year 1993. The American Society of Civil Engineers and the American Institute of Aeronautics and Astronautics, with a combined membership of over 140,000, feel that a space station's role as an engineering facility be fully recognized.

Much of the debate over Freedom has centered on how effective it will be in conducting scientific investigations. It should be recognized, however, that a space station would not be built exclusively for science, although, like the Apollo program, much good science will come from it. Its main purpose is to serve as a national research and test facility, just like NASA's wind tunnels that helped create our aviation industry. A space station makes possible the long-duration "hands-on" laboratory experiments needed to understand and exploit the space environment and to gain experience in on-site space operations. These functions go well beyond "science". It is this important role that space platforms play—in advancing, testing, and demonstrating infrastructure technologies such as automation and robotics, innovative structural design and dynamics, and systems needed for on-orbit operations—that we believe must be recognized in any debate.

First, a space station provides a unique environment for the development and validation of capabilities required for long-term human survival in space. Besides its obvious implications to the future of all space activities involving humans, this work will expand the envelope of human knowledge in the fields of bone metabolism, immune and cardiovascular systems, aging, agriculture, ecology, pollution control, and other life-science areas applicable to Earth.

Next, a station enables a broad range of applied microgravity research that goes well beyond fundamental investigations of fluid behavior, crystal growth, and combustion science to the development and validation of devices, processes, and media for both terrestrial and nonterrestrial use. Orbiting facilities make possible the validation of materials and coatings exposed to the space environment, the development of new operational space systems and processes, and a variety of low-cost small and rapid response

payloads which address a broad range of technology, engineering, educational, and commercial areas as well as science.

A space station can provide a laboratory setting in the microgravity environment which allows experiments and test to be carried out in the traditional manner, that is, an experiment can be observed, corrections can be made, and repeated experimental runs can be conducted while adjusting parameters of interest. By enabling continuous human interaction and control, sequential and systematic variation of test parameters, and expanded measurement and diagnostic capabilities, a space station's crew cannot only foster more rigorous and sophisticated research in the traditional engineering disciplines, but can also expand the potential for new unexplored areas of engineering research.

These areas might include, for example, crystal growth and solidification mechanics of electronic and photonic materials, metals, and alloys, glasses and ceramics, polymers, and other solids whose crystallization is affected by gravitational forces. Such engineering data could benefit the development of advanced computers and sensors for commercial and military applications. Semiconductor crystals can be grown in research sizes to support ground-based material improvement programs; metals and alloys can be solidified and analyzed for uniformity and unique properties; polymers, catalysts, and molecular sieves (e.g., zeolites) can be grown to define the optimum process parameters to produce larger, more uniform crystals. Low-gravity solidification and crystal-growth processes can be evaluated with the goal of producing refined and, where possible, unique materials. Glass, ceramics, and other materials can be produced by containerless processing. Models based on the earlier experiments can be used to produce large samples of products for applications analysis and potential commercial use; for example, mercury-cadmium-telluride crystals typically ten centimenters in diameter could be grown, cut into wafers and chips, and incorporated into infrared detectors whose performance would be measured and compared with current technology.

Life-support system development would focus on physicochemical closed systems and, later, bioregenerative and controlled ecological systems for planetary missions. Key technologies include on-orbit catalyst and filter revitalization and real-time detection of microorganisms. The focus would be on developing ground-test and flight-test prototype hardware for plant nutrient delivery systems, waste and biomass reduction and recycling, and improvement in illumination. Eventually, bioregenerative systems could be developed, building on earlier physical-chemical subsystems. These systems would incorporate waste recycling, automated food processing, advanced food storage, and efficient illumination. Efficient liquid-gas separation is a key technology in all system functions. A combination of biological and physical-chemical elements is expected to result in a system having about 99% closure and able to support large crews on planetary bases or during extended space voyages.

New instrumentation and procedures developed to improve health care maintenance and delivery in these life-support systems would be of value on Earth, and could begin to provide a better understanding of Earth as a closed ecological system. A combined biological-physical-chemical life-support system has most of the elements of a miniature Earth ecology. Comparing effects of gravitation on processes and people with those on ground-based controls can significantly enhance our understanding of science, engineering medicine, and new product development.

Technology advancements could be made in structures, particularly low-mass polymer matrix composites, and demonstration of new structural techniques, including deployable configurations, flexible shapes, on-orbit rigidized inflatable structures, and adaptive shape control. An orbiting facility also offers long-term exposure of materials such as new solar cells and space radiation-resistant coatings; development and demonstration of methods for fluid handling and transfer; in-space testing and evaluation of low-thrust propulsion subsystems such as controllable ion and plasma thrusters; opportunities to evaluate Fresnel-concentrator solar arrays and cascade solar cells; and broad-scale evaluation and calibration of a wide variety of sensors.

Advanced-sensor interaction and fusion with high data-rate optical information and communication systems would allow real-time correlation of information from multiple sources. Automation and telerobotics capability could be evaluated and demonstrated for use in external maintenance activity such as applying coatings and replacing components. Both ground-controlled and autonomous robot operation can be evaluated, as can advanced energy generation and storage systems and magnetoplasma propulsion technology. Space qualification and/or optimization of new communications, ranging, and navigation techniques could be evaluated and demonstrated, e.g., deep-space optical communications for future planetary missions. Direct uplink capability could allow real-time control of one or more small commercial production or processing facilities (attached, tethered, or free-flying), with the crew providing resupply and product retrieval support. Typical products might include pharmaceuticals, crystals and other electronic materials, and bone replacements and transplants; processes could include health monitoring and mixing of alloys, foams, and chemicals of low to moderate reactivity for catalyst formulation and production.

Across-the-board technology improvements could be developed; for example, power switching validation and advanced solar-array testing. Demonstration testing could be performed on commercial processes such as materials melting in furnaces, continuous-flow separation of biological materials, vapor deposition of thin films, and crystal growth.

Advanced missions (e.g., to the Moon and Mars) will require development and demonstration of technology advances such as deployable and tethered payloads, cryofluid transfer, on-orbit construction and assembly (including microprecision assembly), small crew repair and servicing tasks, and evaluation of direct uplink use.

The extent of engineering involvement in developing, deploying and using platforms carrying human crews is not widely recognized. Electric power system engineers work on all the hardware and software necessary to generate, store, condition, and distribute electric power to the multitude of power-consuming devices and subsystems throughout the station. Communication system engineers focus on UHF systems, video systems, fiber-optic/video links, antenna design, antenna controllers, power amplifiers, video formatters, S-band transceivers, transponders, spectrum processors, dc-ac converters, and a wide range of switches, audio terminal units, headsets, recorders, playback systems, and special-effects generators. Data management engineers are involved in standard and embedded-data processors, mass storage units, multiplexer-demultiplexers, network and bus interface units, bridges, gateways, ring concentrators, star couplers, time-generation units, keyboards, display units, switch panels, hand controllers, and a whole range of applications console display systems. Robotics engineers are defining flight telerobotics servicing systems that incorporate stabilization and positioning devices, manipulators, end-effectors, workstations, hand controllers, television viewing systems, and lighting. We can touch on only a few such examples in this letter, dozens of other systems each involve engineers in designing, building, testing, and using all their subsystems and components.

In summary, when you consider budget allocations for a crewed space station, it is essential that its role as a key national engineering, as well as a science facility be fully recognized.

Sincerely,

ROBERT A. FUHRMAN,
President, AIAA.
C. R. PENNONI, P.E., F. ASCE,
President.

Attachment.

A SPACE STATION FOR ENGINEERING AND TECHNOLOGY

Serves as a national research and test facility, just like NASA's wind tunnels that helped create our aviation industry.

Makes possible the long-duration "hands-on" laboratory experiments needed to understand and exploit the space environment and to gain experience in on-site space operations.

Provides environment for advancing, testing, and demonstrating infrastructure technologies such as automation and robotics, innovative structural design and dynamics, and systems needed for on-orbit operations.

Allows for the validation of materials and coatings exposed to the space environment, the development of new operational space systems and processes, and a variety of low-cost small and rapid response payloads which address a broad range of technology, engineering, educational, and commercial areas as well as science.

Enables continuous human interaction and control, sequential and systematic variation of test parameters, and expanded measurement and diagnostic capabilities; thereby fostering more sophisticated research in the traditional engineering disciplines and expanding the potential for new unexplored areas of engineering research. For example: crystal growth and solidification mechanics of electronic and photonic materials, metals and alloys, glasses and ceramics, polymers, and other solids whose crystallization is affected by gravitational forces.

Offers development of new instrumentation and procedures to improve health care maintenance and delivery in life-support systems that could be of value on Earth, and could begin to provide a better understanding of Earth as a closed ecological system.

Allows for technology advancements in structures, particularly low-mass polymer matrix composites, and demonstration of new structural techniques, including deployable configurations, flexible shapes, on-orbit rigidized inflatable structures, and adaptive shape control.

Offers long-term exposure of materials such as new solar cells and space radiation-resistant coatings.

Advanced-sensor interaction and fusion with high data-rate optical information and communication systems would allow real-time correlation of information from multiple sources.

Provides capability for evaluating and demonstrating automation and telerobotics capability for use in external maintenance activity such as applying coatings and replacing components. Both ground-controlled and autonomous robot operation can be evaluated, as can advanced energy generation and storage systems and magnetoplasma propulsion technology.

Across-the-board technology improvements could be developed; for example, power switching validation and advanced solar-array testing. Demonstration testing could be performed on commercial processes such as materials melting in furnaces, continuous-flow separation of biological materials, vapor deposition of thin films, and crystal growth.

Electric power system engineers are working on all the hardware and software necessary to generate, store, condition, and distribute electric power to the multitude of power-consuming devices and subsystems throughout the station.

Communication system engineers are focusing on UHF systems, video systems, fiber-optic/video links, antenna design, antenna controllers, power amplifiers, video formatters, S-brand transceivers, transponders, spectrum processors, dc-ac converters, and a wide range of switches, audio terminal units, headsets, recorders, playback systems, and special-effects generators.

Data management engineers are involved in standard and embedded-data processors, mass storage units, multiplexer-demultiplexers, network and bus interface units, bridges, gateways, ring concentrators, star couplers, time-generation units, keyboards, display units, switch panels, hand controllers, and whole range of applications console display system.

Robotics engineers are defining flight teleobotics servicing systems that incorporate stabilization and positioning devices, manipulators, end-effecters, workstations, hand controllers, television viewing systems, and lighting.

We can touch on only a few such examples; dozens of other systems each involve engineers in designing, building, testing, and using all their subsystems and components.

HARVARD MEDICAL SCHOOL,
DEPARTMENT OF SURGERY,
Boston, MA, July 24, 1992.

Hon. BARBARA MIKULSKI,
Chair, Senate Subcommittee, Washington, DC.

DEAR SENATOR MIKULSKI: I am sending you this note because of the urgent and continuing necessity for the approval at full funding and in the requested amount for Space Station Freedom (SSF) and the Life Sciences Division (LSD) of NASA.

These two (SSF and LSD) are closely linked because any further undertakings involving man in space outside the magnetosphere (i.e. above 700 miles altitude) will require extensive study on the Space Station of prolonged exposure of man to weightlessness, and evaluation of our astronauts subjected to the full burden of exomagnetospheric radiation on prolonged spaceflight, by the most sophisticated of Life Sciences monitoring, often with unmanned vehicles.

Although other matters may be studied on Space Station Freedom, its greatest importance lies in establishing a firm base of feasibility, safety, and engineering refinement, for the prolonged space dwelling of man.

I am very hopeful that you and your Committee will favor these items as you consider NASA objectives and budgets in these next few months.

This note is based on my experience over the past 25 years in working as a member of NASA consultant committees in the Life Sciences, and now the NASA advisory committee of the National Research Council on Space Station Freedom. These two activities of NASA (SSF and LSD) are of the foremost importance in maintaining the primacy of the United States in the exploration of space, both for scientific and commercial purposes, and in assuring us of sound programs over the course of the next full century. It is at this time that we will plant the seeds for future success; Space Station Freedom and the Life Sciences Division are central to the current "seed" programs of NASA.

Very truly yours,

FRANCIS D. MOORE, M.D.

AMERICAN MEDICAL ASSOCIATION,
Chicago, IL, July 20, 1992.

Hon. ROBERT BYRD,
U.S. Senate, Washington, DC.

DEAR SENATOR BYRD: The American Medical Association (AMA) has been very conscious of the importance of space exploration to the future of this country. It has also continuously supported medical research as a part of those efforts. To be specific, the AMA supports the continuation of the National Aeronautics and Space Administration Program for conducting medical research on manned space flights. A considerable body of knowledge has already been amassed by these efforts, and the nation should continue the research which is planned.

In addition, the AMA's Board of Trustees is going to consider a resolution on the matter of the Space Station Freedom at its October meeting. The resolution states, "Resolved, That the American Medical Association strongly supports the sustained funding of the National Aeronautics and Space Administration's Space Station Freedom and its Life Sciences Program." At that time, we will be able to communicate to you the decision of the Board of Trustees regarding support for the funding of the Space Station Program.

Sincerely,

JAMES S. TODD, M.D.

JET PROPULSION LABORATORY,
Pasadena, CA, July 24, 1992.

Hon. DON EDWARDS,
Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN EDWARDS: This week's House floor action on the VA, HUD and Independent Agencies bill may attempt to cut funding for the Space Station Freedom. I urge your strong support in preventing any attempt to cancel the Space Station Freedom program.

The space station represents a critical element of a balanced national space program and a core program of human exploration in space. The robotic and human programs form a continuum in our exploration of the solar system and are complementary elements of our space program. NASA's robotic missions have surveyed the solar system and beyond for almost three decades and will continue to explore places where humans may eventually explore.

Space Station Freedom is a crucial precursor to long-term human space exploration. As a world-class laboratory, the Space Station will allow us to perform long-term studies in microgravity, providing us with the essential data required for space exploration in the twenty-first century. Your support for Space Station Freedom will provide this Nation and our international partners with the opportunity to address the critical research required for an expanded human presence in space.

Thank you for your attention to this important issue.

Sincerely,

EDWARD C. STONE,
Director.

Mr. GARN. I simply close, Mr. President, by not repeating all the facts and figures but simply talking briefly about inspiration, hope for the future by our young people.

I have great admiration for President John Kennedy when he announced that we would go to the Moon by the end of the decade. You would assume that people could prove we did not retrieve all the dollars in research, development, and spinoffs from going to the Moon, but what a remarkable achievement for inspiring men and women. I think space station *Freedom* and our continued efforts in space are an inspiration to the young people of this country.

There is nothing that I enjoy more after 7 years since my space flight than talking to young people in the grade schools, junior high schools, and the high schools of this country, with space as a carrot, an incentive for them.

And just one quick story to illustrate the intangible benefits that can occur from men and women being in space, on which we cannot place a pricetag. I spoke at a very small school in eastern Utah out of Duchesne, showed the film of my flight and answered questions. And a couple of years later a woman stopped me on the streets of Salt Lake City and she said, "Senator, thank you for getting my son back in school." And I said, "I have no idea what you are talking about." She said, "Well, you remember you spoke at Duchesne High School?" And I said, "Yes, I remember that." She said, "My son had dropped out of school the year before. I could not get him to go. But he wanted to hear you talk about space. And he got so excited after hearing your comments about the beauty of the Earth, science, that he went back to school. He graduated. Now he is enrolling at the University of Utah and he wants to be an engineer. Thank you." And I said, "Well, I did not have anything to do with it."

But that inspiration is still there. We make a big mistake if we do not invest in the future of this country, in some intangible benefits that we cannot quantify, and recognize that what John Kennedy did, what other Presidents have done, what we are trying to do now, can be an inspiration, a carrot for the young people of this country to stay in school, to educate themselves, to prepare themselves for the future.

So I hope my colleagues will defeat the Bumpers amendment.

Mr. BUMPERS address the Chair.

The PRESIDING OFFICER. the Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, I think I have 6 minutes remaining. I yield the entire 6 minutes to my good friend, the Senator from Georgia [Mr. FOWLER].

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. FOWLER. I want to thank my friend from Arkansas for his leadership on this amendment, and associate myself with his remarks and that of the Senator from Maine [Mr. COHEN].

It is my pleasure to serve on the Space Subcommittee with my friend and my chair, the Senator from Maryland [Ms. MIKULSKI] and I thank her for her continued leadership in a responsible space program.

Mr. President, I have been in the Congress for 15 years. I am not supposed to admit that because that means I am an incumbent. In all of my years I have enthusiastically supported the space program of our country, proudly so, and I certainly agree with much that has been said in opposition to the Bumpers amendment by those who still believe that the space program's best days are to come. But it will not come with the space station for all of the reasons that have been articulated by the Senator from Arkansas and others.

One of the reasons people have lost confidence with our ability to put our fiscal house in order is that the public understands that to govern is to choose, and those of us who have been elected to lead have failed to lead because we have not made tough choices. We have acted like we are still the world's largest creditor nation rather than the world's largest debtor nation, and we have not, as the Senator from Texas [Mr. GRAMM] just said, gone back to look at where we must reorder our priorities if we are not going to pass this massive accumulated debt on and on and on to the bankruptcy of our country.

I supported the early research for SDI. I had to make up my mind a few years ago that we could not afford SDI and the scientific backup for what we hoped was not there. I supported the physics behind the superconducting super collider. A year or so ago I had to change my mind and go to my constituents in Georgia and simply say it may be a great research instrument but at this time we cannot afford it.

Certainly, when you are looking at somewhere between a $118 and a $200 billion pricetag on the space station, it is folly not to say at this juncture in our Nation's history, with the massive debts, this must wait. We should not go forward. We cannot be penny-wise and pound-foolish. If we are to govern, we must choose and we must choose not to invest our money in a space station where almost every scientific panel has said it will not bring any scientific efficacy to our country.

All the spin doctors and soothsayers over at the White House have told the President, you know, in the last few weeks what the public wants to hear is one thing. So he says it over and over again. The Government is too big and spends too much. That is what they say in Georgia. That is what I know to be true. And with this amendment we have a chance to stand up, some of us who have been on another track, and say, yes, the people are right. The Government is too big. It spends too much. And we simply cannot afford a $118 or $200 billion space station at this time.

The Senator from Arkansas made a mistake in saying I was from Florida. That is because I was there this weekend. I went down by myself, did not want to get caught, and decided I wanted to help build a few houses down there for those hurricane victims.

As you read in the paper yesterday, we are talking about somewhere from $10 to $30 billion just in Florida to restore a tax base. Those people in Florida, and many in Louisiana, and some in Guam, not only lost their homes, but they lost their businesses.

The national strength of our country will not be defined in space. We will learn some things in space. We have learned some things in space. But the national strength of our country will be defined and accomplished here on Earth in the jobs we create, the food we produce, the energy we develop, so we are not dependent upon 60 percent foreign energy and all these foreign dictators; and, our ability to recapture the tax base; the productive capacity of the United States of America and her people. I defy anybody to tell me that $118 to $200 billion for a space station of doubtful scientific efficacy is among our Nation's higher priorities at this particular time in our history.

Lord knows, I hope in the year 2000, or 2005 we will have the $400 billion surplus, not a $400 billion deficit. We may want a flagship circling the Earth, the only space station.

But right now we cannot do it. Right now it is irresponsible to do it.

Many of us who have voted for everything that we believe to be in our Nation's interest must reevaluate it.

I humbly ask my colleagues to think hard and long, and to support the Bumpers amendment.

Mr. BENTSEN. Mr. President, I will be brief. In this contentious election year it is more than coincidental that Bill Clinton, George Bush, AL GORE, and DAN QUAYLE all agree on at least one thing: The need to press forward with space station *Freedom*.

Why? Because they know that the space station is far more than just another line item in the budget. They understand the space station for what it is: A towering scientific opportunity and an investment in America's future. They understand that it is the largest international scientific endeavor ever undertaken. They understand that it is but the latest chapter in a saga that began when President John F. Kennedy committed this Nation irrevocably to manned space flight.

Yes, the space station costs money. So, of course, does everything else. But let us put its cost in perspective. The space station budget request for fiscal year 1993 amounts to about 1/700th of the total Federal budget request. It amounts to only 3 percent of total discretionary spending, and a modest 15 percent of NASA's budget.

Let us also remember that this year's NASA budget request reflects a congressionally-mandated, redesigned space station and cost containment program. NASA has done precisely what we told it to do. It has cut $8.3 billion from the program during fiscal years 1991 to 1999. It has capped outyear costs at $2.6 billion per year, and it has agreed to limit the space station's annual costs beyond fiscal year 1996 to no more than 10 percent of NASA's budget.

NASA achieved these savings by significantly reducing the planned size and capacity of the space station and the number of shuttle flights required to build it by up to 50 percent. Yet even with these changes the space station in its permanently manned phase will afford unprecedented capacity for experimentation. When completed, the space station will have 110 times greater capability than the spacelab or the existing shuttle; over five times the capacity of skylab, and more than four times the capacity of the Soviets' MIR space station.

Nor should we forget, Mr. President, the substantial foreign contribution to the space station's funding and construction. During the recent debate in this Chamber over the superconducting super collider, some Members cited the paucity of foreign participation in the SSC as a reason for terminating the program. I, for one, do not believe we have reached the point in this country where we should permit foreign attitudes to determine our own decisions regarding the undertaking of major scientific enterprises.

But this is hardly an issue with respect to the space station. Japan, Canada, and 10 members of the European Space Agency have lined up to participate in the space station's construction and operations. They have pledged a total of $8.4 billion to pay for their shares of the space station, of which $2.6 billion has already been spent. It should go without saying that a U.S. abandonment of the space station would destroy our credibility as a reliable partner in international scientific ventures.

Which brings me to an even more important point. Our manned space flight

program began as a competitive response to Soviet initiatives in space during the cold war. The space race was as much a race against the Soviet Union as it was a means of advancing our knowledge of the universe, and some see in the demise of the cold war a decline in the importance of manned space flight.

I do not share this view. Indeed, I believe the end of the cold war has increased the space station's importance both as a symbol of the post-cold war era, and as a vehicle for making the difficult transition from almost a half-century of intense military rivalry to a new era in which a nation's standing and power in the world will rest increasingly on its technological prowess and economic competitiveness. The Soviet Union's fate demonstrates the fragility of any military establishment that rests on an enfeebled economic order and a political inability to absorb technological change.

The space station symbolizes the post-cold-war era because it is first and foremost a cooperative rather than competitive enterprise. It is in fact the most extensive transnational scientific undertaking in history, and may well serve as a model for future massive international projects in science, both in space and back here on Earth.

The space station also offers a vehicle for reorienting America's scientific talent, so much of it heretofore absorbed in military work, toward more peaceful and productive endeavors.

At a time when our aerospace industry, which remains one of the few sectors of our economy which enjoys a major favorable trade balance, is facing severe contraction, the space station beckons with a promise of 25,000 skilled jobs. And at a time of declining U.S. industrial competitiveness, the space station can excite and inspire our young men and women to become the next century's top scientists and engineers.

Mr. President, I agree with George Bush that the space station "is essential to our destiny as a pioneering nation."

I agree with Bill Clinton that the space station is essential because of "its role in building new partnerships with other countries and its inspiration of our Nation's youth."

I agree with DAN QUAYLE that if we kill the space station, "we will lose the accompanying base of highly skilled, highly paid workers who have contributed to our continuing success" in space.

And I agree with AL GORE that termination of the space station "could well mean ending America's long effort to support human presence in space."

Mr. President, what we are debating here is not marginal dollars or program management.

What we are talking about is who we are as a people, what we wish to become, and how we will be regarded by historians hundreds and even thousands of years from now.

Do we want it to be said of us that when it came to pursuing manned space flight beyond the Earth's only Moon, the Americans in the 1990's lacked the kind of vision, imagination, and courage that led to the discovery of their own country a half a millennium earlier?

FUNDING FOR SPACE STATION "FREEDOM"

Mr. WELLSTONE. Mr. President, I rise today in support of the amendment proposed by the Senator from Arkansas. A few weeks ago, when we were debating another appropriations bill, we were asked to vote on whether or not to spend a great deal of money on another big science project, the superconducting super collider. At that time I pointed out that I am not opposed to funding scientific research. Indeed, I believe that the Federal Government has an important role to play in putting its considerable resources behind the advancement of scientific research in this country. I also said, during that debate, that funding for the super collider should only be made available when we have funds left over from meeting what I think are some of the basic obligations of good government: making sure that basic human and community needs are met in this country. In the bill we are now considering, we are asked to approve $2.1 billion for the space station in 1993. Mr. President, I do not see how we can, in good conscience, spend this money on this project at this time.

When I decided to vote to cut funding for the superconducting super collider, may decision was far more difficult than this decision. The super collider is, as I understand it, a good project. Funding for it was simply a question of priorities. In other circumstances, I would be happy to support it. The space station is another matter. There have been many questions raised about whether or not it is capable, as currently designed, of accomplishing anything we are interested in. I am sure we are all sometimes seduced by the romance of space exploration, but we are not here to be romantic. I remind my colleagues that this appropriations bill was only $1 million under its cap, as reported out of the Appropriations Committee. That is: $1 million on an $86 billion bill. In these circumstances, the $2.1 billion we are being asked to approve for this project, for the coming fiscal year, is one heck of an astounding romantic gesture. Mr. President, can we really afford this?

Let's put this in perspective. There are some very vulnerable populations in this country—people who can be helped, who can be put back on their feet if we choose to use our resources to meet some of their needs. The Appropriations Committee will soon be sending us the Labor/HHS appropriations bill for fiscal year 1993 and, I hope, the members of that committee will have found a way to maintain funding for programs like Low Income Home Energy Assistance [LIHEAP]. This program provides assistance to millions of households who have trouble meeting their heating and cooling bills every year. This is a very important program in my State of Minnesota—for some Minnesotans it makes the difference when they might otherwise have to choose between eating and freezing. Children who cannot sleep at night because they are cold do not learn in school. Elderly Americans should not have to worry about making it through the winter. Demand for this program has been growing in recent years, but over the past 5 years, the program has lost $2.8 billion in purchasing power. How, Mr. President, can we spend $2.1 billion on a space station when we cannot even make sure every American family can heat their home?

I cannot understand how we can spend this money when there is so much to do here and so few resources, it would seem, to do it with. In this country, one in five children lives in poverty. Every night at least 100,000 children go to sleep homeless. In 1989, we ranked 19th in the world in infant mortality, behind Singapore, Spain, and Ireland. From 1980 through 1986, the number of babies born in the United States with low birthweights ranked the United States 29th in the world. And, as at least a partial consequence of this, approximately 144,000 babies will die in the United States before their first birthday over the next 4 years. But, Mr. President, we do not fully fund prenatal programs, we have cut Medicaid programs. Is not an investing in healthy children an investment in our future? Is not investing in healthy children an investment in our future? When we cannot find the funds for prenatal care, how do we justify spending $2.1 billion on a space station?

Finally, Mr. President, I would like to remind my colleagues of our deficit. We are supposed to have a deficit this year that will be well over $300 billion. We have been asked over and over again when we will begin to make the hard decisions we need to make if we are to get our spending under control. This is one opportunity to do just that. Senator BUMPERS has cited studies that show how many hundreds of billions of dollars this program will cost us in the next several years, many hundreds of billions beyond the $2.1 billion for this year and many hundreds of billions beyond the current deficit. How badly do we need this space station, this year? How many of you are willing to return home and explain to your constituents that you just could not cut a few billion off the space station in the name of deficit reduction? Are we really only able to say no when it comes to programs for children and

poor people? What does that say about our priorities here in the Senate?

This amendment is an opportunity for us to do something concrete about these concerns. Most of the $2.1 billion that Senator BUMPERS has proposed cutting from the space station will go to deficit reduction. If we accept this amendment, we will be able to show that we are able to squarely face the deficit—not by cutting programs that help vulnerable Americans, but by putting aside some of our luxury programs for a year or two. This is a just approach to deficit reduction. But Senator BUMPERS has gone further. He proposes to use some of this money to actually help American citizens, to provide better services for some of the citizens who have proudly served their country. He proposes to add $200 million to veterans' health care programs and $62 million to veterans' medical research programs. I feel certain that no member of this body would disagree if I suggested that there is always room for improvement in the veterans' health care system. And we certainly should agree that this country can more responsibly spend $200 million to improve the health of people who have sacrificed in its service than on a space station.

But there is more. Senator BUMPERS proposes to add $62 million for veterans' medical research. Veterans' medical and prosthetics research makes for an interesting comparison with the space station. We are often told how useful space research is to science and medicine. That may be so. But we have many reports that show how important veterans medical research is not only to better medicine in the long run, but to better patient care in VA facilities. According to a January 1991 report by the VA Advisory Committee for Health Research Policy, this research program enables the VA to attract top-notch academic researchers who greatly enhance the quality of medical care for veterans. Let me quote directly from the report: "Since the VA has a vigorous research program, which is essential to provide the best care for veteran patients, the system is able to attract a high quality house staff and attending physicians who are faculty members of affiliated medical schools. These two elements combined—the high quality staff and the research-driven care—enable the VA to provide superior services that could not be purchased in the private sector." In my State, the ties between the VA hospitals and the University of Minnesota has meant that veterans are treated by some of the top doctors in America. It means that some of the most advanced medical research is taking place in VA programs there. Researchers at the U of M and at the VA in Minnesota have told us that many more meritorious projects could be funded if there were more funds available. New investigators could begin their research. This is concrete research, with specific, clinical results that help people. It is a good way to spend tax dollars.

This is, Mr. President, a question of conscience and a vote about good government. We know that we do not have the resources to do everything that we would like. We are here to use the resources of the Nation most effectively in order to make this a better nation to live in. Is this space station the best way to do that? I think not, Mr. President. Can we do better by putting this money toward deficit reduction and medical care for veterans? I am very certain that this is a better way to go. I hope many of my colleagues will agree and join me in supporting Senator BUMPERS' amendment.

Mr. DURENBERGER. Mr. President, I rise to oppose the amendment offered by our colleague from Arkansas to eliminate funding for the space station. Although I share his passion for reducing the budget deficit, I believe the space station is a sound investment in this country's future.

The space station is designed to provide an essential platform for learning to live and work productively in space. It will provide an advanced research laboratory to explore space and employ its resources for the benefit of man on Earth. It will provide a necessary platform from which to explore the outer reaches of space.

I agree with the comments of our astronaut-colleagues, Senators GARN and GLENN, that we can never know for sure today all the benefits that might accrue tomorrow from building the space station. I have no doubt that the space station will yield many advances and that we are likely to recoup the investment many times over.

The United States too often takes the short-term view, to our considerable long-term disadvantage. This is an opportunity for the Senate to demonstrate its commitment to long-term investments in our country's future.

Mr. President, I would urge my colleagues to look ahead with a keen eye on the future and to defeat the Bumpers amendment.

Thank you. I yield the floor.

Mr. BROWN. Mr. President, this amendment would cut $1.6 billion from the fiscal year 1993 budget for the space station, a 76-percent reduction.

The sponsor of the amendment claims it would reduce the Federal budget deficit by $1.338 billion. If the amendment actually would result in such a reduction in our debt, I seriously would consider it.

The most important issue facing this Nation is how we can effectively reduce our massive deficit. Unfortunately, the Bumpers amendment would not reduce the deficit. It does not reduce the budget allocation for science and technology or require a reduction in overall spending in the bill.

The amendment simply cuts money for the space station, leaving $1.338 billion available for other spending. Indeed, most of the debate on this amendment has focused not on its sponsor's claim of deficit reduction and savings, but instead on arguments about other ways to spend the money.

I will vote against the amendment.

Mr. SEYMOUR. Mr. President, many of my colleagues today have eloquently spoken of the scientific promise that space station *Freedom* holds for the future. We know that if the Bumpers amendment is defeated, the world will come one step closer to new life science, health care, and industrial production technologies. If the Bumpers amendment passes, we may never know what we could know about these riches of our universe.

The more we drive into space, Mr. President, the more we discover about our own Earth. Space station *Freedom* will bring back a marvelous array of discoveries that could help us predict weather patterns more sharply, understand atmospheric impacts on soil quality, and make progress on curbing ozone depletion.

But space station funding for the next fiscal year can bring us even closer to the cares of home, and let me tell you why. First, we must know what we will lose should the Bumpers amendment pass. The President has made it crystal clear to Senators MIKULSKI and GARN—among others—that if we eliminate station funding, the entire VA, HUD, and independent agencies bill would be vetoed.

This veto, in turn would lose for America billions of dollars in VA operating expenses, sewage treatment grants, elderly and disabled housing programs, and public housing subsidies.

I mention this list of critical programs funded along with the space station to dispel two myths that have crept into this debate. The first myth is that if we vote for the amendment before us, an entire range of domestic programs would receive more money as a result. The second myth, interwoven with the first, is that the space station has taken money way from these programs.

The final issue I want to reemphasize relates to the importance of the space station to the U.S. economy. In the State of California alone, it supports 4,000 jobs and 4 billion dollars worth of contracts.

For an aerospace industry reeling from a lower military budget at home and subsidized cartels abroad, the station offers a bright glimmer of hope. Despite its problems, this sector of the economy still accounts for 10 percent of all U.S. exports, and the commercial spin-off technologies that the space station can bring from the heavens will help domestic aerospace firms rekindle some of their overseas markets.

And so a vote for this amendment, Mr. President, is a vote against several

benefits that could improve the civic life of this Nation. It would represent a vote against technologies that could further propel us into an age of low-cost, low-capital, and low-pollution industries. It would represent a vote against some of the most generous funding of veterans and elderly programs ever produced by the Senate. And it would represent a vote to deny our aerospace industries yet another chance to struggle back to their feet.

This amendment promises what it cannot deliver and condemns that its passage would bring. For reasons both visionary and practical, I urge my colleagues to defeat this measure.

Mr. WARNER. Mr. President, the vote which I will cast today with respect to the amendment introduced by Senator BUMPERS will be a very difficult vote for me.

I do understand the impact the space station *Freedom* program will have upon the people of the Commonwealth of Virginia. All the people who pay Federal taxes will have to contribute to this program for many, many years. According to calculations based on the $118 billion in costs the General Accounting Office projects for the space station, this program will cost the taxpayers of Virginia close to $3 billion. I am sure the taxpayers of Virginia can use this amount of money for various domestic and infrastructure programs that are lacking in funding at the present time.

Many Virginians are dependent upon this program for their jobs; but my concern is with the total cost of this program over the next 28 years. The General Accounting Office figures show that the program will cost $118 billion. An internal study completed by a committee in the House of Representatives has stated that the program may eventually cost as much as $200 billion over the next 30 years. Now, if you add the interest compounded on this figure, you are talking about a cost of roughly $600 billion over the next 30 years for developing, building, and operating the space station *Freedom* program.

Mr. President, there is a great controversy on what the taxpayer in the end will receive, assuming the program is successful. The President of the American Association for Cancer Research has stated that the space station, if funded, "will not only yield few and incrementally minor new results at very high costs, but will preclude adequate funding for cancer research during that period in existing laboratories around the country." The National Academy of Sciences has taken the position that the "space station *Freedom* at the present stage of design does not meet the basic research requirements of the two principal scientific disciplines for which it is intended, life sciences and microgravity research."

Mr. President, I am deeply concerned about the debt this country has incurred in the last few years. By the end of this month, the annual budget deficit for America will be a figure hovering around the $400 billion mark. In the 14 years I have served in the U.S. Senate, the annual budget deficit has increased at an incredible rate. The cost of the space station program has also risen rapidly since the program began in 1984. In 1984 the cost of the program was estimated at $8 billion. Since then the cost has escalated 64 percent in 8 years.

Mr. President, we need to focus on reducing the deficit now if we are going to avoid a horrendous economic crisis for our children and grandchildren.

Mr. President, I will support the amendment offered by the Senator from Arkansas because we need to confront the budget deficit problem now. We need to stop our addiction to continue to borrow to cover the costs of the growing number of domestic programs.

SPACE STATION "FREEDOM"

Mr. HOLLINGS. Mr. President, as chairman of the Committee on Commerce, Science, and Transportation, the authorizing committee for the U.S. Space Program, I have long been an avid supporter of NASA and its many important programs. I understand the value of space exploration, which has been a source of excitement and inspiration to millions of Americans. Our initiatives to explore outer space and the solar system are important to all human beings, as they reflect our innate desire to probe the unknown and to expand our reach beyond the current frontiers on Earth.

However, after listening to the space station debate, I have reached the conclusion that this country no longer can afford to continue the space station *Freedom* program. For that reason, Mr. President, I will support the amendment offered by the distinguished Senator from Arkansas, and I urge my colleagues to do the same.

Mr. President, according to the Congressional Budget Office, the Federal budget deficit for fiscal year 1992 now is expected to reach a record $314 billion. To illustrate how Federal spending has spiraled out of control in recent years, it was only 12 years ago, in 1980, that the accumulated debt for the Federal Government totaled $709 billion. The Nation has accumulated this sum through events such as the Civil War, World Wars I and II, and numerous other emergencies that occurred during the first 200 years of this Nation's existence. Yet, in the last 12 years of deficit spending, we have seen the accumulated Federal debt grow to a point where it presently is nearing $4 trillion.

In this fiscal environment, how can we realistically agree to build a space station expected to cost some $100 billion to build and operate?

Quite simply, our Government does not have the resources to fund a program as all-consuming as the space station, while attempting to support a vast array of smaller, but equally important space, science, and technology development programs. My fear is that, if we do not act to stop this program now, the space station *Freedom* will continue to soak up billions of scarce dollars—at a time, Mr. President, when Uncle Sam is already forced to borrow nearly $1 billion each and every day.

In no way am I advocating that we forsake the leadership position of the United States in space. Our Nation must enhance its efforts to gain access to space so that we can continue to explore our solar system. We also must pursue aggressively space science missions, including the mission to planet Earth, so that we can understand better our changing global environment. And our Nation must continue its investment in space and aeronautical research and technology development to preserve our preeminence in the international marketplace.

However, the Nation's resources are not limitless. Does anyone really think we will have the $25–$30 billion needed to complete the space station during the remainder of the decade? The Congressional Budget Office already has told us that if we take no action at all, the Federal deficit, after dipping slightly, is expected to grow to more than $500 billion in the year 2002. It is absolutely imperative that we do not attempt to accomplish in space that which we realistically cannot afford.

Some have argued that this kind of thinking reflects a failure to look beyond today's problems to the future. They claim that the debate on the space station is really a debate over investment in the future versus current consumption.

Mr. President, to that I only can respond that it makes no sense to spend billions of borrowed dollars on exploring space—purported to help future generations—when we leave our children, and our children's children, with the debt that we compile to get there. To this Senator, that seems to be nothing more than a plan to ensure the long-term economic failure of this Nation.

When first proposed in 1984, the space station was projected to cost $8 billion—and expected to be orbiting the Earth in 1992. NASA's plans now call for an expenditure of $30 billion through the remainder of this decade to build and launch the space station *Freedom*, with at least another $60 billion needed to operate the facility during its 30-year life expectancy. Others, most notably the General Accounting Office, question the accuracy of these figures. The Comptroller General has testified that the space station *Freedom* will cost at least $118 billion to build and operate over the next several decades. But who really knows? There has never been a detailed, comprehensive cost analysis done on this project.

Already, the space station program has gone through an array of redesigns, descopings, and modifications. In fact, of the eight original missions envisioned for the space station, the only surviving justification for its development is as a laboratory to conduct life science and microgravity materials science research. As a result, much of the money invested to date in this program has gone to little more than preparing new designs.

Having been stripped of all other mission responsibilities, the space station is now intended to serve as a research lab. The fact is, however, that the present design has received overwhelming criticism from the scientific community—which is expected someday to use this facility. Among others, the National Research Council continues to express concerns about the scientific capabilities of the space station, noting the reduced crew size, the lack of power, and the delay until after the year 2000 before meaningful life sciences research can be conducted.

No one disputes the importance of research in the areas of life science and materials science. These experts simply question whether the current design of the space station *Freedom* will enable effective research at a cost that can be supported within the realities of the Nation's Federal budget.

We must use common sense. Let us instead invest this $2 billion in other medical research, industrial technology, or space science programs—and perhaps most importantly, in deficit reduction.

Mr. President, as I have stated, I am a strong supporter of space exploration, just like I believe that we should aggressively pursue other programs, like the mission to planet Earth. I share the belief that someday in the future we will return to the Moon and send humans further into our solar system. I fully understand that, in order to do so, we must have more data on how human beings are affected by long-duration space flights.

However, there are other, far less costly, means of accomplishing these objectives. Remembering that the current space station design once was intended to accommodate eight separate missions, it would seem logical that to conduct life science research, a much smaller facility could be developed that fit within the expected availability of Federal funds. With respect to microgravity research, few people expect that this work effectively can be accomplished on the present space station where humans will be located on a permanent basis. A more practical and affordable solution may be free-flying space craft designed solely for that purpose.

Specific alternatives using existing technology have been under consideration for years. Feasibility studies have been conducted by a major aerospace contractor on the possibility of flying two separate space shuttle orbiters into low-Earth orbit, mating them to create an orbiting lab capable of remaining in space for up to 90 days. Pursuing that same theme, NASA's former Deputy Administrator once promoted the possible use of the space shuttle in low-Earth orbit for as long as 9 months.

I fail to see why needed research work cannot be accomplished on the long-duration orbiting space shuttle or through other more cost-effective alternatives. I also fail to see the need for this space station, with its $100 billion price tag.

The time has come to face up to the realities of this program and our current fiscal environment. It makes no sense to borrow hundreds of billions of dollars for this project and burden future generations with additional debt without significant benefits. We should use common sense today and vote to stop funding this costly space station.

Mr. SPECTER. Mr. President, I am voting in favor of the amendment offered by my colleague, Senator BUMPERS, to the Department of Veterans Affairs and Housing and Urban Development and independent agencies appropriations bill for fiscal year 1993 which would transfer funding from the space station project to veterans-related programs within the Department of Veterans Affairs and to deficit reduction.

The Space Station Program is not without virtues. In the past, our space program has made significant contributions to our Nation and the world. The future of new technologies can be enhanced greatly by advances in space, and I appreciate the need to move forward in science and technology. However, we must continue to make difficult decisions in determining our budget priorities, and I believe that veterans-related programs must be one of our greatest.

As ranking member on the Veterans Affairs Committee, I have traveled to VA medical centers in my home State of Pennsylvania and across the United States. Time after time I have seen outdated equipment and buildings. Personnel at the medical centers have complained about recruitment and retention problems at the centers due to budget constraints. And veterans, those individuals who have won the peace and an end to the cold war, have voiced concerns about care that becomes too difficult for them to obtain.

Each year I have fought for increased funding for veterans' services, specifically in veterans' health care. Current predictions for the Department of Veterans Affairs budget is $34.5 billion, with $14.6 billion going to health care. Some might say that the increases we have had over the last few years are adequate. I do not believe that to be correct.

Health care costs continue to escalate and our Nation's veterans continue to age. The additional moneys provided by this amendment, approximately $262 million to veterans health care and research, gives the Department of Veterans Affairs additional resources to continue to provide the best possible care and services to our veterans.

As most of the Senators in this Chamber know, veterans hold a very special place in my heart because my father, Harry Specter, was a veteran from World War I. Recognizing our Nation's budget constraints and the needs of our veterans' community, I am voting in favor of the amendment offered by the Senator from Arkansas. Serving those who have served our Nation and repaying an unrepayable debt must continue to be a priority.

The PRESIDING OFFICER (Mr. KERREY). All time has expired on the amendment.

Ms. MIKULSKI. Mr. President, I inquire of the Chair: Is there not a few minutes left under general debate provisions?

The PRESIDING OFFICER. The Senator is correct.

Ms. MIKULSKI. How much time?

The PRESIDING OFFICER. The Senator from Maryland controls 6 minutes on the bill.

Ms. MIKULSKI. Mr. President, I yield myself 6 minutes to close the debate.

First, I would like to thank all of my colleagues who have participated in this debate. I would like to thank my colleagues for the cooperation they have given us in the process. Not once during this debate on the space station have we had endless quorum calls eating up time of the U.S. Senate. I would like to thank every Senator who participated for the tone, the quality, and intellectual content that they have presented.

As we come to the close on this most important national decision, I just want to reaffirm my support for the space station.

There were some issues raised earlier about the international commitment, rhetorical questions about where are the Japanese and the Germans.

The Japanese have their own laboratory as part of the United States infrastructure which they themselves are paying. The Germans are part of the European space lab that will also be part of the four-laboratory configuration that will pay. In this, unlike defense, there has been significant burden sharing. The Japanese want to use microgravity laboratories in space to develop new materials so they can leapfrog over the semiconductor manufacturing area, one of the few areas where we have had high-technology superiority.

I could give other examples. But I do believe now the Senate is ready to vote. I ask unanimous consent that facts on the international commit-

ments be printed in the RECORD: A letter from the Canadian Embassy, affirming the Canadian support for the project, and their monetary commitment; the Senator from Utah has included the European Space Agency. I would like these included in the RECORD.

I would also like the letter from the National Space Development Agency of Japan also included in the RECORD affirming their support not only in terms of the diplomatic support but also their monetary support for the space station.

I ask unanimous consent that these documents be printed in the RECORD.

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

INTERNATIONAL COMMITMENTS

In 1988 U.S. made Space Station commitments to: Japan, Canada; 9 members of the European Space Agency: Germany, France, Italy, United Kingdom, Spain, Belgium, Denmark, Holland, Norway.

These commitments include nearly one-half of the Canadian space program and over ⅓ of the budget of Japan's Space Agency.

International partners will pay for $8.4 billion of development costs—⅓ of total development costs.

International partners have spent $2.6 billion already.

Space Station Freedom accounts for nearly half of Canada's space program and ⅓ of the budget of the National Space Development Agency of Japan.

U.S. will get to use 72% of all Space Station resources including 46% of European lab and 46% of Japanese lab.

"[W]e maintain our commitment to the development of the Attached Pressurized Module [the European laboratory] as our contribution to Freedom * * * I trust that the United States will honor its international commitments * * *.—Letter to Representative Brown from J.M. Luton, Director General of European Space Agency, July 2, 1992.

"Canada has steadfastly honored its commitments to Space Station Freedom amidst [its own] budgetary pressures. * * * Canada has continued to stay the course not only because we believe it is important to stand by our commitment but because we regard this project as a critical step in international space cooperation."—Letter to Representative Whitten from Marc Brauly, Charge d' Affairs, Canadian Embassy, July 22, 1992.

"This program is also central to the future partnership between the United States and Japan in the field of space development."—Letter to Representative Foley from Masato Yamano, President of the National Space Development Agency of Japan.

What would be the effect of abrogating our international agreement on this project on other cooperative ventures such as: AIDS Research, Human Genome Project, and Fusion Energy Research?

CANADIAN EMBASSY,
Washington, DC, July 22, 1992.

Hon. JAMIE L. WHITTEN,
Chairman, House Committee on Appropriations, H-218 Capitol Building, Washington, DC

DEAR MR. CHAIRMAN: The House is expected to vote in the near future on continued funding for Space Station Freedom. In anticipation of the possible introduction of an amendment to terminate its funding, I am writing to urge you to support the continued development of this pioneering project at this critical juncture.

We understand that the budgetary pressures currently facing the United States are substantial and present difficult choices for the funding of programs. The United States, however, is not alone in this regard. All of the partner nations in the Space Station are confronted with very restrictive fiscal situations with similarly intractable choices.

Canada has steadfastly honoured its commitments to Space Station Freedom amidst these budgetary pressures. We will have expended C$550 million by the end of 1992 towards the development of the Mobile Servicing System. Further, while the 1991 restructuring of the project required us to make difficult technical adjustments at substantial cost, we made those changes needed for the project.

Canada has continued to stay the course not only because we believe it is important to stand by our commitment but because we regard this project as a critical step in international space cooperation. Much of the important science and technology work needed by our countries in the coming decades will only be feasible through international collaboration. Space Station's success will be pivotal in fostering this cooperation.

The Congress has the opportunity at this stage to reinforce the United States leadership in manned space flight by sustaining its funding for the Space Station. I urge you and your colleagues to support this key decision.

Yours sincerely,

MARC BRAULT,
Chargé d'Affaires, a.i.

EUROPEAN SPACE AGENCY,
Paris, July 22, 1992.

Hon. GEORGE BROWN,
Chairman, Committee on Science, Space, and Technology, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN BROWN: For the second time in the current Congressional budget cycle, I find myself writing to you concerning the International Space Freedom programme. My first communication was prompted by a threat to cancel the programme during House floor action on NASA's FY93 Authorization Bill. Fortunately the Roemer Amendment was defeated by a substantial margin.

At that time I stated that our participation in Freedom forms an integral part of the European space effort. I also pointed out that our Industrial Policy committee had authorized the placing of contracts with industry for the development of Columbus elements, at a time when Europe is facing constrained space budgets and debating the future direction of its space cooperation.

These budgetary constraints are leading to major revisions in the Agency's Long Term Space Plan, which we are currently reviewing with our Member States. In making such revisions Europe has been forced to extend the scale for achieving its ambitions, particularly as regards the development of an autonomous capability for manned operations.

However, while carrying out this exercise we have remained conscious of the importance of Space Station Freedom as the next major step in the manned exploration of space and of the obligations we have undertaken, to our Station partners, through our signatures of the Intergovernmental Agreement and ESA/NASA MOU. We have therefore made every effort to ensure that, whatever the necessary revisions to our Long Term Space Plan, we will maintain our commitment to the development of the Attached Pressured Module as our contribution to Freedom, on a schedule as agreed with NASA.

While I certainly have no intention of proposing to the Congress the manner in which it should deal with the current fiscal situation in the United States, I trust that the United States will honor its international commitments and that this will result in the allocation of the necessary financial resources to you portion of the Freedom programme.

In this way we will be able to continue to implement what is often referred to as the largest scientific and technical cooperation ever undertaken and will demonstrate our reliability as partners in this very important endeavour.

Yours sincerely,

J.M. LUTON,
Director General.

NATIONAL SPACE DEVELOPMENT AGENCY OF JAPAN,
Tokyo, Japan, July 29, 1992.

Hon. THOMAS S. FOLEY,
Speaker of the House of Representatives, Longworth House Office Building, Washington, DC.

DEAR MR. FOLEY: This letter is to express my grave concern about the current situation the budget for the Space Station Freedom Program is encountering during the coming budget processes in the US House of Representatives.

This Program has been conducted since 1985 when NASA and other International Partners started the SSFP preliminary design. The National Space Development Agency of Japan (NASDA) is deeply committed to this program to the extent that any adversity in the United States Program seriously affects the Japanese space program.

The Intergovernmental Agreement on Cooperation in the Space Station Program entered into force between Japan and the US this January thirtieth. Based upon the Agreement, the Science and Technology Agency and NASDA are now strenuously conducting the development of the Japanese Experiment Module (JEM).

This JEM Program is the centerpiece of the Japanese space development program, and has grown to require one-third of the annual NASDA budget. NASDA has already completed the JEM Preliminary Design Review and has proceeded to the critical design of the Engineering Model. In so doing, NASDA has made contracts equivalent to forty percent of the total JEM development cost. NASDA further expects that this figure will reach fifty percent by the end of fiscal 1992.

Convinced that the Space Station Program is essential to extend human presence in space, NASDA is most eager to successfully complete the Program through the cooperation with the United States and other partners. This Program is also central to the future partnership between the United States and Japan in the field of space development.

I therefore hope that you will support the stable implementation of the Space Station Program.

Sincerely,

MASATO YAMANO,
President.

Ms. MIKULSKI. Mr. President, I think that really concludes the debate for this year on the space station. I hope it concludes it permanently.

Now I look forward to a vote on the issue.

Mr. President, I yield the remainder of the time. I believe the yeas and nays are called for.

Mr. BUMPERS. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. BUMPERS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Delaware [Mr. BIDEN] and the Senator from Tennessee [Mr. GORE] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 34, nays 63, as follows:

[Rollcall Vote No. 194 Leg.]

YEAS—34

Baucus	Ford	Nunn
Bradley	Fowler	Pryor
Bryan	Harkin	Reid
Bumpers	Hollings	Rockefeller
Byrd	Kennedy	Sanford
Chafee	Kerry	Sasser
Cohen	Kohl	Simon
Conrad	Lautenberg	Specter
Daschle	Leahy	Warner
DeConcini	Levin	Wellstone
Dixon	Metzenbaum	
Exon	Mitchell	

NAYS—63

Adams	Gorton	Moynihan
Akaka	Graham	Murkowski
Bentsen	Gramm	Nickles
Bingaman	Grassley	Packwood
Bond	Hatch	Pell
Boren	Hatfield	Pressler
Breaux	Heflin	Riegle
Brown	Helms	Robb
Burns	Inouye	Roth
Coats	Jeffords	Rudman
Cochran	Johnston	Sarbanes
Craig	Kassebaum	Seymour
Cranston	Kasten	Shelby
D'Amato	Kerrey	Simpson
Danforth	Lieberman	Smith
Dodd	Lott	Stevens
Dole	Lugar	Symms
Domenici	Mack	Thurmond
Durenberger	McCain	Wallop
Garn	McConnell	Wirth
Glenn	Mikulski	Wofford

NOT VOTING—2

Biden	Gore

So the amendment (No. 2956), as modified, was rejected.

Mr. GARN. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. MIKULSKI. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. DOMENICI. Mr. President, the Senate is now considering the VA-HUD-independent agencies appropriations bill reported by the Senate Appropriations Committee.

This bill provides $85.6 billion in new budget authority and $46.3 billion in new outlays for fiscal year 1993 for the programs of the Department of Veterans Affairs, the Department of Housing and Urban Development, the National Aeronautics and Space Administration, the National Science Foundation, the Environmental Protection Agency, the Federal Emergency Management Agency, and other independent agencies.

When outlays from prior-year budget authority and other completed actions are taken into account, the bill, as adjusted, totals $89 billion in budget authority and $86.4 billion in outlays for fiscal year 1993.

The distinguished chairwoman has noted the challenge it has been to produce a balanced bill within the subcommittee's section 602(b) allocation.

I appreciate the subcommittee's support for a number of ongoing projects and programs important to my home State of New Mexico as it has worked to keep spending within its allocation.

With the adoption of the managers' amendment, the committee will have addressed funding requirements for two programs, which I believe deserve the Senate's ongoing support.

First, the committee has restored necessary funding to continue grants to homeless shelters around the country. This action is critical in view of the fact that the House reduced funding for this essential program, and it is not yet clear whether or not the Congress will act on the housing reauthorization bill, which includes action on homeless programs.

Second, the managers have graciously accepted my amendment to continue the successful collaboration between the Department of Housing and Urban Development and the Farmers Home Administration in providing housing vouchers for use in rural areas. I thank them for their support for this innovative approach to addressing housing needs in our rural communities in a cost-effective manner.

To fashion this bill, the subcommittee used several budget practices to minimize fiscal year 1993 outlays.

This year the subcommittee has included legislative provisions to achieve program savings to help offset some of the $1.2 billion increase in the veterans medical care account. These legislative changes will result in budget savings, and the subcommittee is appropriately given credit for these actions in its bill.

In order to minimize the outlay impact of this bill, the committee has recommended the delay of obligations amounting to $496.9 million: $476.9 million for VA medical care; and $20 million for VA general administration.

This approach to budgeting has now become part of the base program, as Congress has for the third year assumed such delays in the obligation of funding. I hope this will be the last year Congress employs this device, and that we will return to budgeting on the basis of program need rather than budget expediency.

The subcommittee provides an advance appropriation of $450 million for fiscal year 1994 for the renewal of expiring section 8 subsidized housing contracts, which will also shift expenditures into future years.

Also within the Department of Housing and Urban Development, the subcommittee approves legislative language to increase the FHA single-family mortgage insurance limit from $125,000 to $151,000. This action will result in $44 million in outlay savings, which are also used to offset spending in this bill. Such premiums, however, are designed to go back into the FHA program to replenish the fund and cover default costs.

Within the National Science Foundation, there are two programs related to the U.S. presence in Antarctica. The Senate bill does not fund the logistical support program with the expectation that these funds will come from the Department of Defense as Congress has assumed in previous years. I believe there remains a question as to whether these funds can appropriately be defined as defense-related spending.

Finally, the subcommittee assumes that $55 million will be provided through the defense budget to finance defense conversion engineering traineeship activities through the National Science Foundation. The Congress assumes that such funding will indeed be provided under the defense spending cap. However, OMB has indicated that it will consider such activities to be domestic discretionary spending.

To ensure that these funds are not counted against its budget allocation, the subcommittee includes bill language stating that these funds may not be used unless such expenditures are determined by OMB to be counted against the defense spending cap.

In the latter two actions, the committee assumes that the Congress will take money from the defense budget and use it for domestic discretionary programs. Under OMB's interpretation of these provisions, this action will violate the bipartisan budget agreement which established three separate spendings caps—on defense, international affairs, and domestic discretionary spending.

The action taken in this bill, and in others containing defense economic conversion initiatives, may well delay the final disposition of the fiscal year 1993 bills.

I thank the President for this time to discuss the bill, and I yield the floor.

Ms. MIKULSKI. Mr. President, in a few minutes, the Senator from Arizona will be offering an amendment.

In the meantime, though, I ask unanimous consent that the following amendments be stricken from the list of amendments in order, since I understand they will not be offered:

There are two Bingaman amendments relating to drinking water; two Domenici amendments related to EPA.

I would note that Senator DECONCINI does intend to offer his safe drinking water amendment, but he does not intend to offer two others on EPA and related to the Southwest Center.

Senator WIRTH does not intend to offer his green lights amendment; Senator REID does not intend to offer his green lights amendment; and all amendments remaining by Senator GRAHAM of Florida will not be offered.

I ask that those amendments be stricken from the unanimous-consent request.

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

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Parliamentary inquiry, Mr. President. I understand there is a unanimous-consent agreement for 90 minutes, equally divided, on my point of order. Is that correct?

The PRESIDING OFFICER. There is an order that provides for the debate on the appeal on the point of order.

Mr. MCCAIN. I understand.

Mr. President, I raise a point of order against H.R. 5679, the VA-HUD and independent agencies appropriations bill, based on its failure to comply with the particularity requirement of paragraph 7 of rule XVI of the Standing Rules of the Senate, as is my right.

Mr. President, before the ruling of the Chair, may I proceed with a statement? Is that in order?

The PRESIDING OFFICER. Without objection, the Senator may proceed.

Mr. MCCAIN. Thank you Mr. President.

I would like to say to the distinguished chairwoman and the ranking member of the subcommittee that I do not intend to take 45 minutes on this. I hope to dispense with it as quickly as possible.

Mr. President, on July 28 this year, I addressed this body about the appropriations process. I discussed rule 16 and the need for this body to comply with its rules in the appropriations process. At this time, I mentioned how opponents of the line-item veto suggested that the rules of the Senate are sufficient to control the appropriations process without giving the President the line-item veto.

In fact, during the debate on the line-item veto in February, my esteemed colleague, Senator HATFIELD, stated:

> I suggest that the advocates of this proposal (the line-item veto) take better advantage of the existing rules and procedures of the Senate to advance their cause. There is still unlimited debate in the Senate. Senators can exercise their rights under the rules to take all the time they want to examine bills and reports, raise questions, offer amendments, and round up votes. I am confident that the proponents of this proposition, and their capable staffs, are fully able to identify provisions of appropriations bills and reports that they find objectionable, and craft amendments to resolve those objections. Let them offer those amendments, and let us vote.

I thank the Senator from Oregon for his sound advice. I would like to inform my colleagues that I will take every opportunity to exercise my rights to ensure that the rules and procedures regarding the general appropriations process are followed.

Mr. President, I have spent a great deal of time examining the appropriations bills and reports that have come before the Senate this year. I have examined them with special attention to paragraph 7 of rule 16. Senate Report 102-356, that accompanies H.R. 5679, is not in full compliance with paragraph 7 of rule 16.

Specifically, the report notes on page 178 that $319,200,000 would be appropriated for the construction of facilities for the National Aeronautics and Space Administration and that these funds are unauthorized. However, the report fails to note with particularity what the full $319,200,000 will be spent on.

What will $319,200,000 of unauthorized appropriations fund? Surely, the Committee on Appropriations knows with particularity what the noted $319,200,000 will fund.

Mr. President, if you turn to page 153 of the report you may get a vague idea of how we plan to spend a portion of the $319,200,000 of taxpayers money on unauthorized construction.

The only explanation offered by the Committee on Appropriations fails to note with any kind of particularity what the full $319,200,000 will fund. According to the report on page 153:

> The Committee recommends the following changes to the budget request:
>
> +$25,000,000 for aeronautics facilities improvements consistent with expanded plans for the high-speed commercial transport [HSCT] initiative and relative activities. Funds should not be obligated until a specific plan for aeronautical facility improvements is submitted to the Committees on Appropriations for their approval.
>
> +$25,000,000 for the advanced solid rocket motor facility and associated plant and equipment requirements.
>
> +$50,000,000 as a general reduction, taken at the agency's discretion, subject to the normal reprogramming guidelines.
>
> The Committee has denied all earmarks recommended by the House.

Mr. President, the report tells this body that two different programs will respectively receive $25 million increases from requested levels while there is a $50 million general reduction taken at the agency's discretion and subject to reprogramming requirements.

The report does not explain with particularity what will be reduced or eliminated by the $50 million reduction. It does not account, with particularity, for the remaining $269 million of unauthorized spending. What are we funding with this $269,200,000?

What facilities will we construct? Where will we construct them? Will this money even be spent on construction?

Mr. President, I believe that a correct reading of the "with particularity" provision of rule XVI requires more than a vague and incomplete description of how $319,200,000 will be spent. An exacting description of how we will spend taxpayers' dollars is required.

In a letter to Senate Majority Leader Mansfield dated June 19, 1970, chairman of the Appropriations Committee, Senator Russell, stated his views on Senator Mansfield's proposed and later accepted provision to rule XVI. He stated:

> Rule XVI of the Senate relates to amendments to appropriation bills. I am directing the staff of the Committee on Appropriations to comply precisely with the intent of your resolution immediately insofar as amendments to appropriation bills are concerned. In the future, each report accompanying an appropriation bill from this committee will explain with particularity each item where there is no authorization.
>
> In the report accompanying the second supplemental appropriation bill, which was filed with the Senate by this committee on June 8, you will observe on page 13 that language has made it clear there was no authority for the appropriation of $250 million recommended by the committee for the foreign military credit sales program. This will be the future procedure on all committee amendments in all of the bills.

Mr. President, Chairman Russell makes clear his interpretation of the future addition to rule XVI. He directed the Appropriations Committee to fully comply with the future paragraph 7 months before its adoption. He also gives examples of how to specifically and completely to comply with the "with particularity" provision. The report before us today simply is in violation of paragraph 7 of rule XVI as understood by Chairman Russell.

I would like to further quote from that June 19 letter to show how strongly the chairman of the Appropriations Committee felt about full compliance with the addition to rule XVI. He stated:

> With the policy being followed by the Committee on Appropriations of the House of Representatives and with the new policy which I have just invoked for the Committee on Appropriations of the Senate, I believe the House and Senate will be advised of any appropriations recommended of interest where there is no authorization legislation. Nevertheless, I have instructed the staff of the committee to examine into all language in the bills for the fiscal year 1971, whether the language was included in the bill in the House or in the Senate, and to secure whatever information is available on all of those items where there is no authority.

The chairman of the Appropriations Committee in 1970 felt that the committee should secure whatever information is available on all those items where there is no authority. I am as certain that the report before us is not in compliance as I am that the Appropriations Committee has not secured whatever information is available on all unauthorized items. How will NASA spend the unaccounted-for $269,200,000?

Mr. President, this report does not state "with particularity" what the above unauthorized spending will fund. The legislation before the Senate should be returned to the calendar pursuant to rule XVI to afford the committee the opportunity to correct the report and comply with rule XVI.

Mr. President, I would like to add that I am raising this point of order against this bill to ensure that the Senate adheres to the letter and spirit of its rules when making appropriations. I harbor no animus toward the many agencies funded by this bill. Nor do I harbor any animus toward the distinguished members of the VA, HUD, and Independent Agencies Subcommittee. I am here to ensure that this body complies with the Standing Rules of the Senate.

Let me refresh the Senate's knowledge of paragraph 7 of rule XVI. It states:

> Every report on general appropriation bills filed by the Committee on Appropriations shall identify with particularity each recommended amendment which proposes an item of appropriation which is not made to carry out the provisions of an existing law, a treaty stipulation, or an act or resolution previously passed by the Senate during that session.

In its failed effort to comply with paragraph 7 of rule XVI, the committee in its report does not quote the entire rule. It should come as no surprise that the portion of the rule that the committee failed to quote deals with the requirements of particularity.

On page 177 of Senate Report 102-356, the committee quotes only the following portion of paragraph 7 of rule XVI:

> Paragraph 7 of rule XVI requires that Committee reports on general appropriations bills identify each Committee amendment to the House bill "which proposes an item of appropriation which is not made to carry out the provisions of an existing law, a treaty stipulation, or an act or resolution previously passed by the Senate during that session.

The committee fails to mention that the rule stipulates that those unauthorized items shall be identified "with particularity." The report fails to fully comply with paragraph 7 of rule XVI.

Mr. President, I have examined every report on every general appropriation bill that has come before this body this year. The bill before the Senate today is the only one that has clearly violated paragraph 7 of rule XVI.

For instance, the report that accompanied the energy and water development appropriation bill, in compliance with paragraph 7 of rule XVI, notes unauthorized items of spending with particularity. On page 191 of Senate Report 102-344 the committee states:

> On page 74 (of H.R. 5373), under Appalachian Regional Commission, $190,000,000 is recommended for regional development and highways programs for which there is no authorization.

The committee notes with specificity where in the appropriation bill to find the item and what item it is funding. All unauthorized spending is treated in a similar fashion.

The report that accompanies H.R. 5487, the Agriculture appropriation bill also notes with particularity items of unauthorized spending.

For example, on page 147 of Senate Report 102-334, it states:

> The Committee recommends $142,912,000 for elderly feeding program. Section 311, paragraph a, subparagraph 4 of the Older Americans Act of 1965, as amended, 42 U.S.C. section 3030a, paragraph a, subparagraph 4, authorizes appropriations for the Nutrition Program for the Elderly, Public Law 100-175 (101 Stat. section 933). This authority expires September 30, 1992.

I applaud the work of the Committee on Appropriations for their efforts to comply with rule XVI on the appropriations bills that have come before the Senate prior to the consideration of the legislation we are considering today.

But, the legislation before us today is in clear violation of paragraph 7 of rule XVI, and should be corrected before we ask this body to consider this legislation without full knowledge of what it contains and what activities we are funding.

The decision of the chair on this issue will set a historic precedent for the Senate. Rule XVI, paragraph 7 was a creation of Senators Mansfield and Russell, two outstanding and notable Senators. Again, to quote from the letter from Chairman Russell to Majority Leader Mansfield:

> In the future, each report accompanying an appropriation bill from this committee will explain with particularity each item where there is no authorization.

Chairman Russell also stated that the required explanation should include whatever information is available on all those items where there is no authority.

Mr. President, Senator Russell carefully chose the word "explain." He could have easily chosen the word "list," but chose not to. According to the Random House Dictionary, "explain" means to "make known in detail." Particularity means "fastidiousness" or "a meticulous attention to detail."

Mr. President, as I have pointed out, other Appropriations Committee reports have followed the rule set forth by Senators Mansfield and Russell. This report does not. Therefore, Mr. President, this bill must be returned to the calendar.

So, Mr. President, I raise a point of order against H.R. 5679, the VA, HUD, and independent agencies appropriation bill, based on its failure to comply with the particularity requirement of paragraph 7 of rule XVI of the Standing Rules of the Senate, as is my right.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I would like to speak against the point of order before the Chair so rules.

Mr. President, as the Chair reviews the parliamentary precedence on this, I would like to offer my own analysis which is that the point of order offered by the Senator from Arizona is not well taken.

Rule XVI of the Senate does require the Appropriations Committee to identify "with particularity those items in an appropriations bill that are unauthorized." I bring to the Chair's attention that on pages 177 through 179, we identify those 38 accounts that are unauthorized. All but three of those accounts were in last year's bill.

Most of these activities are not authorized because of several factors: One, the housing authorization bill has not passed the Senate. Also, the NASA authorization bill has not passed the Senate, and yet we must proceed.

The fact that these bills have not passed is not due to me or to my colleagues on the Appropriations Committee.

In addition, I would bring to the attention of the Senator from Arizona that as he talks about unauthorized activities, he asked, as part of his service to Arizona, for an unauthorized EPA project in the managers' amendment.

Finally, let us go back to rule XVI. It requires us to identify all unauthorized activity. But as I recall Senate rule XVI, it does not require us to explain it. So when the Senator refers to the fact in the report it is not explained, he is right, but we are not required under rule XVI to do it. Senate rules do not prohibit appropriations for unauthorized activities. The rules only say that you must identify those unauthorized projects. I believe we have done so.

The point of order is not well taken. I urge the Chair to rule against the point of order.

Mr. COATS. Mr. President, I rise to support the point of order motion by the distinguished Senator from Arizona regarding the VA/HUD and independent agencies appropriations bill.

In addition, I congratulate the Senator from keeping the issue of appropriating funds without the benefit of an authorization at the forefront of our attention as we move through the appropriations process.

As my colleagues are well aware, for the past 12 years I have had the opportunity to introduce and advocate—in coordination with the Senator from Arizona—a bill to provide the President with a legislative line-item veto.

The necessity for such legislation exists because Congress has consistently proved itself incapable of controlling the proliferation of wasteful, special interest pork-barrel expenditures. The primary vehicle for the enactment of pork is this ever-present practice of appropriating without any overview by the authorizing committees.

In fact, early this year the General Accounting Office estimated that, had the President had the power of a line-item veto from 1984 through 1989, some $70 billion in Federal spending would have been saved.

Appropriations for studies on song production in freely behaving birds; prickly pear cactus research; bike paths; unrequested grants and unnecessary buildings or so-called research facilities are becoming legendary. Last year, for example, we saw $10 million appropriated to a small school for a study on military stress on families. This $10 million equaled one-third of the school's total budget.

I understand that one man's port may be another man's salvation, and I am not going to stand here and pass judgment on the worthiness of these items. Theoretically the Congress is supposed to have a system in place designed to evaluate whether or not projects or studies or whatever are worthy of funds which come directly from the pockets of the American taxpayer.

Part of this process includes a determination of need by the agency administering related funding or programs. We all know, however, that Congress and the administration are not always in agreement with regard to the needs of the country and constitutionally we have a right to a difference in opinion.

Within Congress, however, items are not only supposed to receive the support of the Appropriations Committees. They must also survive the oversight of the related authorizing committee or committees.

This procedure is supposed to be one of our most important and fundamental self-policing apparatuses to protect against violations in the public's trust in Congress' role as "the controllers of the Federal purse strings." In subjecting budgetary requests to the scrutiny of two or more congressional committees, we seek to maintain a better handle on wasteful spending so hard-working taxpayers can know that the large chunk of their paychecks which goes to taxes is being wisely spent on worthy programs.

The habit of circumventing the authorizing committees to surreptitiously pursue pork barrel spending is one that must change before we can ever restore the American public's trust in this institution.

I cannot even comprehend how Members of the majority party can continue to contemplate any kind of tax increase on the American public while at the same time condoning funding to study the mating habits of swordfish or potato research.

An amendment that I offered last year to the so-called dire emergency supplemental appropriations bill of March 1991 clearly illustrates business as usual pork practices that are now so common in this body.

I proposed to delete specified funding for a ship overhaul. Not only did the Navy strongly oppose the extensive overhaul that was mandated, but the project had been tucked into the appropriations bill without any discussion whatsoever in either of the House or Senate Armed Services Committees. I pointed out that the merits of this sizable project should receive some review by the appropriate committees before it was approved.

A good number of my colleagues agreed and my amendment passed with a healthy majority of 56 votes. Yet when the doors closed on the conference committee, the funding was quietly restored to the bill without debate.

Mr. President, among other things, rule XVI of the standing rules of the Senate mandates that "the Appropriations Committee shall identify with particularity, each recommended amendment which proposes an item of appropriation which is not made to carry out the provisions of an existing law, a treaty stipulation, or an act or resolution previously passed by the Senate during that session." This rule is an important factor in controlling or restraining appropriations that haven't been authorized.

The point of order that we are presently debating correctly notes that this bill report does not comply with this rule and should be corrected before it is approved by the Senate.

Until we can abide by our own rules and procedures—our own checks and balances—to operate as responsible purveyors of the Federal Government's annual appropriations, we cannot expect to make any progress toward balancing our Federal budget. And we certainly cannot expect to earn the respect of the American taxpayer.

I urge my colleagues to support the point of order offered by the Senator from Arizona.

The PRESIDING OFFICER. This is an issue apparently of first impression and one in which there is sparse legislative history. Rule XVI, paragraph 7, requires that reports on general appropriations bills filed by the Committee on Appropriations "shall identify with particularity each recommended amendment which proposes an item of appropriation which is not made to carry out the provisions of an existing law, treaty stipulation or an act or resolution previously passed by the Senate during that session." The question turns on the meaning of particularity.

There is no prohibition in the rules of the Senate against the Appropriations Committee recommending appropriations for activities that are not authorized. Paragraph 7 of rule XVI, however, does require that the committee identify those amendments with particularity that it is proposing to the full Senate that provide appropriations for unauthorized programs.

It seems that this paragraph of the rule was intended to put Senators on notice that certain designated committee amendments contained funding for unauthorized programs so that Senators could join the issue when the bill was considered by the full Senate.

It appears, in the opinion of the Chair, that the report does identify with particularity for the purpose intended the committee amendments which provide appropriations for unauthorized programs. Therefore, the Chair must rule that the point of order is not sustained.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, obviously I am in disagreement with the ruling of the Chair. I regret very much that we seem to have a sort of Alice in Wonderland use of the English language because I do not believe any rational person would view "construction of facilities," $319.2 million, as being identified with particularity, nor would anyone who examined the letter from Senator Russell to Senator Mansfield in 1971 where he states:

> Nevertheless, I have instructed the staff of the committee to examine all language of the bills for fiscal 1971 where the language was included in the bill in the House and the Senate and to secure whatever information is available on all of those items where there is no authority.

So if the ruling of the Chair is correct that this has been identified with particularity, then all of the information that the Appropriations Subcommittee has is three words, construction of facilities. It is clearly an indication of the problem we have in Washington.

I am convinced that most Americans would think that before we spend $319.2 million that we should have a better explanation than three words.

I understand the ruling of the Chair. It was not unexpected by me. But I do not think anyone in this body should then be surprised at the hilarity and dismay with which the average American voter will view something like this where we can now describe particularity in three words, construction of facilities, as ample justification for the expenditure of $319.2 million while keeping with the words of one of our most distinguished Members ever, to another one when he stated "to secure whatever information is available on all of those items where there is no authority"—"whatever information available." I am sorry there were only three words that were available.

I would just again say to the distinguished Chairwoman, it is not that I have a problem with unauthorized legislation or amendments. I have none whatsoever, because I understand that that is the present state of the rule of the Senate and I abide by the rules, even if I do not happen to agree with them. But my problem is the identification of unauthorized spending because the voters of America, the citizens of this country really deserve to know how their dollars are spent, and their only method for doing so is contained in this bill where we see hundreds of millions of dollars identified in three words; not previously authorized, no previous legislation, no debate, no discussion, unless it is requested on the floor of the Senate. And clearly, I understand their frustration and their anger. The ruling of the Chair will also help them understand better how we get a $4 trillion debt and a $350 billion annual deficit, when hundreds of millions of dollars are identified by the ruling of the Chair, the Parliamentarian, particularity with three words.

So, Mr. President, I do not intend to appeal the ruling of the Chair because I know how the vote will go. But I would like to serve notice to my colleagues that when we allow this kind of distortion of the English language, this kind of appropriations of hundreds of millions of dollars with a three-word description, which then fulfills a requirement for particularity, then I feel compelled to bring up the line-item veto again and again and again until we get some semblance of financial order out of the chaos and the disgraceful condition that exists today.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Maryland yield back her time?

Ms. MIKULSKI. I yield back my time.

The PRESIDING OFFICER. All time on this issue has been yielded back. Are there further amendments?

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

AMENDMENT NO. 2960

(Purpose: To limit the increase of single-family residence mortgage insurance limits for first-time homebuyers)

Mr. SYMMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Idaho [Mr. SYMMS] proposes an amendment numbered 2960.

Mr. SYMMS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

SECTION 1. LIMIT THE INCREASE OF MORTGAGE INSURANCE LIMITS TO FIRST-TIME HOME BUYERS.

On page 43, beginning on line 7, strike "*Provided,*" and all that follows through the end of line 10 and insert the following: *Provided,* That for fiscal year 1993, section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)) is amended by inserting after "value in excess of $25,000." The first place it appears the following: "Notwithstanding the preceding sentence, if the mortgagor is a first-time home buyer, involve an".

On page 44, line 5, insert after the colon the following: *Provided further,* That for fiscal year 1993, section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)) is amended by striking "For purposes of the preceding sentence," and inserting the following: "For purposes of this paragraph, the following definitions shall apply: the term 'first-time home buyer' means an individual (and his or her spouse) who has not owned a home during the 3-year period prior to insurance of a mortgage under this section, except that (A) any individual who is a displaced homemaker may not be excluded from consideration as a first-time home buyer under this section on the basis that the individual, while a homemaker, owned a home with his or her spouse or resided in a home owned by the spouse, and (B) any individual who is a single parent may not be excluded from consideration as a first-time home buyer under this paragraph on the basis that the individual, while married, owned a home with his or her spouse or resided in a home owned by the spouse; the term 'displaced homemaker' means an individual who (A) is an adult, (B) has not worked full-time full-year in the labor force for a number of years, but has, during such years, worked primarily without remuneration to care for the home and family, and (C) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment; the term 'single parent' means an individual who (A) is unmarried or legally separated from a spouse, and (B)(i) has 1 or more minor children for whom the individual has custody or joint custody, or (ii) is pregnant; and the term 'principal residence' means that the property securing the mortgage is a single-family residence or unit in a cooperative, and is the principal residence of the mortgagor.": *Provided further,* That the amendments to section 203(b)(2) of the National Housing Act made under this heading shall remain in effect until October 1, 1994.

SEC. 2. DELAY UP FRONT MORTGAGE PREMIUM DECREASE.

The transition provisions accompanying section 203(c)(2) of the National Housing Act is amended by inserting after "For mortgages executed during fiscal years 1991 and 1992" the following: "and the first month of fiscal year 1993 with respect to the up-front premium payment only." and by inserting after "For mortgages executed during fiscal years 1993 and 1994" the following: "except with respect to the up-front premium payment for the first month of fiscal year 1993 as described under section (b)(1) above."

Mr. SYMMS. The HUD–VA appropriations bill, which we are now considering, raises the loan limits of the Federal Housing Administration's Single-Family Mortgage Insurance Program [FHA] to the lesser of 95 percent of median home price or 75 percent of the Freddie Mac limits. The effective new limit will be $151,725 in high-cost areas and would rise or fall every year as Freddie Mac's limits rise and fall.

I have a great deal of respect for the managers of the bill, but I do have some problems because while the appropriations bill does require a 10-percent downpayment on the amount of the loan above $125,000, FHA will still be able to insure loans with a loan-to-value ratio of 98.5 percent.

The amendment I am offering today will target the raise in the limits to first-time home buyers only. First-time home buyers are defined as someone who has not owned a home in the last 3 years, unless the person is a displaced homemaker.

Raising FHA's loan limits to 75 percent of the Freddie Mac limit in high cost areas, as I mentioned earlier, raises the limits to $151,725. This represents a 22-percent increase over the present limit, which was set in 1990. And in 1990, we raised the limit approximately 24 percent. This is at a time when according to the National Association of Realtors, housing prices have only risen 5 percent since 1990.

If we are willing to dramatically expand FHA in high-cost areas, then that expansion should benefit first-time home buyers only. FHA was designed to serve low- and moderate-income people and first-time home buyers. Its subsidy features enable these groups of people to purchase homes they might not otherwise be able to afford. In particular, FHA's subsidy features are designed to help first-time home buyers because FHA's downpayment requirements are much lower than those required by the private sector. First-time home buyers naturally have the most difficulty in accumulating a downpayment and closing costs since they have not built up equity in previously owned homes.

However, in raising the limits so substantially, we risk that FHA will be pushed to people who do not need a Government program to buy a home. A borrower needs a $65,000 income to support a loan of $151,725, with the minimal downpayment requirements of FHA. Only about 15 percent of the households in this country earn more than $65,000 a year. To ensure that FHA continues to serve its historical role, this substantial raise in the limits must at least be directed to first-time home buyers.

Raising FHA's loan limits will not bridge the housing affordability gap. Higher loan limits do not make expensive houses more affordable. The only home buyers who can afford to take advantage of the proposed increase in the FHA mortgage limits are those families earning at least $65,000 a year. And as I mentioned before, only 15 percent of all households earn more than $65,000 a year and only 8 percent of black and Hispanic households have this level of income.

At a time when the administration and Congress are searching for ways to

help more people attain a stake in the American dream, it is inconceivable that Congress would direct a Federal program to the wealthiest segment of the population. In 1990, only 15 percent of U.S. households had incomes between $50,000 and $75,000 while 75 percent of U.S. households had incomes below $50,000. More importantly, in 1990, 82 percent of families with incomes between $50,000 and $75,000 already owned their own homes and by comparison, only 57 percent of families earning less than $50,000 year own their own homes.

The proposed raise in FHA's loan limits directs FHA to a higher income segment of the population. The maximum FHA mortgage limits since 1971 have been set at between 300 percent and 380 percent of the median family income. The current limit of $124,875 is 353 percent of the 1990 median family income. Raising the limit to $151,725 would set the FHA limit at 429 percent of median family income! Never, in the recent past, have FHA mortgage limits been set at so high a level to benefit high income families as would be the case if FHA's limits are raised to $151,725. So, at the very least, we should insure that this increase is directed to first-time home buyers.

I will submit for the RECORD as attachment A a chart detailing the maximum FHA mortgage since 1972, the median family income that limit was directed to and the income needed to support a mortgage at the maximum FHA limit.

FHA presently is not doing an adequate job of serving those most in need. The Annual Civil Rights Report to Congress showed that the vast majority of FHA's 1991 loans went to nonminority home buyers. In fact, 81.1 percent went to whites, 8.3 percent to blacks. Over four-fifths of FHA borrowers were male. I will submit for the RECORD as attachment B an excerpt from the Housing Development Reporter detailing these statistics.

The recently released data collected under the Home Mortgage Disclosure Act [HMDA] indicates that FHA is not doing an adequate job of serving low-income people. First, the HMDA data on income and loan applicants shows that over 60 percent of the applications from low-income borrowers went to conventional loan sources as compared to Government-backed sources. Likewise, 58 percent of moderate-income applicants; that is, families having between 80 percent and 100 percent MSA median income—applied for conventional loans as compared to Government-backed loans.

Second, even though we would expect Government-backed mortgages to appeal to individuals buying homes in low- and moderate-income areas—which is a census tract where the median income is less than 80 percent of the median income for the entire MSA—we find instead that these low- and moderate-income areas are being primarily served by conventional mortgage entities. The HMDA statistics show that 70 percent of the approved loans reported in low- and moderate-income areas were conventional loans and only 30 percent were Government-backed loans.

An analysis of the HMDA data on South Central Los Angeles by a private consulting firm for the California League of Savings Institutions shows that 95 percent of all one to four family mortgages in that area of Los Angeles were conventional loans. Only 4 percent were FHA insured.

More alarming is the overall decline in the number of FHA-insured loans designed to serve low-income people. According to FHA's own data, FHA mortgages with a 3-percent downpayment with values under $50,000 for the period from 1987 through 1991, steadily declined. The decline in these mortgages began in the first quarter of 1990, and continued throughout 1990 and 1991—the last time Congress significantly increased the FHA limits.

Since FHA offers a variety of subsidy features, any increase in the loan limits should be available only to first-time home buyers. Its subsidy features make it a natural aid to affordability. A very low downpayment requirement is FHA's primary subsidy feature. Under the HUD–VA appropriations bill, FHA will be able to insure mortgages where the loan-to-value [LTV] is as high as 98.5 percent. A privately insured loan must have no greater than a 95-percent LTV.

The private sector insurance companies, as required by State insurance laws in all 50 States, require that the minimum real loan to value ratio on any loan be 5 percent—which means that the borrower cannot finance in closing costs or insurance premiums with a 5-percent downpayment on the home loan. FHA, however, allows the borrower to finance all of the up-front insurance premium and 43 percent of the closing costs, and not consider it part of the loan-to-value ratio. Because of this subsidy feature, FHA is likely to experience much greater default rates than the private sector. I am submitting a chart attachment C comparing these statistics for the RECORD.

Furthermore, when the history of the LTV requirements for FHA loans is reviewed, it shows that the present LTV requirements are the lowest in FHA's history. As a result of these very low equity requirement, FHA loans originated today are the riskiest in FHA's history.

LTV is the key determinant of default. It is a well accepted fact that the lower the downpayment, the greater the likelihood of default. Mortgage insurance industry statistics confirm this fact. Industry data submitted to FHA, shows that the cumulative claim rates for all privately insured loans originated from 1977 to 1987, as of June 30, 1991, with a 95-percent loan to value ratio had claim rates that were about double that of loans with a 90-percent loan-to-value ratio.

Other subsidy features of FHA include the fact that borrowers can finance part of their closing costs. With privately insured loans, borrowers must pay all of their closing costs in cash, even if they put 10 percent down. In addition, FHA covers 100 percent of the loan amount when default occurs. Private insurers only cover 20 percent to 25 percent of the loan amount. The 100-percent coverage substantially lowers the risk to lenders when borrower default occurs and, therefore, lenders are less likely to carefully underwrite an FHA loan.

Since FHA offers significant subsidy features which place a great risk on the financial viability of the program, any expansion of FHA in high cost areas should benefit first-time home buyers only.

In 1990, when Congress was debating how to reform the program, FHA was losing about a million dollars a day. Unfortunately, FHA continues to have financial difficulties. In March, Secretary Jack Kemp released an update of the Price Waterhouse actuarial study of FHA. It concluded that FHA's net worth at the end of fiscal year 1990 was negative $2.7 billion. FHA's capital ratio was negative 0.88 percent. In addition, the audit of FHA for fiscal year 1991 shows that the equity in the mutual mortgage insurance [MMI] fund, which backs FHA, fell from $925 million to $871 million.

Raising FHA's loan limits will worsen FHA's financial condition in two ways. First, FHA insures 100 percent of the loan amount when default occurs. Therefore, if the limits are raised to $151,725—a 22-percent increase over the existing limits in high cost areas—FHA will have to pay much larger claims. Since the HUD–VA appropriations bill does not raise the equity requirements of FHA insured loans, defaults will continue to be very high. FHA will then be paying claims on much larger loans.

Second, raising FHA's limits is likely to result in more claims because the private mortgage insurance industry raw data—the only industry that has actual experience in insurance higher priced homes—showed that higher balanced loans default more than lower balanced loans. The raw data submitted to the GAO shows that claims rates rise when loans reach about $125,000.

Why is this the case? The private mortgage insurance industry discovered that buyers of moderate priced homes view their homes as basic shelter, not as an investment. They will repay their mortgage loans not because it is a good investment, or because it is cheaper than renting, but because it is their family's shelter.

The myth that has been perpetuated for years that high-income people are better credit risks than low-income home buyers, and therefore provide a cross-subsidy in the insurance fund is just that—a myth. The reality is that high-income people buy for an investment, as well as shelter, and tend to bet on the come—the bigger bonus, the promotion with a larger salary, and so forth. Low- to moderate-income home buyers buy for shelter, and they buy what they can afford because they know their incomes will not increase dramatically in the next few years. The low- to moderate-income home buyers are the better credit risks, and if the FHA insurance limits are continually increased to serve higher-income home buyers, it will be the low- to moderate-income home buyers who are actually subsidizing the high-income, low-down-payment home buyers.

In conclusion, I would strongly urge my colleagues to support my amendment to limit the FHA increase to first-time home buyers. The groups strongly supporting the increase in the FHA limit—who take no risk, but only earn fees on FHA insured loans—have always stressed that these limits need to be increased to help first-time home buyers. Since that statement has been continually stressed in all of their public statements, testimony before Congress, and so forth, I think we should take them up on their suggestion and limit the increase to first-time home buyers.

I ask unanimous consent that there be printed in the RECORD attachment A, attachment B, attachment C, and attachment D, and another chart so that Senators will know what is the particular situation and will have a little more information on this matter in case this becomes an issue in the conference.

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

ATTACHMENT A

Year	(A) Maximum FHA mortgage	(B) Median family income	(A/B) Percent FHA limit as multiple
1971	$33,000	$10,285	321
1975	45,000	13,719	328
1978	60,000	17,640	340
1980	67,500	21,023	321
1982	89,775	23,433	383
1988	101,250	32,191	315
1990	124,875	35,353	353
Proposal	151,725	35,353	429

Sources: Federal Register for FHA Limits. Census population reports for historic median family incomes.

ATTACHMENT B

FAIR HOUSING—HUD REPORTS SHARP INCREASE IN BIAS COMPLAINTS IN 1991

Fair housing complaints made to HUD increased 26.9 percent from 1990 to 1991, to 5,657, according to the department's annual civil rights report to Congress.

Some 30.6 percent of the complaints were based on familial status, with another 30 percent based on race. Handicap accounted for 20.6 percent of complaints; religion and national origin, 8.2 percent; sex, 7.8 percent; and color, 2.8 percent.

In 1991, 407 complaints were made against recipients in HUD programs, of which 61 percent were processed under Title VI of the Civil Rights Act of 1964 (for discrimination based on race, color, or national origin), 35.8 percent under Section 504 of the Rehabilitation Act of 1973 (handicap), and 3.2 percent under Section 109 of the Housing and Community Development Act of 1974 (race, color, sex, national origin, and religion).

Race, Ethnicity of Beneficiaries

The report also provides data on the race and ethnic background of beneficiaries of HUD programs. The periods covered by the data vary from program to program.

According to the 1989 biennial American Housing Survey, HUD's subsidized rental housing programs served 4.1 million households of whom whites comprised 46 percent, blacks 30 percent, Hispanics 11 percent, and American Indians, Asians, and Pacific Islanders, 4 percent.

The report also provides information on 759,829 families in public housing operated by large and medium-sized public housing authorities. The data, obtained from the department's Multifamily Tenant Characteristics System (MTCS), show 54 percent of the families were black; 26 percent, white; 17 percent, Hispanic; 2 percent Asian; and 0.5 percent, Indians.

In unsubsidized programs, the vast majority of 1991's FHA-insured single family loans made through September 30 went to non-minority home buyers. Overall, 81.1 percent went to whites, 8.3 percent to blacks, 8.7 percent to Hispanics, 1.7 percent to Asians, and 0.2 percent to Indians.

Over four-fifths of the FHA borrowers were male.

The report also provides MTCS data on 498,253 occupied units in unsubsidized FHA-financed multifamily projects, of which 73 percent were occupied by whites; 19 percent by blacks; 4.3 percent, Hispanics; 3 percent, Asians; and 0.4 percent, Indians. Forty-nine percent of the rental households were female-headed.

Community Development Program

In fiscal 1989, community development block grant program entitlement activities had 7.1 million direct beneficiaries, of whom 42.4 percent were white; 29.5 percent, black; 15.4 percent, Hispanic; 2.7 percent Asians; and 2 percent Indians. No racial or ethnic data were available for the remaining 8 percent of beneficiaries. Thirty-one percent of the beneficiaries, or 2.2 million, were female-headed households.

Almost all of HUD's homelessness programs will not completely report until the 1992 program year, but a sampling of 20 percent of shelters assisted by the emergency shelter grants program indicated that 45 percent of beneficiaries were black; 45 percent were white; 7 percent, Hispanic; 2 percent, Indians; and 1 percent, Asians.

The number of occupants in units assisted under the rental rehabilitation grant program increased from 92,631 before rehabilitation to 145,876 after, of which 57 percent were minority and 56 percent female-headed. The 458 urban homesteading beneficiaries were 59 percent black, 29 percent white, 9 percent Hispanic, 2 percent Asian, and 1 percent Indian.

In 1991, 1,193 families received Section 312 loans, of whom 51 percent were minority.

ATTACHMENT C

I.—MAXIMUM MORTGAGE COMPARISONS: $150,000 HOUSE

	HUD pre-reform	Current HUD	House proposal W/O 57 percent	Senate proposal with 57 percent
House price	$150,000	$150,000	$150,000	$150,000
Closing costs	3,300	3,300	3,300	3,300
Maximum mortgage	151,688	149,139	149,062	147,754
Cash at closing	7,165	8,505	8,580	9,850
Monthly payment [1]	1,221	1,262	1,261	1,250
LTV—FHA view (percent)	97	96.53	96.48	95.63
LTV—Real (percent)	101	99.43	99.37	98.50

[1] 3 percent MIP.

ATTACHMENT D

HISTORY OF FHA'S LTV REQUIREMENTS

(i) 1960: Maximum mortgage of $22,500, 97 percent of $13,500 of the appraised value and 85 percent of such value between $13,500 and $16,000, and 70 percent of such value in excess of $16,000.

(ii) 1962: Maximum mortgage of $25,000, 97 percent of $15,000, 90 percent of value between $15,000 and $20,000, 75 percent of value above $20,000.

(iii) 1965: Maximum mortgage of $30,000, 97 percent of first $15,000, 90 percent of value between $15,000 and $20,000, 75 percent of value above $20,000.

(iv) 1969: Maximum mortgage of $30,000, 97 percent of first $15,000, 90 percent of value between $15,000 and $20,000, 80 percent of amount above $20,000.

(v) 1971: Maximum mortgage of $33,000, 97 percent of first $15,000, 90 percent of value between $15,000 and $25,000, 80 percent of amount above $25,000.

(vi) 1975: Reflecting 1974 Housing Bill—Maximum mortgage of $45,000, 97 percent of first $25,000, 90 percent between $25,000 and $35,000, 80 percent of amount above $35,000.

(vii) 1978: Reflecting 1977 Housing Bill—Maximum mortgage of $60,000, 97 percent of amount below $25,000 and 95 percent of amount above $25,000.

Year	Maximum FHA mortgage	Maximum FHA loan-to-value [1] (percent)	Minimum downpayment (percent)
1960	$22,500	87.30	12.70
1962	25,000	91.65	8.35
1965	30,000	88.92	11.08
1969	30,000	91.00	9.00
1971	33,000	91.62	8.38
1975	45,000	92.70	7.30
1978	60,000	97.90	2.10
1980	67,500	97.80	2.20
1982	89,775	97.64	2.36
1988	101,250	101.28	−1.28
Pre-reform: 1990	124,875	101.18	−1.18
Post-reform: 1993	124,875	99.48	0.52
House proposal: 1993	151,725	99.37	0.63
Senate proposal: 1993	151,725	98.50	1.50

Loan-to-value figures are real LTV's including financed up-front mortgage premiums for post-1982 figures. LTV's include 3.8 percent up-front premiums until 1993 when they are reduced to 3 percent under terms of FHA reform law.

Mr. SYMMS. I reserve the remainder of my time.

Mr. SEYMOUR addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. SYMMS. I will be happy to yield the Senator some time.

Mr. GARN. In the absence of the Senator from Maryland, I would be happy to yield the Senator from California 3 minutes.

The PRESIDING OFFICER. The Senator from California.

Mr. SEYMOUR. I thank the Chair.

Mr. President, I rise somewhat reluctantly because many more times than

not I would stand in support of my good friend from Idaho. But on this particular occasion and this particular amendment, I am going to stand in opposition.

I represent a State of 30 million people, one of those States that for years has not had an effective FHA program because the median-priced home in California is so high in comparison to other States in the country. A median-priced home in California is just over $200,000. At one time the FHA program was the backbone of mortgage finance for home ownership, providing an opportunity for millions and millions of people to get a piece of the American dream, not only first-time homebuyers but second- and third-time home buyers, those wanting to move up maybe from a home or a condominium, a small condominium on which perhaps they had spent $50,000, or $40,000, wanting to move up to a home valued at $180,000 or $200,000. FHA has not been available to them as a tool. In fact, it is currently capped at $124,875, which is unrealistic given the cost of housing in my State.

I think as we look to my State of California, the underwriting standards have been very responsible. The loss ratios in California are very minimal. At a time when we in this country are facing such a great recession, housing and construction is an absolutely critical industry to California's economy, having seen the loss of close to 200,000 jobs in housing and construction in just the last year.

Mr. President, we need every tool in the kit to ensure that this industry gets a new breath of life, that in fact it has all the financial tools available today to ensure construction of new homes, the sale of existing homes, and opportunities for housing for all.

I think the committee-reported FHA provision is altogether responsible. Quite frankly, Mr. President, this increase in California which would go up to $151,725 is still very conservative. It is very reasonable when you consider that a $200,000 home is a median-priced home in California. This is a program change that is badly needed, particularly in these trying times of recession.

Unfortunately, the Symms amendment would limit the benefits of this increase to first-time home buyers only. There are three flaws to the rationale behind this amendment:

First, this amendment creates a greater risk to the FHA fund. Limiting the use of higher limits to first-time home buyers would be a more risky program change than one which increases limits for all home buyers. Repeat buyers have shown their ability to successfully handle the responsibilities inherent in a mortgage commitment. First-time home buyers do not have a similar track record, and therefore represent a greater risk. We need to ensure that the FHA program embodies a broad and diverse cross-section of home buyers to ensure the safety of the FHA fund. The Symms amendment does not accomplish this goal because it would lock those who, arguably, are the better credit risk—people who already own a home—out of the program.

Second, Mr. President, assisting moderate or middle-income families to purchase a home should not be limited to first-time home buyers. Many who fit the definition of middle-income are struggling to pull together enough money to move into a second home. The problem of a downpayment does not disappear once a first home is purchased. We are now in the middle of a very flat housing market. Many families did indeed buy a first home in the 1980's. They bought when the housing market was booming. But now it's time for them to move up, to move into a larger home to meet a growing family's needs, whether it's to take in a frail grandmother, for example, or accommodate a larger family. Well, that same family is finding that, with the market decline, they don't have any equity appreciation. As such, they don't have the funds for a downpayment that they would have had in a growing market. This family needs the FHA program.

Finally, FHA was designed to assist families of modest means with their home purchases. By definition, modest means or moderate income cannot be restricted to first-time home buyers. In fact, the definition of what is modest or middle-class is increasingly relative to geographical factors. It means two entirely different things depending on where you are, whether it is Kansas City or Detroit, Sacramento or Boise, ID.

I understand the deep feelings that many hold on this subject, including my good friend from Idaho. I want to assure him that this provision, as included in the committee bill, is absolutely essential to California and other high-cost areas. To tinker with it—or limit it to one segment of the home buying public—will jeopardize future viability of the FHA program in my State and certainly dilute its effectiveness.

In fact, I had the privilege of serving on the Senate Republican Task Force on Real Estate this past winter, under the leadership of Senator DOMENICI, the task force chair. Our goal was to identify and recommend ways to stimulate the Nation's housing markets. We heard from a broad array of experts in the residential housing market, and we went to California to hear from experts in my State's housing market. One issue that was raised repeatedly, in addition to a tax credit for first-time home buyers, was the need to increase the FHA mortgage insurance ceiling.

I know my colleague from Idaho means well. He feels strongly relative to his philosophies of FHA loans and the competition with conventional loans, but, quite frankly, there is plenty of business out there for everyone. The problem we have in housing, in construction and home sales in my State of California is we just do not have enough tools in the kit in order to provide various financial opportunities and mortgages to buyers.

I do not think this amendment could come at a worse time, and so I make an appeal to my friend and colleague from Idaho to reconsider and permit this bill to go forward with the increase in FHA loan limits, thereby ensuring we have done everything possible to help those buyers who are interested in purchasing a home have the maximum opportunity to do that.

I thank the Chair. I yield my time.

Mr. SYMMS. Mr. President, I yield myself what time I may need.

Mr. President, it was my intention to press this amendment today and to go into a full detailed explanation regarding the FHA mortgage limit increase and how I think this will put a risk the FHA funds. I think the committee has good intentions, and I think that the Senator from California, a State that is in real stress economically, makes the best case against my amendment. I compliment him for it.

I was hoping at this point to be urging my colleagues to vote for this amendment, but it appears to me at this hour today with the work basically having been finished on this bill by the committee, and with the strong urging of my colleague from California, I withdraw my amendment. I yield back my time.

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

The amendment (No. 2960) was withdrawn.

Mr. GARN. Mr. President, I thank my distinguished colleague from Idaho and appreciate his cooperation under the circumstances in withdrawing his amendment.

Mr. President, I want to further clarify what amendments remain in order under the unanimous-consent request: The Domenici safe drinking water amendment remains in order. In addition, I would ask unanimous consent the following amendments be stricken from the unanimous-consent request since they will not be offered: a Gramm amendment on environmental protection, and a Nickles-Boren amendment on EPA water project.

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

Mr. GARN. Mr. President, I yield back my time on the amendment. All time I believe is yielded back.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENTS EN BLOC NUMBERED 2961 THROUGH 2963

Ms. MIKULSKI. Mr. President, I send three amendments to the desk and ask unanimous consent that they be considered en bloc and agreed to en bloc.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI] proposes amendments en bloc numbered 2961 through 2963.

Ms. MIKULSKI. Mr. President, these amendments are noncontroversial. They are related to housing and largely to correct technical errors made in last year's appropriations. They have been agreed to on both sides of the aisle. I know of no opposition or no further debate on these, and I urge their adoption.

The PRESIDING OFFICER. Without objection, the amendments will be considered and agreed to en bloc.

The amendments en bloc, numbered 2961 through 2963, considered and agreed to are as follows:

AMENDMENT NO. 2961

On page 28, after line 6, add the following paragraph:

Of the amount made available under this head in Public Law 102-139 for the HOPE for Homeownership of Multifamily Units Program as authorized under subtitle B of title IV of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), $3,000,000 shall be made available for a cooperative agreement between the Secretary of Housing and Urban Development and the National Center for Tenant Ownership in affiliation with the Harrison Institute at the Georgetown University Law Center, for the provision of technical assistance to potential recipients and recipients of grants under that program.

AMENDMENT NO. 2962

On page 39, after line 10, add the following paragraph:

For those projects in the State of Maine, the owners of which have converted their section 23 leased housing contracts (former section 23 of the Act, as amended by section 103(a), Housing and Urban Development Act of 1965, Public Law 89-117, 79 Stat. 451, 455) to section 8, the subsidy provided under the head "Assistance for the Renewal of Expiring Section 8 Subsidy Contracts" in Public Law 102-139 shall be for a five-year extension as if the projects were under the section 8 new construction program, except that section 8(c)(2)(C) shall not apply.

AMENDMENT NO. 2963

(Purpose: To revise the public housing youth sports programs assisted under Section 520 of the Cranston-Gonzalez National Affordable Housing Act)

On page 48, between lines 9 and 10, insert the following:

PUBLIC HOUSING YOUTH SPORTS PROGRAMS

Section 520 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 11903a) is amended—

(1) in subsection (a), by striking "in" and inserting "for residents of";

(2) in subsection (b)(5), after "nonprofit organizations", by inserting "and institutions of higher learning"; and

(3) in subsection (d)(3), after "cultural activities,", by inserting "transportation costs,".

Ms. MIKULSKI. Mr. President, I move to reconsider the vote.

I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. MIKULSKI. Mr. President, we are now ready to begin on the safe drinking water amendment offered by the senior Senator from New Mexico, Senator DOMENICI. As soon as he arrives, we are ready to prepare that debate. I encourage any Senators wishing to participate in that debate—since it is quite a controversial amendment—to please come to the floor. The committee has prided itself in that we have not gotten bogged down in quorum calls taking the time of the Senate but have moved in a very spirited, informed debate in keeping with the tradition of the U.S. Senate.

So we look forward to the momentum to keep going and really urge the Senators to come to the floor.

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. WELLSTONE. 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. WELLSTONE. Mr. President, I rise to express my support for an amendment addressing a serious problem which has recently arisen at the EPA's Duluth research laboratory. This amendment, which I sponsored along with my colleague Senator DURENBERGER, has been included in the package of amendments offered by the managers and accepted by unanimous consent. I express my sincere appreciation for the support of the managers of this bill.

On June 30, half of the researchers at the EPA lab in Duluth were abruptly terminated. Research on dioxin contamination, wetlands, climate change, and other important environmental questions was suddenly closed down. Virtually all of EPA's research on fresh water ecosystems was being conducted at this facility.

The colloquy which I have entered into with my colleague from Maryland, Senator MIKULSKI, makes it clear that it is the intent of the Senate that EPA should restore the work of this important research facility in the most expeditious and cost-effective manner possible.

EPA's decision to terminate half of the research staff at its Duluth laboratory resulted from a complex dispute between EPA's inspector general's office and the AScI Corp. I do not wish to take sides in this dispute. But, I do care deeply about the fate of the researchers and their families. I am compelled to speak out on behalf of the victims of this controversy—the former AScI employees.

There has never been any controversy about the quality of the work being performed by these scientists. They did first-rate research. There has never been any controversy over the need for their research. Yet, they were the victims—victims of shortsighted Government policies.

As soon as I learned of the impending termination of the research contract at the laboratory, I became involved in this controversy. I must say that the cause of the problem was far deeper, and more encompassing than I at first imagined.

These were permanent, full-time research positions. EPA was not purchasing desks, paving a driveway, or hiring temporary clerical help. But, instead of hiring full-time Government employees, the EPA was contracting to private firms—these positions were being privatized. These researchers were not just the victims of contracting irregularities, they were the victims of the privatization initiatives begun under President Reagan and continued under President Bush.

As William Greider observes in "Who Will Tell the People" the entire philosophy of privatization cuts against the basic fabric of our Government—undermining trust between people and their Government. Greider comments, "if money is to be saved in the process, this is usually achieved by avoidance of the wage-and-benefit requirements of Federal employment."

That is what I thought, too. I assumed that the EPA was saving money by contracting rather than hiring new employees at the Dulute lab—money saved at the expense of the employees who would have less benefits and less job security. But, I was wrong.

In meetings between my staff and the EPA, we were informed that contracting for permanent full-time research personnel costs EPA more than hiring new Federal employees to do the same work—EPA estimated that it costs them 20 percent more to fill these positions through contracting.

Also, we were informed that if EPA issues a new contract to meet its needs at Duluth, it could not reasonably guarantee that similar questions about contracting would not be raised in the future. EPA officials stated that the nature of the work made meeting all of the requirements for competitive contracting virtually impossible.

Given these representatives, I asked the EPA to consider hiring personnel directly for the Duluth lab positions, instead of issuing a new contract. It seemed to make sense that EPA would support the approach that would cost less and provide more stability to its research efforts in the long run. But,

common sense is not always against ideology.

Finally, after weeks of discussion, the EPA informed me that they would not be able to support such a change. They were concerned that it "could set a precedent." Their logic escapes me. Would not any precedent that might be set be a good precedent if it saves taxpayers money and improves the quality of research and improves working conditions for the employees of the lab?

The amendment adopted by the Senate does not go as far as I would like, but it does keep the door open for change. It will allow the EPA to hire personnel directly, instead of issuing a new contract, if the agency finds that hiring would be most cost effective and less disruptive to accomplishing its research mission.

Mr. President, I think that is exactly what EPA will find, that direct hiring will be more cost effective and less disruptive in accomplishing its research mission.

If the facts represented to my office about EPA's contracting for full-time research personnel are correct, I believe that they can only come to one conclusion—these positions should be filled by direct hire. Resolving this issue is consistent with their own planning. Assistant Administrator Chris Holmes stated to the press on July 1 that EPA would begin reevaluating in what areas personnel rather than contractors are most appropriate.

Along with my colleague the senior Senator from Minnesota, Senator DURENBERGER, and Representative JIM OBERSTAR whose district encompasses the Duluth laboratory, I will be pressing the EPA for action on this matter—expeditious action on this matter. EPA can, and should, complete any reevaluation of this situation and take appropriate action under this amendment by the end of October.

Mr. President, I ask unanimous consent that the statement by the former researchers at EPA Duluth laboratory which was presented to the House Oversight and Investigation Subcommittee of the House Energy and Commerce Committee be printed immediately after my statement.

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

(See exhibit 1.)

Mr. WELLSTONE. I ask unanimous consent that a letter from Representative JAMES OBERSTAR to Senator MIKULSKI regarding the Duluth situation and the importance of the amendment be printed in the RECORD at the end of my remarks.

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

(See exhibit 2.)

Mr. WELLSTONE. I thank my distinguished colleague from Maryland, Senator MIKULSKI, as well as my distinguished colleague from Utah, Senator GARN, for their support of this amendment. It provides hope for the people in Duluth, and an opportunity for EPA to improve its management of their research program.

Mr. President, I thank my colleague from New Mexico, Senator DOMENICI for his courtesy. I yield the remainder of my time.

EXHIBIT 1

STATEMENT OF FORMER ASCI EMPLOYEES

"There were two environmental setbacks in Duluth-Superior last Tuesday.

"In one that got all the attention, a railroad tank car ruptured, spilling 25,000 gallons of toxic solvent into a river.

"The other happened quietly when 66 scientists lost their jobs in a government shakeup at the USEPA's water quality lab in Duluth. That action crippled or stalled some of the country's most important freshwater research—the science that forms the basis for evolving EPA regulations on water quality".—Minneopolis Star-Tribune, July 5, 1992.

This testimony is being submitted on behalf of the 66 former and 8 current AScI employees from Duluth, MN, whose interests were overlooked during recent EPA actions taken in response to contract management criticisms. It is the intent of this testimony to address the issues of concern to contract employees. These issues include: (1) the value of contract workers to the government at the EPA's Environmental Research Laboratory in Duluth (ERL-D); (2) the injustice of EPA's decision to terminate contracts 68-CO-0056, 68-CO-0057, and 68-CO-0058; (3) a different perspective on the role of contractors at ERL-D than that portrayed by the draft report of the Office of Inspector General (OIG) investigations; and (4) the effect of EPA's actions on environmental research and regulation.

(1) THE VALUE OF CONTRACT WORKERS TO THE GOVERNMENT AT ERL-D

The ERL-D has been severely understaffed by the government for over a decade. In order to accomplish the mission of the laboratory, many different cooperative agreements and contracts have been put in place throughout the years to bring scientists on site. Prior to the cancellation of the AScI contracts on June 30, 1992, there were 10 employers at the laboratory besides the government. Of the approximately 210 full time staff at ERL-D, 129 were employed through contracts or through cooperative agreements. Only 81 of the staff are federal FTEs. Of these 81 federal FTEs, only 66 were involved in science with fewer than 60 actually conducting research; the remainder were involved in administration and management. Of the 74 AScI employees, 60 were directly involved in field or laboratory research. Fully 50% of the scientific research staff at ERL-D were AScI employees. Through the years, the seventy-four employees who lost their jobs in Duluth have contributed over 300 years of cumulative service to the USEPA. Some of these employees have worked at ERL-D for as long as 15 years, for as many as 5 different employers. These contract scientists have coauthored hundreds of scientific papers, reports, and presentations, and have contributed technically to many more. They have traveled both nationally and internationally to present scientific data, to train scientists in the state and private sectors, to learn new techniques, and to collaborate with leading scientists. They have also helped to host the visiting scientists who come to ERL-D from all over the world to learn the state of the art techniques and approaches to issues in aquatic toxicology and ecology.

In EPA however, there has been a concerted effort in upper management to create a different image of the contract employee. In a recent memorandum distributed agency-wide, a senior EPA administrator conducted an arrogant analysis of contract personnel (see attached memo). He insinuated that the agency can work just as well without contracts and claimed, among other things, that contractors are not part of the "EPA family," that "EPA employees have chosen public service . . . to serve the interests of the American people," and that "contractors and their employees have made a different choice."

The notion that EPA and contract employees have made different choices forever distinguishing their motives is purely cynical. As a contract employee for nearly six years, I can attest that there have been very few opportunities for employment with the EPA, despite obvious and chronic understaffing at their research laboratories. Regardless of the hopelessness of obtaining a stable, secure federal position, I, like most other contract employees, have devoted my professional career to serving EPA by pursuing to the best of my ability public service, environmental leadership, and progress in my profession as an environmental scientist.

(2) THE INJUSTICE OF EPA'S DECISION TO TERMINATE THE CONTRACTS

The administrative act taken by EPA to terminate the contracts in question was an injustice to the employees of AScI. Even if the accusations and allegations of the Office of Inspector General are true, the AScI employees in Duluth are not the culpable parties. Yet, these scientists are bearing undue personal and professional hardships. In addition, the legality of the actions are questionable and have cost the government millions of dollars.

If not illegal, the decision to cancel the contracts violates the spirit of due process as it is guaranteed by our constitution. In this case, the executive branch has conducted an investigation and passed judgement on individuals and corporations without any opportunity for rebuttal. It is crystal clear to me why the founding fathers placed the awesome responsibility of judgement in the least political branch of our government, the judicial. It will be argued, under the guise of contract management, that the decisions were merely executive decisions and did not involve passing judgement. But, the germane issues to a true executive decision in this case are those of need, funding, and performance. The first two, need and funding, are merely academic considerations since the agency is issuing an RFP for the same work as has been canceled. As for performance, it is well known that the AScI contracts have been exemplary. The only consideration remaining is whether or not the accusations of the OIG are true; clearly a matter of judgement. EPA has justified their action by labelling the contracts as "tainted." I am not sure what that is, if it is not a judgment.

The decision to cancel these contracts is in itself a poor contract management decision which will cost the government millions of dollars. EPA contracting officials and AScI employees were given only 2 weeks notice of the contract cancellation, a woefully inadequate amount of time to terminate these complicated research programs in a fashion favorable to the government. Reports and manuscripts lie unfinished, experiments in progress have been terminated, samples re-

main unanalyzed, data have not been evaluated, and PhD level scientists are now feeding laboratory fish. When long term research projects are precipitously terminated, it is extremely difficult to start them again. And, as this lay off continues, more of the former AScI scientists will go to work elsewhere, making it difficult to regain the personnel with the correct skill mix to restart the work. The training costs alone will be staggering when the same people cannot be retained.

(3) A DIFFERENT PERSPECTIVE ON ERL-D

I do not believe that perceptions alone are reality. It is a cynical view of the world that denies that reality has its own intrinsic truths and qualities. The fact that a blind man cannot sense light does not prove that the colors and shadows of life do not exist. It is in the spirit of shedding some light on the subject that I issue a different image than that painted by the OIG of how life at ERL-D was for the people who worked there.

The image of the laboratory created by the OIG is one of collusion and conspiracy, conflict of interest and profiteering. These images were created through the selective omission of information or the outright misinterpretation of the facts. The insinuation and accusations are based on an inhuman model of management denying that the individuals affected by this action are human, with a full complement of psychological complexities including feelings. I submit that our feelings of commitment to the environment, to our professions, to flourishing scientific programs, to our community, to each other, and even to the mission of EPA were the most important features which propelled this laboratory into excellence and made it invaluable to environmental protection. Prior to these recent developments, it was a unique place to work; known for its enthusiasm, productivity, and involvement in the community.

(4) THE EFFECT OF EPA'S ACTIONS ON ENVIRONMENTAL RESEARCH AND REGULATION

The ominous nature of this entire affair is revealed in the opening paragraph of the draft OIG report where it states that the investigation of the Duluth laboratory "was intended as a pilot effort for EPA research facilities." Certainly the OIG must be pleased with its initial results. And, just as certainly, the community of environmental scientists must be shocked at what appears to be an unfettered attack on science. Science has become the basis for regulations promulgated by EPA. Only sound scientific data can stand the test of time and of the courts. There couldn't be a better way to stop the evolution of regulation than to stop the science which underpins it. Indeed, OIG investigations similar to this one are apparently underway at many of the EPA laboratories, including: Newport, Oregon; Las Vegas, Nevada; Athens, Georgia; Corvallis, Oregon; Narraganset, Rhode Island; and Gulf Breeze, Florida.

CLOSING STATEMENT

In closing, the Duluth laboratory has hosted a steady stream of foreign scientists who come to learn our techniques, to share their expertise, and collaborate on the common problems of aquatic toxicology and ecology that span the globe. In recent years, we have had scientists from Canada, Brazil, United Kingdom, Norway, Italy, Germany, Japan, Netherlands, Lithuania, Russia, and China. The most recent visitor is a chemist from Bulgaria. On the day that we were leaving the laboratory for the last time, he said that this was the way that it would happen in Bulgaria. And, in disbelief, he added that he would never be able to tell his people this story because they would not believe that this could happen in America.

EXHIBIT 1

HOUSE OF REPRESENTATIVES,
Washington, DC, September 3, 1992.

Senator BARBARA A. MIKULSKI,
Chairman, Subcommittee on VA-HUD-Independent Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MADAM CHAIRMAN: I join with the Minnesota Senate delegation, Senators Wellstone and Durenberger, in commending you for including language in the Fiscal Year 1993 VA-HUD-Independent Agencies Appropriations bill addressing the research personnel formerly employed by the contracting firm AScI at the Environmental Research Laboratory in Duluth, Minnesota, in my Congressional District.

The need for such consideration is twofold: to provide some promise of reemployment for the 80 contract employees, who through no fault of their own have lost their jobs because of contracting irregularities by their employer, AScI, and the Duluth Laboratory; and to assure that the immensely important research they were conducting continues with as little interruption as possible.

By way of background, in June, EPA, acting in response to a report by the EPA Office of the Inspector General noting irregularities in the contracting activities at the Environmental Research laboratory—Duluth (ERLD), terminated four contracts with the firm of AScI, and with them the jobs of 80 AScI scientists, my constituents.

I have met with these scientists, many of them tearful, all fearing the prospect of months without a paycheck, and the possibility that they would have to break community ties and move elsewhere. They want to stay in Duluth. They want their jobs back.

Madam Chairman, these are all eminently qualified scientists with a wealth of experience in precisely the work EPA needs. I want to stress that no one has alleged any malfeasance by any of these scientists, nor has there been any criticism of the quality of their work. Rather, they are innocent victims, caught between actions by the Duluth Laboratory and their bosses at AScI. EPA has announced its intention to recompete the contracts on an accelerated schedule. I strongly commend EPA for its intention to do this, and for its compassion for the researchers, but we all recognize that even on an accelerated schedule, those contracts could not be awarded before February, 1993. This is a long time without a paycheck, and no guarantee that they would be hired by a new contractor.

I recognize there is no way we can compel the rehiring of these scientists, either through individual contracts or through direct hiring. However, few if any others are likely to be able to match their qualifications for moving back in, and getting on with the work they performed up to July. They deserve the opportunity to fight for their old jobs.

Further, Duluth will be the poorer if these scientists find employment elsewhere. I have worked hard over the years to support the growth of a scientific sector in this city, coupling the resources of the University of Minnesota at Duluth, the Natural Resources Research Institute, and the Laboratory. If these employees leave, they take not only their income, which benefits the community as a whole, but a wealth of scientific experience and expertise as well.

Secondly, the research which was so precipitously terminated is crucial to the Great Lakes and the Nation as a whole. This research includes:

Dioxin reassessment: EPA has been reassessing the toxicity of dioxin, on the assumption that it is less toxic to humans than previously thought. On the contrary, however, ERLD is finding that dioxin is more toxic to wildlife, building evidence against weakening the dioxin standard;

Development and evaluation of sediment water quality criteria, a crucial first step in the regulatory process, especially valuable to cleanup of the Great lakes under the U.S./Canada Water Quality Agreement and the Clean Water Act;

Biological accumulation studies to be used in reevaluating certain water quality regulations. This is a currently unregulated area and, we understand, research fiercely opposed by the White House. Current regulations cover only those toxic chemicals which kill aquatic life before it can bioaccumulate and reach the human beings at the top of the food chain. This activity as well is crucial to the Great Lakes, and to the health of their residents;

Wetlands research;

Global climate change;

Exotic species research.

Work has been suspended on these projects since June. If we resume it in February or later, with new people unfamiliar with the work and the processes, much more time will be lost.

For these reasons, Madam Chairman, it is critically important to include in the coming year's EPA appropriation language permitting and encouraging EPA to bring these employees back to work in October, or as soon thereafter as possible, without waiting for contracts to be recompeted.

Again, I appreciate your attention to our concerns, and will be glad to work with you further as the conference committee begins its work.

With all best wishes.

Sincerely,

JAMES L. OBERSTAR,
Member of Congress.

Mr. DOMENICI. Mr. President, as mentioned in the unanimous consent, the Senator has an amendment with reference to the Safe Drinking Water Act. For those interested in that subject, I will be on my amendment in about 5 minutes. For now I want to use a bit of my time on another issue, the overall bill.

Mr. President, the Senator owes a special thanks to Senator BARBARA A. MIKULSKI, chair, and Senator JAKE GARN, ranking minority member, of the Senate Appropriations Subcommittee on VA-HUD-independent agencies. They agreed to include $50 million more than reported in the VA-HUD appropriations bill committee report for the HUD Emergency Shelter Grant Program for the homeless. This vital increase is in the manager's amendment before us today. I would also like to thank Senator ROBERT C. BYRD, chairman, and Senator MARK O. HATFIELD, ranking member, of the Senate Appropriations Committee for accepting this amendment.

Senator JIM SASSER, chairman of the Budget Committee, also played a key role in finding the necessary off-sets,

as did Senators CRANSTON and D'AMATO of the Housing and Urban Affairs Subcommittee of the Banking Committee. I am certain that—many members of this Chamber would have gladly cosponsored our effort to restore funds to one of the most critical of all national homeless assistance programs.

The bill now before the full Senate has $67,450,000 instead of the committee approved amount of $17,450,000 for the Emergency Shelter Grant Program of the U.S. Department of Housing and Urban Development. This grant program was authorized in the Stewart B. McKinney Homeless Assistance Act. The fiscal year 1992 funding was $73.2 million. This increase of $50,000,000 for fiscal year 1993, is off set by a reduction in the FHA Multifamily Demonstration Program, also run by HUD.

The National Coalition for the Homeless tells us that there are about 2,500 emergency shelters in the country that rely on these HUD emergency shelter grants for critical services or facility improvements.

Services include a broad range of essential activities to keep these homeless shelters operating. Eligible operating costs include such essential items as beds, utilities, other furnishings, stoves, refrigerators, freezers, and other equipment, shelter repairs, and security for the shelters.

Shelters may be renovated or building may be converted to shelters with these funds.

Essential services allowed in this program include employment assistance, health care, substance abuse treatment, child care, nutritional counseling, medical or psychological counseling or supervision, education, and assistance in obtaining access to other Federal, State, and local programs like food stamps, aid to families with dependent children, veteran's benefits, and income support.

Payroll expenses to operate a shelter are not eligible expenses. Prevention activities like security deposits, back rent, and emergency utility payments are eligible.

To implement any of these renovations, services, or prevention activities, a shelter provider must match this grant on a dollar-for-dollar basis. The $67.450 million for fiscal year 1993 will generate at least another $67.450 million in private, local, and State funds to help the homeless in some 2,500 shelters across America.

Obviously, every shelter cannot afford to conduct every eligible activity. As the National Coalition for the Homeless puts it, however, emergency shelter grants "literally save lives." Each shelter has its own character and specialties for helping homeless families, alcoholics, or recently unemployed homeless people.

The coalition estimates that in Illinois, 1,500 of the State's 7,700 emergency shelter beds would be lost if the appropriation for fiscal year 1993 remained at $17.450 million. This is a loss of about one out of every five beds in the State.

In New Mexico this year, seven emergency shelters receive a total of $242,000. This amount is distributed under the community development formula to the State government. The State then provides grants to local shelters. These grants in New Mexico range in size from $10,000 to $70,000, with an equal or greater amount coming from the local provider.

Under this distribution formula, the city of Albuquerque receives a separate allocation of $92,000. The city also distributes the grant money to local shelters. The range of grants in Albuquerque this year is $9,810 to $42,000. The total amount available in New Mexico, including the Albuquerque allocation for the HUD Emergency Shelter Grant program in fiscal year 1992 is $334,000.

The largest emergency shelter grant in New Mexico was awarded to the St. Elizabeth Shelter in Santa Fe. This shelter expands its capacity with $70,000 of ESG funds by renting space for four homeless families. These families are allowed to stay as long as 3 months while working and saving money. Case management services are provided to individuals for making the transition from homelessness to permanent housing. In the past 10 months, 12 families and 80 individuals have been assisted through high quality case management at the St. Elizabeth Shelter to make the transition to permanent housing.

Taos, Aztec, Deming, Silver City, Lordsburg, and Las Cruces are the other New Mexico cities sharing the allocation of $242,000 to New Mexico State government.

In Albuquerque, St. Martin's Hospitality Center runs day shelter activities like a clothing exchange, showers, telephones, and mail service. In addition, the chronically mentally ill are helped into a motel voucher program while staff processes supplemental security income [SSI] applications on their behalf. Once SSI comes through, many are able to rent apartments.

Barrett House in Albuquerque is a shelter for homeless women and children. Young homeless families receive assistance through the Youth Development ESG program. Project Share runs a meals program four nights a week through the cooperative efforts of churches.

A very special program receiving only $9,810 is Cuidando Los Ninos. It is the only New Mexico ESG Program providing child care. I have visited this excellent shelter and played with the beautiful homeless children there. This small grant is used to pay for a play therapist for only 10 hours per week. The staff is able to draw contributions and gifts from every imaginable source in Albuquerque. Gifts include everything from carseats to appliances for needy families and their young children who are trying to start new lives.

In summary, Mr. President, the Emergency Shelter Grant Program of the McKinney Act has rapidly become one of our Nation's most valuable and useful sources of assistance to the homeless. While the House still has only $17 million in its bill for this program, the Senate action will give us the leverage we need to try and make the full $67.450 million available to 2,500 emergency shelters in hundreds of American cities. It is also my hope that the House will recede to the Senate in conference. I urge my colleagues to assist in reaching this goal. I am attaching a summary of ESG total funding in each State and request that it be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. DOMENICI. Any reduction in ESG funds for the homeless would be a travesty for the homeless at a time when these funds are in high demand and many shelters would suffer serious setbacks without this source of McKinney Act assistance. I urge my colleagues to agree to adding $50 million to the Emergency Shelter Grant HUD Program and to give our conferees instructions to maintain every dollar we are making available today for America's most needy population.

EXHIBIT 1

EMERGENCY SHELTER GRANTS ALLOCATION BY STATE, FISCAL YEAR 1992

Alabama, $1,158,000.
Alaska, $77,000.
American Samoa, $19,000.
Arizona, $710,000.
Arkansas, $606,000.
California, $7,399,000.
Colorado, $648,000.
Connecticut, $846,000.
Delaware, $158,000.
District of Columbia, $405,000.
Florida, $2,948,000.
Georgia, $1,519,000.
Guam, $59,000.
Hawaii, $335,000.
Idaho, $182,000.
Illinois, $3,902,000.
Indiana, $1,425,000.
Iowa, $831,000.
Kansas, $570,000.
Kentucky, $1,049,000.
Louisiana, $1,379,000.
Maine, $350,000.
Maryland, $1,163,000.
Massachusetts, $2,183,000.
Michigan, $2,903,000.
Minnesota, $1,181,000.
Mississippi, $799,000.
Missouri, $1,538,000.
Montana, $167,000.
Nebraska, $390,000.
Nevada, $185,000.
New Hampshire, $227,000.
New Jersey, $2,355,000.
New Mexico, $333,000.
New York, $7,585,000.
North Carolina, $1,333,000.
North Dakota, $145,000.
North Mariana Islands, $10,000.

Ohio, $3,389,000.
Oklahoma, $612,000.
Oregon, $572,000.
Palau, $7,000.
Pennsylvania, $4,681,000.
Puerto Rico, $2,528,000.
Rhode Island, $348,000.
South Carolina, $804,000.
South Dakota, $179,000.
Tennessee, $1,171,000.
Texas, $4,329,000.
Utah, $389,000.
Vermont, $141,000.
Virginia, $1,206,000.
Virgin Islands, $51,000.
Washington, $1,032,000.
West Virginia, $539,000.
Wisconsin, $1,305,000.
Wyoming, $77,000.
Indian Tribes, $732,000.

Mr. DOMENICI. About 5 years ago, when the then HUD authorization bill was winding its way through the Congress, I was not on the Banking Committee. But I was asked by the then OMB Director and the chairman and ranking member here if I would kind of sit-in and arbitrate and see if we could reconcile the House and Senate differences and get a bill.

I felt very pleased to be asked to do that. And essentially we got a bill about 2 months later that the President would sign. We did, in compromising vouchers, come up with a new idea, and I think it is an idea whose time has come. And while I was not totally pleased with what has been done, I want to say thank you to the leadership of the committee for putting language in this appropriations bill which will permit HUD to continue a pilot program for the use of vouchers for rural housing in rural America.

Frankly, this is long overdue. What this will do is permit rural America to provide for rural housing needs by using existing housing and provide vouchers under the guarantee of the voucher so that the occupant can stay in rural America and occupy a house owned, most likely, by a rural America. So that in your State, Mr. President, or mine, there may be a chance for vouchers to be used in our smallest communities, even if it is only for one or two who are entitled to housing.

I explain in further detail why I think is very important, and why we ought to expand it. But I am going along with 1 additional year of language, saying continue and work together to have the program. In my opinion, it ought to be made 10 or 15 times larger than it is. It would prevent much of the migration from rural America, because of housing needs, to city America, where the housing may be supplied, but the social environment and the rest probably renders useless the advantages of housing in those large cities in my State.

RURAL HOUSING VOUCHERS PROGRAM

Mr. President, I want to thank the managers of the VA-HUD-independent agencies appropriations bill for accepting my amendment to allow HUD to work with the Farmers Home Administration [FmHA] to distribute HUD section 8 vouchers to low-income families in rural areas.

This amendment is not a set-side for rural communities to use vouchers, it simply encourages HUD and FmHA to work together to provide vouchers as a housing option for low-income families in rural communities.

This amendment is a continuation of a successful demonstration program to provide vouchers in a cooperative arrangement between HUD and FmHA. The demonstration and this amendment will provide immediate housing assistance to rural low-income families in a cost-effective manner.

Vouchers are distributed through public housing authorities which tend to be located in urban areas. Low-income families in rural areas can have trouble tapping into the urban resources at public housing authorities.

With this amendment, rural low-income families will be assisted by the FmHA in contacting the appropriate public housing authority to receive vouchers.

There is no reason to build new Government housing projects in rural areas where adequate housing stock exists. A HUD and Commerce Department housing survey indicates a 7.1-percent vacancy rate for rental housing in rural areas. This amounts to about 650,000 units available for rent.

Vouchers are more cost-effective than constructing new housing. Vouchers cost about $6,500 per unit, while newly constructed units cost at least $81,000. Renovating public housing units costs about $12,000 per unit. It is eight times cheaper to use vouchers than new construction, and they require no future maintenance costs.

Vouchers provide immediate assistance to tenants rather than waiting for new housing to be constructed. It can take up to 7 years for public housing units to be built, while a voucher can be used immediately.

1988 DEMONSTRATION PROGRAM

During consideration of the 1987 Housing bill, the Senate Banking Committee accepted a Domenici amendment to create a rural voucher demonstration program, and this subcommittee provided funds for the demonstration in fiscal year 1988.

The Farmers Home Administration has an established network of 1,900 rural field offices, existing housing programs, and people on waiting lists in need of housing assistance. Both HUD and the Farmers Home Administration have declared the 1988 rural voucher demonstration program a success.

In 1988, HUD allowed 2,200 vouchers to be distributed to rural tenants in cooperation with FmHA. FmHA exhausted this amount within 6 months, which is twice the rate at which HUD distributes its own urban vouchers. Clearly the demand exists for rural housing vouchers, and the Farmers Home Administration has a proven track record in identifying families that can use vouchers.

The demonstration program proves that vouchers are a successful form of housing assistance in rural areas that have an adequate supply of rental units.

An assessment of the program concludes that "Rural States with long waiting lists have been most successful in using the vouchers. Rural families on waiting lists were given the first opportunity to use the housing vouchers. This cooperative effort helped HUD focus on previously underserved rural areas."

A concern of mine has been to ensure that low-income families in rural areas have as many housing options as low-income families in cities. There should be equity among geographic areas in the distribution of HUD vouchers.

I again want to thank the distinguished chairwoman and ranking member for accepting this amendment, which will encourage continued cooperation between HUD and FmHA to provide vouchers to low-income families in rural areas. I hope my colleagues will sustain this provision in the final bill.

Mr. President, I ask unanimous consent that a letter in support of my amendment be printed in the RECORD.

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

NATIONAL RURAL HOUSING COALITION,
Washington, DC, August 7, 1992.

Hon. PETE DOMENICI,
U.S. Senate,
Washington, DC.

DEAR SENATOR DOMENICI: We are writing to you to express our support for your amendment to instruct HUD to provide vouchers for rural very low income households needing rental assistance.

The cost and supply of adequate rental housing is a major issue for rural areas. According to a recent study, 42 percent of poor households living in small and rural areas paid at least half their income for housing. A typical rural renter household with an income of $5,000 or less may spend up to two-thirds of their income on housing.

In addition, there is a shortage of some 500,000 rental units for low income households. Funds for rural rental housing construction have been reduced over the past several years.

Your amendment, directing HUD to provide Section 8 vouchers to low income rural residents, addresses an element of the cost side of this problem and we are happy to lend our support.

Thank you for your attention to this matter.

Sincerely yours,

CLANTON BEAMON,
President.

Mr. DOMENICI. Mr. President, last, on a general subject, before my amendment is offered, this bill has a lot of things in it. One thing that maybe some do not even know is there is a very, very important funding for the

President's Office of Science and Technology Policy. Many, many people have been talking, for at least a decade, about strengthening this Office. That is the Office that is part of the executive branch that sort of looks at all science and technology, and advises the President about what is going on in science and technology, and renders some executive leadership by talking to the President about these science and technology matters.

This President has a very, very good adviser, Dr. Bromley. I regret to say we have underfunded that Office in this bill. But what we have told the occupant, Dr. Bromley, is that when we go to conference, we are very hopeful that something can be done to restore some of the funding for a very vital office.

I do not accuse anyone in terms of why the money was reduced. I do not know if it is personalities. It may just be funding restraints. I do not think, for one, it ought to be reduced. If anything, in these changing times, that Office ought to be strengthened.

I predict, in due course, it will not be weakened, but strengthened, because that is absolutely necessary.

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

Mr. President, I rise today to discuss a concern I have with the funding recommendations in the VA-HUD-independent agencies appropriations bill for fiscal year 1993 as it relates to the Office of Science and Technology Policy [OSTP].

The reported bill includes a provision to reduce funding for OSTP by $446,000 below the President's budget request and the level approved by the House.

In addition to the reduction, OSTP will be required to reimburse other agencies for three-quarters of the cost of detailed personnel rather than the one-half currently required. This would seriously impact the valuable work the OSTP produces.

I hope the subcommittee chairwoman and ranking member will recede to the House recommendation on OSTP when the bill goes to conference.

Mr. President, we hear a lot about the need to make America competitive and grow into the next century. This cannot be achieved without an adequate investment in scientific research and technology.

We need to take a long-term view of what will improve our standard of living, increase productivity, and create jobs. The investment we make in OSTP promotes the Federal effort to remain competitive and productive in the future.

The OSTP provides worthwhile analysis of Federal science and technology policy for the executive branch, and this needs to be maintained.

In recent years, under the leadership of Dr. Allan Bromley, the Office of Science and Technology Policy has played a strong and important role in coordinating Federal research efforts.

Through the Federal Coordinating Council for Science, Engineering, and Technology, the OSTP has pioneered interagency cooperation in important multidisciplinary scientific areas such as global climate change, biotechnology, advanced materials and manufacturing, and science education.

To reduce OSTP's budget now would be penny-wise and pound-foolish. OSTP's continuing efforts at identifying research areas in which there is redundant effort or where more effort is needed saves the taxpayers money and improves the research we do fund.

OSTP needs full funding in order to meet its ever-increasing congressionally mandated duties, such as the full utilization of the newly created Critical Technology Institute.

In closing, I hope the committee will continue to support the work of the OSTP, which I believe is vital to our economic growth and ability to remain competitive. I urge the Senate conferees to recede to the House recommendation on OSTP.

Now, Mr. President, I am going to send quickly to the desk an amendment that the following Senators have cosponsored, and I thank them very much. I have not had time to get around to more Senators. But Senator BROWN, Senator NICKLES, Senator PRESSLER, Senator BINGAMAN, Senator WALLOP, Senator SIMPSON, Senator MURKOWSKI, Senator HATCH, Senator SYMMS, and Senator DECONCINI are cosponsors.

I am quite sure if I had an opportunity to speak on this issue to more Senators, this list would grow. And I am hopeful, in the next couple of hours, that we will see that it is long enough to do two things: That it will defeat the amendment that will be offered to it as a second-degree amendment, that will probably be offered by Senator CHAFEE—and I do not want any confusion right up front. Everyone should know that this Senator intends to move to table the Chafee amendment. And anyone who votes for the Chafee amendment is voting for a measure that is inconsistent with the Domenici et al. amendment.

In other words, if that amendment is adopted, it wipes out the amendment that many people in this country have been anxiously waiting to urge us to vote on.

AMENDMENT NO. 2964

(Purpose: To establish a moratorium on the promulgation and implementation of certain drinking water regulations promulgated under title XIV of the Public Health Service Act, commonly known as the Safe Drinking Water Act, for 2 years)

Mr. DOMENICI. Mr. President, I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. LIEBERMAN). The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for himself, Mr. BROWN, Mr. NICKLES, Mr. PRESSLER, Mr. WALLOP, Mr. BINGAMAN, Mr. HATCH, Mr. SIMPSON, Mr. MURKOWSKI, Mr. DECONCINI, and Mr. SYMMS, proposes an amendment numbered 2964.

Mr. DOMENICI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following new section:

SECTION 1. MORATORIUM ON IMPLEMENTATION.

(a) DEFINITIONS.—As used in this section:

(1) ACT.—The term "Act" means title XIV of the Public Health Service Act (commonly known as the Safe Drinking Water Act; 42 U.S.C. 300f et seq.).

(2) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(b) MORATORIUM.—Except as provided in subsections (d) and (e), the Administrator may not implement—

(1) any national primary drinking water regulation promulgated pursuant to section 1412 of the Act (42 U.S.C. 300g-1) after December 21, 1989; or

(2) any similar rule or regulation, until September 30, 1994.

(c) STUDY AND REPORT.—

(1) STUDY.—Not later than 1 year after the date of enactment of this section, the Administrator shall conduct a comprehensive study to review—

(A) each final regulation that has been promulgated under the Act as of the date of the review, and regulatory alternatives to the regulation that reflect a range of levels of safety or direct health benefits (or a combination of both);

(B) for each regulatory alternative described in subparagraph (A)—

(i) any health effect the regulatory alternative would prevent; and

(ii) the system-level incremental cost of the alternative;

(C) in consultation with the Director of the National Academy of Sciences, the list of contaminants listed pursuant to section 1412 of the Act (42 U.S.C. 300g-1) for the purpose of considering revisions to the list to take into account—

(i) whether the contaminant is known (or reasonably anticipated) to cause a significant adverse effect on human health;

(ii) if the contaminant is not known (or reasonably anticipated) to cause a significant adverse effect on human health, the risk or safety factors associated with the maximum contaminant level for the contaminant under section 1412 of the Act (including any safety factor associated with relative source contribution and assumptions concerning water consumption); and

(iii) whether the contaminant is known to be, or reasonably anticipated to occur, in public water systems located within each State and region covered by the Act;

(D) the compliance deadlines under the Act (to determine whether any revision would be appropriate);

(E) each regulation and proposed regulation described in subsection (b), for the purpose of determining whether a regulation to apply exclusively to small public water systems (as determined by the Administrator) would be more appropriate to address the needs of small communities (as determined by the Administrator); and

(F) the funding needs of States and political subdivisions of States to meet the re-

quirements of the Act, and recommended alternatives to ensure that States and political subdivisions of States meet the funding needs.

(2) REPORT.—Upon completion of the study described in paragraph (1), the Administrator shall submit to Congress a written report that documents the findings of the study and includes recommended legislative changes to the Act.

(d) ISSUANCE OF REGULATIONS.—If the Administrator, in consultation with the States, and after considering available resources for managing risks associated with drinking water, determines that the immediate implementation or promulgation of a national primary drinking water regulation under section 1412 of the Act (42 U.S.C. 300g-1), or similar rule or regulation, is justifiable in order to protect human health, the Administrator shall implement or promulgate the regulation without regard to subsection (b). A decision by the Administrator to implement a regulation under this subsection shall not be subject to—

(1) subchapter II of chapter 5 of title 5, United States Code; or

(2) chapter 7 of title 5, United States Code.

(e) EXCEPTION.—Subsection (b) shall not apply to the national primary drinking water regulations for lead and copper referred to in the final rule promulgated on June 7, 1991, published at 56 Fed. Reg. 26460.

Mr. DOMENICI. Mr. President, I want to talk about this amendment, and a Safe Drinking Water Act. First, let me say to fellow Senators—whether they are on the floor or whether they are listening, or whether their head staff people on this issue are listening—this Senator understands that safe drinking water is one of the cherished qualities of living in a civilized country like the United States. I would not be on the floor seeking to impose a partial moratorium on implementing this Safe Drinking Water Act if I was not absolutely convinced that this bill that I am amending is suffering from a very serious ailment, and it is an ailment that has become more and more a part of our passing regulatory schemes. And that saying goes like this: Anything worth doing is worth overdoing. That is what happened in this bill.

You see, a bill comes here, Mr. President, the Safe Drinking Water Act. Who could vote against it? Who could speak against it? It came from a committee which has principally regulatory, environmental regulatory jurisdiction. And, Mr. President, far be it from me to want to take their place. So I have great respect for anybody that wants to serve on that committee.

But, Mr. President, I speak from experience. I served on that committee from the day I arrived in the U.S. Senate almost 20 years ago, until just 6 years ago—14 years. I suffered through trying to draft regulations for the first and the second Clean Air Act, for a myriad of regulatory schemes.

But, Mr. President, it does not get any better. "Anything worth doing is worth overdoing" should be hung, if not on the doorway of that committee, in the hall, so those walking by will understand. In this case, there is regulatory overkill personified.

We seek very simple, clear, clean modifications that will harm no one, and will relieve Americans who use public water systems or small municipal water systems from incredible economic burdens that in many cases will shut down rural water facilities in toto. And indeed, Mr. President, if we speak of rural America, if ever there was a measure that is clearly going to move people from rural America because they cannot pay for water, and thus cause less activity in rural America rather than more, this is it.

One might call this bill, as a subheading—that is the master bill that we are amending here—this is a bill that is anti-small-city living.

Having said that, I want to just quickly tell the Senate—and I greatly appreciate the broad spectrum of cosponsorship—what my amendment does, and who supports it at this particular day.

First, this amendment, contrary to some letters circulated by so-called experts or environmentalists, preserved untouched all drinking water regulations which are currently being implemented by water systems. That is 35 contaminants, plus, Mr. President, so there is no misunderstanding, the lead and copper rule are included and left in.

Second, it establishes a fixed moratorium, not a floating one as I originally had thought. It is a 2-year moratorium on implementing the additional regulations. And EPA is to do an in-depth study during that period of time. We will talk about that study with specificity before we are finished.

In addition, it gives the Administrator of the EPA the authority to implement additional regulations during that 2-year period if a significant public health risk exists.

And, Mr. President, fellow Senators, to that end, we have taken care of a concern about this authority to implement additional regulations. Some thought the authority would be encumbered by long delays. And we have written into the amendment that those things such as the Administrative Procedures Act, public hearings, and the like, for purposes of this implementation by the EPA Director, are waived and removed. So there will be no delay in the event such implementation is needed.

Mr. President, the more I look at it, the more I look at the charts, the more I study the EPA findings thus far, I frankly do not believe that they are going to find any that they have to implement that are not already in or continue under the Domenici amendment.

Now, who supports it? The National Governors Association. And I will read their very good letter, which does better than I can do in explaining why they support this amendment and what it does. So the Governors of the United States support it, No. 1.

And there will be some talk about the Governors wanted the original law and were concerned about clean water and safe water. Well, Mr. President, because the Governors wanted it 7 or 8 years ago does not mean that they want what we produce if it is found we have overdone what they asked us to do.

So I think Governors are entitled to take a look at their small communities, their medium-sized communities, and, yes, even their large communities and say, we do not need overkill, which is going to put enormous burdens on small users, significant burdens on the medium-sized ones, and, yes, we will even have a letter from a large city that says they would like to wait on this because they want to know exactly where they are going, and they are not fearful of any dangerous pollutants being in the water if this moratorium is imposed.

In addition, the National Association of Water Companies, the National Water Resource Association, and, yes, Mr. President, if Senators will look at their mail, they will find that this amendment is supported by literally hundreds of municipalities around this country. As a matter of fact, many of them saw fit to send me duplicates of what they sent to other Senators. Frankly, there is far more than I wanted to receive because there are literally, in my office, hundreds of letters from municipalities not in my State saying, "We sent these to our Senators because we do not need the full implementation of this act now."

Now, Mr. President, let me move quickly to the Chafee second-degree amendment that is going to be offered and just quickly tell you what I think it does and then proceed to talk about the details of the amendment which I offered here on the floor.

First, Mr. President, from what I can tell, the Chafee amendment, which I think I have received now in its final form, imposes additional costs to small systems under 3,300 in population. According to the EPA, the one mandatory systemwide check that is required is going to cost $150 per household. Mr. President, we asked the person at the EPA that is most knowledgeable, and that is what we get.

Second, it continues to require quarterly testing for small systems—and we must understand that—if only a trace amount of a contaminant is detected at levels well below health risk.

Mr. President, that is frequently what we do in regulating for health. There is nothing in this amendment that will be offered as a substitute for mine that says the continuation of the quarterly testing will stop if only trace amounts of pollutants are found. And it is obvious to this Senator from the technical work here that trace amounts of many of these second- and third-round contaminants will do no

harm to anyone. So in many cases, the quarterly system testing will continue.

Third, it provides for a study that avoided the most important issue of whether the cost of the regulations are justified by the benefits to the public.

Mr. President, I failed to mention in speaking of support for this amendment—now I leave the Chafee-Lautenberg amendment and speak to the amendment which is at the desk—I failed to mention when I spoke of support that the White House supports the Domenici, et al, amendment. The President indicated that he supports it.

Now, frankly, with the changes that we have made, the 2-year moratorium, including lead and copper, I am firmly convinced that even some who have opposed it, as I read their letters, if they understood exactly what we are doing and what the risks were, would not be in opposition.

So let me talk about the National Governors Association for a moment.

This letter is directed to me, and it supports S. 2900, which I introduced as a bill. I must say to the Senate it has been modified in ways to accommodate some who were worried about the longevity of the moratorium, so I assume the Governors would continue to support it. It is a 2-year moratorium instead of the open one, I say to my friend from Colorado, which was "until further authorization."

But they say:

* * * We believe [this] is a constructive step toward resolving serious problems in the drinking water program.

Problems in implementation of the Safe Drinking Water Act center around two issues: (1) the fact that the rules are not sufficiently risk-based, so that some requirements are not justified by significant risk to public health or the environment; and (2) the severe funding shortfall in the program.

At their annual meeting this week, the Governors adopted a new policy for safe drinking water aimed at making statutory changes, improving program efficiency, and increasing the availability of resources. Major recommendations address the risk and funding issues.

It is essential that we incorporate risk assessment principles into the law, directly linking regulation to aggressive protection of public health. The Governors propose the following:

Until the Safe Drinking Water Act is reauthorized, Congress should freeze implementation of the national primary drinking water regulations at the thirty-five rules that states have implemented in full as of July, 1992, and place a moratorium on promulgation of new rules.

Now let me insert my explanation.

As I have explained to the Senate, the amendment which is before the Senate does that. It does not extend the moratorium indefinitely, but it does precisely what the Governors recommend, for 2 years.

Continuing with their letter:

Congress should require that EPA conduct risk assessment studies of contaminants listed pursuant to Safe Drinking Water Act section 1412, and require the EPA to promulgate national primary drinking water regulations for any contaminants if the risk assessment studies indicate that regulation is justified by significant risk to public health.

Mr. President, the amendment pending at the desk seeks an in-depth study by EPA, precisely as prescribed by the Governors in that statement.

And with reference to the EPA's authority, if in fact any of the second and third-tier pollutants are found to have any risks, we permit them to implement regulations and we do not even require that the risk assessment be made. But rather that they find that they are dangerous, as I understand it. So they have authority to take action.

The second point the Governors make is:

Congress should reauthorize the Safe Drinking Water Act as soon as possible and eliminate rigid provisions that require regulation of specified numbers of contaminants regardless of the risk they present. The law should allow EPA and the states to focus on the most significant remaining risks.

To remedy the extreme funding shortfall in the program, the Governors propose that:

Until the Safe Drinking Water Act is reauthorized, states should not be required to implement new regulatory requirements unless resources are provided to help implement them;

Congress should appropriate at least $100 million per year for program implementation; and

Future mandates should not be imposed unless federal resources are provided to meet 75% of the states' regulatory costs.

This is signed by the following Governors in behalf of the Governors of the country: Gov. Roy Romer, Gov. Michael Sullivan, Gov. John R. McKernan, Jr., Gov. Carroll Campbell.

Mr. President, I ask unanimous consent the letter be printed in the RECORD.

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

NATIONAL GOVERNORS ASSOCIATION,
Washington, DC, August 10, 1992.

Hon. PETE V. DOMENICI,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR DOMENICI: We are writing in support of your Bill S-2900, which we believe is a constructive step toward resolving serious problems in the drinking water program.

Problems in implementation of the Safe Drinking Water Act center around two issues: (1) the fact that the rules are not sufficiently risk-based, so that some requirements are not justified by significant risk to public health or the environment; and (2) the severe funding shortfall in the program.

At their annual meeting this week, the Governors adopted a new policy for safe drinking water aimed at making statutory changes, improving program efficiency, and increasing the availability of resources. Major recommendations address the risk and funding issues.

It is essential that we incorporate risk assessment principles into the law, directly linking regulation to aggressive protection of public health. The Governors propose the following:

Until the Safe Drinking Water Act is reauthorized, Congress should freeze implementation of the national primary drinking water regulations at the thirty-five rules that states have implemented in full as of July, 1992, and place a moratorium on promulgation of new rules. Congress should require that EPA conduct risk assessment studies of contaminants listed pursuant to Safe Drinking Water Act section 1412, and require the EPA to promulgate national primary drinking water regulations for any contaminants if the risk assessment studies indicate that regulation is justified by significant risk to public health.

Congress should reauthorize the Safe Drinking Water Act as soon as possible and eliminate rigid provisions that require regulation of specified numbers of contaminants regardless of the risk they present. The law should allow EPA and the states to focus on the most significant remaining risks.

To remedy the extreme funding shortfall in the program, the Governors propose that:

Until the Safe Drinking Water Act is reauthorized, states should not be required to implement new regulatory requirements unless resources are provided to help implement them;

Congress should appropriate at least $100 million per year for program implementation; and

Future mandates should not be imposed unless federal resources are provided to meet 75% of the states' regulatory costs.

Once again, the Governors appreciate your attention to these critical issues in the drinking water program. The Governors are strongly committed to aggressive protection of public health through effective and efficient implementation of the Safe Drinking Water Act, and hope to work closely with Congress and the Environmental Protection Agency to make this possible. We have enclosed the new NGA policy statement for your review.

Sincerely,

Gov. Roy Romer, Chairman, Gov. Michael Sullivan, Chairman, Committee on Natural Resources; Gov. Carroll Campbell, Vice Chairman; Gov. John R. McKernan, Jr., Vice Chairman, Committee on Natural Resources.

Mr. DOMENICI. Mr. President, I was going to continue on with some specific examples from communities around the country which point up so vividly the need for this, but I see Senator BINGAMAN on the floor. I am aware that he is on a very difficult time schedule today. I wonder if he would be prepared to speak now?

Mr. BINGAMAN. Yes, I would.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I will proceed at this point if that is appropriate.

The PRESIDING OFFICER. The Senator from New Mexico has the floor.

Mr. BINGAMAN. Mr. President, I congratulate my colleague, Senator DOMENICI, for the leadership he has provided in this issue. I wholeheartedly support him in the amendment he is offering.

This issue is a problem to a great many communities in our home State of New Mexico, small communities that see a very substantial increase in costs as a result of the various EPA standards that are being promulgated and imposed upon them.

This last summer I had a hearing, or forum, in Hondo, NM, where we heard testimony and statements from a lot of individuals who are involved in the community water systems throughout our State. It is clear from what I heard from that group that this is a problem that requires attention.

We introduced legislation. I introduced legislation shortly after that forum, which would have delayed implementation for 1 year on testing for 38 contaminants, including lead and copper, and phase 2 and phase 5 chemicals.

The legislation that we introduced, of course, differed in some respects from what Senator DOMENICI has proposed. We worked with his staff to try to narrow those differences. And I think particularly with the provision that he has agreed to, to have this be a 2-year moratorium, I think the amendment he is proposing is one the Senate should support at this time.

This, in my view, accomplishes the necessary balance between regulatory relief for these small communities and also ensuring the safety of the Nation's drinking water. That is our purpose here.

Again, I commend my colleague for his leadership on this and I am very pleased to join him as a cosponsor of the legislation. I hope the Senate will adopt the amendment.

Mr. DOMENICI. I thank my colleague from New Mexico, Senator BINGAMAN, for his support.

I understand Senator BROWN, who was my original cosponsor, would like to speak, and then I will try to wrap mine up, maybe in another 15 minutes on my side, Mr. President.

The PRESIDING OFFICER. The Senator from Colorado [Mr. BROWN] is recognized.

Mr. BROWN. Mr. President, I want to extend my thanks to the distinguished Senators from New Mexico who have provided such leadership on this issue. Senator DOMENICI particularly has carried the fight here for common sense. I think that is the issue which is being discussed today.

Several years ago I had a chance to talk with the mayor of Shanghai. He was a rising star in the Government in China, a Marxist, but very well thought of; bright, energetic. He talked about what a terrible burden his job of being mayor was. However, some of his concerns were different from the typical concerns of our mayors.

Obviously being mayor of any major city is an onerous responsibility. But it was not until he talked about his job that we appreciated what burden he was facing. You see, in their system where the government controls all, where power is centralized, he was not just responsible for the water and the sewer and the roads and the bridges and the highways, he was also responsible for seeing that the food was brought in from the countryside, and that the gasoline supplies were delivered. All those functions of a vast sector of the economy, which we consider to be functions of the private sector in this country, were under Government control. In short, the awesome burden of having a centralized economy made his day a very busy one.

It is also, I think, a dramatic example of what happens when any country tries to concentrate the power of a nation in the hands of too few people; to centralize all decisionmaking. What it inevitably means is that one small group of people ends up deciding things for a nation as a whole.

What is the danger with that? We have some dramatic concerns about it as a country. We have spoken to it in the Constitution. But what is the matter with it, what the problem really is, is that you have people making decisions for others in this country who are neither affected by their decisions or familiar with the problems of the real world.

Why is that relevant to this discussion? It is relevant because Congress has asked the EPA to take over an enormous task. We have asked them to take responsibility for safeguarding the drinking water of our country, along with hundreds of other tasks. Literally what we are talking about is EPA, not elected regulators, making decisions for water districts around this country: Big water districts that are easy to identify and inspect; and little water districts which are not well known.

My guess is there is not a Member of this body who could name one-tenth of the water districts in their State that are affected by this legislation. Not just discuss in general whether they work or not, or how they work, or criticize them in a knowledgeable manner—but list them by name, or identify the areas they serve.

Perhaps it is unfair to expect legislators to know that sort of information, about the people for whom they are setting the rules. But my guess is that the regulators at EPA, who are knowledgeable and experts in this area, do not know this information.

Why is that important? It is important because running a water system is complex, it is difficult. It involves lots of choices. In some areas it is not easy. In some areas it is difficult.

One of the problems in this area is, if you regulate this systems to death—and that is the issue here—if you regulate this system to death, if it gets too expensive in Paonia, CO, what the people are going to do is not spend a lot of money that they do not have. What the people are going to do is find alternatives, and go to private wells.

We can pass whatever rules we want here in this Chamber. The simple fact is, if you make them too tough and too expensive and too nonsensical, people will drop out of the system. They are not going to quit drinking water. In Paonia, CO, they cannot sign up for Denver water. They do not have the money to comply with some of these requirements. They are not trying to be ornery. They are not just trying to be tough. They are not interested in avoiding good, public health based drinking water standards.

But when you require things that do not make any sense, that they do not have the money for, they are going to find other options. Let us not pretend on this floor that this is a debate about the quality of water. It is not. If it were, we would have a lot of other considerations.

Take the time to look at the people this statute regulates, and how they operate, and how they live, and how their systems work. This is not a debate about whether or not we want good water or whether our citizens want good water. I want good water and so do they. I think it is worth investing in. The debate is about how you get there, and where they spend their resources. Remember, this is an area where we are not spending our own resources. This is a case where the legislators who oppose the Domenici amendment are going to come forward and say, look, let us spend Federal money to help people here. Instead these members want others to spend their money.

The Domenici-Brown amendment does not change the testing requirements that are in the law with regard to the 35 potential contaminants that are now covered. These regulations are kept intact and untouched. Water suppliers will be required to test for those 35 contaminants. These regulations include bacteria, turbidity, 11 inorganic compounds, and 62 organic compounds. All of those tests were selected because they test for what people thought was the most dangerous. The amendment does not reduce the need for additional testing in the future for these 35 contaminants, but it does put a moratorium of 2 years for 51 additional regulations.

What is the danger here? First of all, let us make it clear. This does not prevent anyone from testing for those 51 contaminants. Any person who thinks that there is any danger whatsoever can test for those contaminants. Any State that believes there is a danger that those additional contaminants exist in water supplies can test for those contaminants. Any municipal water system that thinks there is a danger can test for those contaminants. This puts a moratorium, though, on Congress mandating tests which people may feel are not necessary.

What is the danger here? EPA staff has gone through an analysis and tried to address the risks of what might happen if you do not test for those additional 51 contaminants. Or more pre-

cisely, what happens if you do not test for these and some of these contaminants occur? To define the health risk they ask: "What happens if you have a lifetime exposure"?

Let us first admit that we certainly do not know the exact number, but the EPA estimated that for the entire Nation, with a lifetime exposure for all 51 contaminants, there would be less than eight-tenths of one person in the entire Nation in danger of cancer. That is an estimate. We cannot guarantee eight-tenths of one person is going to have problems. I am not sure who that one person is, or who the eight-tenths of that person is. It is merely an estimate.

But what we are dealing with is not a national epidemic. It is simply common sense. Why is it common sense? It is common sense because by any measure, even with the most dramatic estimates you can come up with, these contaminants do not present a major health risk. What we are dealing with is requirements mandated by a party who is not paying the bill for items that are not on the priority list of the individual water districts. The Domenici-Brown amendment simply gives us time to reassess the program and develop priorities which match the risks.

Some of you may think that your States are highly urbanized and do not have a lot of small systems. Perhaps a big system can afford to comply with these tests. However, even though Colorado is quite an urbanized State, 90 percent of our water systems serve under 3,300 people, which is the EPA definition for a small system.

The additional costs of these tests, only the additional tests, may be as much as $200 per family per year. For systems that serve less than 100 people; $200 per family per year. This is not a small item, it is a big item.

The tough question is this: If we go ahead with the additional tests, if we impose the additional $200 per family per year, what will happen? Does that mean all the tests will get done and the water will be cleaned up? Not necessarily. The world does not operate that way. Some of these water districts just do not have the money, and cannot raise the money from their individual citizens. Families that cannot pay the additional bill are going to go off the regulated system. Yes, there are water supplies that do not fall under these requirements.

What is going to happen is that if you make these regulations too unreasonable, you will have people leave the regulated systems and go to water sources that are not as safe. Do not pretend that this question is one of clean water. It is not. It is quite likely that there is a greater risk to the American public, there is a greater risk with regard to drinking water of the American public, if they are subjected to regulations which will be implemented in the absence of the Domenici-Brown amendment. Why? Because systems that cannot afford it will not do it; and ones that impose the cost on people who cannot afford it will force them to go to other systems. If this program goes forward without the moratorium, people will leave these systems and go to less sound, less responsible, less safe drinking supplies.

This is a tough question. This is not just a matter of standing in the U.S. Senate and being for clean water. It is a question of trying to figure out how you get there. That is what we have to address this afternoon.

Let me read some of the letters that cities have written to us. These are the people impacted by it, these are the people who have to pay the bill and drink the water, and not those who sit far away and merely pass the rules:

> It is very difficult to convince an elderly, fixed-income couple or a young single mother that they could be asked to pay higher water rates to fund several thousand dollars of increased water monitoring.

That is from the city of Loveland.

> Paonia has always valued clean water. We are going broke reproving it several times a year, however.

From the town of Paonia, CO.

> We are a town of older people on smaller fixed incomes. Increased costs for water testing would jeopardize their standard of living and put some in dire need.

Mesa Water Works.

> In Sawpit, the 27 residents are spending nearly $1,000 a person to clean up their water to meet existing requirements.

And yet we are talking about imposing even more requirements on these people.

> It is pretty hard to pass a straight-face test when people ask how much of a concern this is, what with the shortfalls in education and medical care able to demonstrate an immediate real need which is competing for the same dollars.

The Town of Palisade.

> The Safe Drinking Water Act is placing an unbearable financial burden on our customers with no documented increase in health protection.

Lake Forest Mutual Water Co. That is in Grand Lake, CO.

Mr. President, what we are talking about here is common sense. What we are talking about is a 2-year moratorium on the 51 additional new regulations so that we have time to get a handle on them, so that people can come up with a way to meet the demands. What we are talking about is being reasonable with people. I can believe that if we are really concerned about clean water, we will not impose regulations that are likely to lead to less clean water. Unless we give some relief on these regulations, people will drop out of safe systems on to unproven systems. It is time for rationality.

I salute the distinguished Senator from New Mexico for coming up with his amendment. It is a tough issue. It is a hard issue. It is one that can be misunderstood. But he has demonstrated leadership and the courage to take on the tough issues. I hope this body will support this Senator not only because of the quality he has brought to this floor but his commitment to real clean water standards.

I yield back my remaining time.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask unanimous consent that Senators SMITH and CRAIG be made original cosponsors.

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

Mr. DOLE. Mr. President, I am very happy to support the amendment offered by the distinguished Senator from New Mexico, Senator DOMENICI, that provides needed and urgent regulatory relief for communities across the United States and my State of Kansas.

Nothing is more important to life itself in our communities than the source and quality of fresh water that serves that community. However, over the years, we seem to have forgotten that Washington doesn't always have the answer. I was shocked at the number of cities and rural water districts that contacted my office seeking passage of the Domenici amendment—over 200.

The message is crystal clear. Get Federal Government over-regulation and mandates off the backs of ordinary citizens who believe they have safe water supplies now and cannot afford all this so-called help the Congress and the EPA is in the habit of giving.

Let me be clear. This amendment is not a cave-in to the special interests; it doesn't repeal current law; and it allows the EPA Administrator to address and protect public health if necessary.

It does, however, provide an opportunity for us to step back and take a look at this act, as we move toward reauthorization, and review its purposes, its use, and effects on the public.

I might add, Mr. President, that it is the smaller water systems that suffer under this regulatory scheme. We need to find a different way to promote the admirable goals of clean and safe drinking water without bankrupting small towns and rural water districts.

Right now these people are swimming in redtape. Every time I am back in Kansas I am asked when is Washington going to slow down the regulatory train?

Mr. President, it is a question of balance. We have seen a variation of the same debate every time an environmental law or regulation is reviewed or comes into question. Either you are for protecting the environment or you are against it. As my colleagues know, it is not that simple or easy.

Mr. President, the Senator from New Mexico is right on target. Let us slow

down a moment and take a look at what we are doing—and who we are hurting—all in the name of environmental protection. I believe that upon enactment of this necessary amendment we can find a way to bring a better balance to this program and achieve an environmentally acceptable result in an economical and sensible fashion. I urge my colleagues to support this amendment.

Mr. President, I ask unanimous consent a list of Kansas communities and rural water districts that support the Domenici amendment be printed in the RECORD.

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

KANSAS COMMUNITIES SUPPORTING DOMENICI AGREEMENT

Alma, Altoona, Argonia, Arma, Ashland, Aurora, Benton, Bird City, Bonner Springs, Bogue.

Buhler, Burlingame, Burlington, Caldwell, Cambridge, Cawker City, Centralia, Chanute, Chapman, Cimarron.

Clay Center, Coffeyville, Colby, Coldwater, Collyer, Colwich, Corning, Cottonwood Falls, Deerfield, Della.

Dighton, Dodge City, Downs, Eskridge, Edgerton, Elk City, Elkhart, Ellsworth, Ensign, Eureka.

Everest, Fairview, Florence, Frankfort, Galva, Garden Plain, Girard, Goessel, Goff, Green.

Gridley, Gypsum, Halstead, Hanover, Hartford, Havana, Highland, Hillsboro, Holton, Hope.

Hoxie, Hugoton, Jewell, Kanorado, Kingman, La Cygne, Larned, Lebanon, Leoti, Lindsborg.

Loisburg, Luray, Macksville, Manhattan, Mankato, Manter, McLouth, Melvern, Minneapolis, Moundridge.

Morganville, Muscotah, Neodesha, Ness City, New Strawn, Oberlin, Olpe, Oneida, Osawatomie, Oswego.

Paola, Parker, Paxico, Peru, Pratt, Preston, Quinter, Rantoul, Richmond, Rolla.

Russell, Sabetha, Sedan, Seneca, Spearville, Spicey, St. Marys, St. Paul, Syracuse, Troy.

Walton, Wamego, Wathena, Wetmore, Whitewater, Winchester, and Windom.

KANSAS RURAL WATER DISTRICTS SUPPORTING DOMENICI AMENDMENT

Allen Co. R.W.D. #10, Anderson Co. R.W.D. #5, Anderson Co. R.W.D. #6, Atchison Co. R.W.D. #3, Blue River Hills Improvement District, Brown Co. R.W.D. #1, Butler Co. R.W.D. #1, Butler Co. R.W.D. #2, Butler Co. R.W.D. #3, Butler Co. R.W.D. #5.

Butler Co. R.W.D. #6, Butler Co. R.W.D. #7, Cherokee Co. R.W.D. #5, Cherokee Co. R.W.D. #7, Comanche Co. R.W.D. #1, Comanche Co. R.W.D. #2, Consolidated R.W.D. #1, Cowley Co. R.W.D. #1, Cowley Co. R.W.D. #4, Cowley Co. R.W.D. #5.

Crawford Co. R.W.D. #1, Crawford Co. R.W.D. #2, Crawford Co. R.W.D. #6, Dickinson Co. R.W.D. #1, Doniphan Co. R.W.D. #2, Douglas Co. R.W.D. #2, Douglas Co. R.W.D. #3, Douglas Co. R.W.D. #4, Douglas Co. R.W.D. #5, Elk Co. R.W.D. #1.

Ellsworth Co. R.W.D. #1, Franklin Co. R.W.D. #4, Franklin Co. R.W.D. #5, Geary Co. R.W.D. #4, Greenwood Co. R.W.D. #1, Greenwood Co. R.W.D. #2, Hamilton Co. R.W.D. #1, Harper Co. R.W.D. #1, Harper Co. R.W.D. #3, Jackson Co. R.W.D. #1.

Jackson Co. R.W.D. #2, Jackson Co. R.W.D. #3, Jefferson Co. R.W.D. #1, Jefferson Co. R.W.D. #3, Jefferson Co. R.W.D. #6, Jefferson Co. R.W.D. #9, Jefferson Co. R.W.D. #11, Jefferson Co. R.W.D. #12, Jefferson Co. R.W.D. #13, Jewell Co. R.W.D. #1.

Johnson Co. R.W.D. #7, Kingman Co. R.W.D. #1, Labette Co. R.W.D. #6, Leavenworth Co. R.W.D. #4, Leavenworth Co. R.W.D. #5, Leavenworth Co. R.W.D. #7, Leavenworth Co. R.W.D. #8, Leavenworth Co. R.W.D. #9, Lyon Co. R.W.D. #5, Marion Co. R.W.D. #1.

Marion Co. R.W.D. #4, Marshall Co. R.W.D. #3, McPherson Co. R.W.D. #4, Miami Co. R.W.D. #1, Miami Co. R.W.D. #3, Mitchell Co. R.W.D. #3, Montgomery Co. R.W.D. #3, Montgomery Co. R.W.D. #4, Montgomery Co. R.W.D. #9, Morris Co. R.W.D. #1.

Nemaha Co. R.W.D. #1, Nemaha Co. R.W.D. #3, Nemaha Co. R.W.D. #4, Neosho Co. R.W.D. #5, Neosho Co. R.W.D. #6, Neosho Co. R.W.D. #7, Neosho Co. R.W.D. #9, Neosho Co. R.W.D. #10, Neosho Co. R.W.D. #12, Neosho-Allen Cos. R.W.D. #2.

Neosho-Labette Cos. R.W.D. #4, Osage Co. R.W.D. #5, Osage Co. R.W.D. #6, Osage Co. R.W.D. #7, Osage Co. R.W.D. #8, Osborne Co. R.W.D. #1A, Ottawa Co. R.W.D. #1, Pottawatomie Co. R.W.D. #2, Shawnee Co. R.W.D. #8, Wilson Co. R.W.D. #12, Woodson Co. R.W.D. #1, and Wyandotte Co. Consolidated R.W.D. #1.

OTHER KANSAS SUPPORT OF DOMENICI AMENDMENT

Fairmont Heights Water Company, Manhattan; Kansas Rural Water Association; League of Kansas Municipalities; Owen O'Brien, St. Paul; Poe and Associates of Kansas Inc., Wichita; Ponzer-Youngquist, P.A., Olathe; R.W.D. Services, Chanute; Ramona Carpenter, Piedmont; Schwab-Eaton, P.A., Manhattan; Surburban Water Company, Basehor; and William W. Lichtenhan, Dwight.

Mr. DOMENICI. Mr. President, Senator DOLE says in supporting my amendment:

The message is crystal clear. Get Federal Government overregulation and mandates off the backs of ordinary citizens who believe they have safe water supplies now and cannot afford all the so-called help the Congress and the EPA is in the habit of giving.

Let me be clear. This amendment is not a cave-in * * * It does not repeal current law; it allows the EPA Administrator to address and protect public health if necessary.

It does, however, provide an opportunity for us to step back and take a look at this act as we move toward reauthorization, review its purposes, its use, and effects on the public.

The distinguished minority leader says he is amazed to find out how many cities in his State were concerned about this and had written him. In his statement he says in the State of Kansas there are only 200 cities who wrote to him saying we do not need all these regulations. Why not put in a moratorium so we have a chance to breathe.

Mr. President, quickly, I want to indicate to the Senate that the Senator from New Mexico did not take this matter lightly. Believe it or not, having some inclination about how these acts, these regulatory schemes work, in 1990, in December, well before this conflict broke out between the communities of America and Congress and the EPA, I asked a group of New Mexicans to begin to monitor this act because I thought just as sure as the Sun rose, we had probably overregulated and we were going to get some real input. But I thought maybe we would reauthorize the act. We are not going to do that for a while. But I got invaluable input from a group of New Mexicans way before this crisis arose.

In discussing that, it came to our attention the Environmental Protection Agency had issued a working paper on drinking water called "Working Paper on Drinking Water," Governors' Forum on Environmental Management.

In September, 1990, the Agency's Science Advisory Board reached the conclusion that there is a mismatch between the real threats to public health and the controls mandated by Congress. EPA has endorsed the recommendations of that report. Those which point toward risk-based environmental management, including strategic planning and budgeting may be partial solutions to this dilemma. Because the majority of States now have significant budget difficulties and because resource decisions that will affect public health and the economy for years to come can be no longer delayed, it is time to consider moving beyond the philosophy and into the practice of risk-based management. This report examines what EPA Administrator William K. Reilly has labeled "our first and most pressing challenge"—the impacts and implications of the Safe Drinking Water Act.

I ask unanimous consent that the remainder of the report that I will send to the desk be made a part of the RECORD.

I remind the Senate in September 1990, this was the primary act for such an evaluation.

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

GOVERNORS' FORUM ON ENVIRONMENTAL MANAGEMENT—WORKING PAPER ON DRINKING WATER

INTRODUCTION

In September, 1990, the U.S. Environmental Protection Agency's (EPA) Science Advisory Board reached the conclusion that there is a mismatch between the real threats to public health and the controls mandated by Congress.[1] EPA has endorsed the recommendations of that report. Those which point toward risk-based environmental management, including strategic planning and budgeting may be partial solutions to this dilemma. Because the majority of States now have significant budget difficulties (anticipated shortfalls) and because resource decisions that will affect public health and the economy for years to come can no longer be delayed, it is time to consider moving beyond the philosophy and into the practice of risk-based management. This report examines what EPA Administrator William K. Reilly has labelled "our first and most pressing challenge"—the impacts and implications of the Safe Drinking Water Act (SDWA). This report should be viewed against the backdrop of insufficient State resources for all the major environmental programs, a total shortfall which is expected to equal projected funding by the year 2000. The

sections below describe the history of the State and Federal roles, the status of SDWA implementation, the size and nature of the implementation challenge and the alternative solutions available for consideration.

	1969	1991
Full compliance with bacteriological standard.	91 percent, (22,750 systems).	91.5 percent (55,000 CWS).
Full compliance with chemical monitoring requirements.	10 percent (2,500 systems).	95 percent (57,000 CWS).
Full compliance with chemical standards.	70 percent (17,500 systems).	99.4 percent (59,600 CWS).
Number of systems with a chemical standard violation.	7,500 systems (out of 25,000).	383 systems (out of 60,000).
Percent of systems receiving a sanitary survey in the previous five years.	<50 percent	>90 percent.
Number of health advisories (voluntary standards).	15	>100.
Size of State Drinking Water budgets ($1991).	$27 million	$81 million (State) $49 million (Fed).

The effectiveness of State and Federal actions today can also be reflected in the degree to which health risks have been reduced and how many are left to address. Nearly all cancer risks from drinking water are due to only 5 contaminants. Three of five have been regulated, with a fourth proposed. Nearly all non-cancer risks from drinking water are avoided through control of four contaminants—microbiological contaminants, sulfates, nitrates and lead. The vast majority of non-cancer benefits are reductions in gastrointestinal upsets (like diarrhea) and are avoided through the filtration rule and potential future control of sulfates. Lead contamination can lead to reduced mental acuity. About 17,000 children would avoid a more than one IQ point loss, with still fewer avoiding measurable IQ losses.

The social cost of the federal mandates also indicates the status of State program implementation. Basically, the cost of drinking water protection at the local level is increasing while the health benefit of increasing regulation is not. Control of the five drinking water contaminants that pose significant cancer risks is generally cost effective, with cost per case avoided less than $10 million/case. The cost effectiveness of controlling other carcinogens is generally poor, with costs/case as large as $92 Billion (Atrazine/Alachlor). A recent symposium held at the Kato Institute in Washington, D.C. documented the social cost of expensive regulations. Rules that reduce funds will rarely favor drinking water programs. Many States are confronted by this problem.

This is not a new phenomenon. In 1988, the Association of State Drinking Water Administrators reported that 92 percent of State drinking water agencies have had to limit both technical and regulatory program activities because of insufficient funding and/or staffing within the previous five years. As of March, 1992, 26 States plan to reduce funding to drinking water agencies. Nineteen of these will arise through across-the-board cuts. The remainder will be specifically targeted for reductions.

Compounding the problem arising from cuts in drinking water programs is that cuts must be made against a growing Congressional mandate for more rule adoption and more rule enforcement. As the figure to the right indicates, the annual cost of full SDWA implementation in 1995 will be more than $400 million, based on adoption and implementation of all EPA requirements. Annual State funding in 1991 was about $81 million, a national figure that is holding about level in 1992.

The Federal share has grown somewhat since 1989. In its FY93 budget, EPA has requested an 18 percent increase over the FY92 federal grants to the States. These increases, while positive, are small in light of the Congressional mandate. An $8.9 million Federal increase does little to address the more than $200 million projected program shortfall.

Mr. DOMENICI. Mr. President, the Domenici amendment preserves and continues regulations that were promulgated before December 21, 1989; 35 regulations remain in full effect; 65 chemicals plus bacteria, viruses, and turbidity will be monitored and regulated.

Also, EPA water utilities focus time and money on addressing known health risks instead of wasting scarce resources on regulations which would not improve the safety of the water. It avoids monitoring chemicals which may cost as much as $200 per family, may not exist in drinking water, and, Mr. President, according to EPA's evaluation, all of those that we are going to hold in abeyance may result in eight-tenths of an additional cancer case per year nationwide. And it would cost, according to some estimates, billions of dollars to implement.

Now, Mr. President, there is going to be much said about how serious the remaining regulatory schemes are and how failure to do some of these are going to cause harm. I want to go through just two quickly for the Senate.

There is a letter dated July 31, 1992. This is directed to every Senator. It is from the National Resource Defense Council, the executive director of the Sierra Club, the general counsel on Environmental Defense Fund, Wildlife Federation, Audubon, Friends of the Earth, and Defenders of Wildlife.

Now, Mr. President, I had an interesting meeting in New Mexico during this recess. I was meeting with the ranchers. We were discussing the fee imposed on public domain. And about 250 ranchers were there and we asked the witnesses, and finally we heard from a person who said, "I am a Sierra Club member," New Mexican. He got up, and he said, "Senator, let the record show that as a Sierra member I am speaking not for the National Sierra because I have not talked with them, I have not asked them about my statement here today so it is mine and not theirs."

He finished and we started talking, and I said, "It is nice that you mentioned you do not speak for them because I am quite sure they frequently issue statements and they do not speak for you because they do not even ask you." I was very surprised at the answer.

The answer was, "They indeed do that, Senator, and we are having some very serious kind of communications about that."

Well, I might say I believe every one of these organizations has hundreds of New Mexicans. I did not get a single letter about this amendment in opposition from Sierrans, from any of these people in New Mexico. It has been all over the papers in small cities and large cities.

So it just seems to me that in the same typical manner those who are the executive directors of these organizations got together up here, maybe after the amendment was written, the Chafee amendment, and they all wrote this letter together. But I submit there are literally thousands of their members out in our States who do not agree that implementation of this act is necessary for their well-being and is a major environmental issue.

In this letter—just to go through it quickly—they worry about PCB's.

Well, I have here what I would like to make a part of the RECORD, a list that is called standards that would be affected by the moratorium, and this is an EPA list, and the PCB's are listed here and it talks about annual cases avoided, and it says "none."

And then we are talking about dioxins in this letter from the environmental groups, and the same EPA list says, "Cases to be avoided on the dioxins"—you might be surprised—"none."

And then it says we are worried about nitrates.

Well, let me say that on nitrates they are wrong again because the old rules with reference to studying the nitrate issue remain in effect. They are not changed.

Then if you go down to their last paragraph, they are worried about disinfection byproducts. That has to do with the fact that we use chlorine and other purifiers, and they are trying to find out how much damage those do along with the good. Let me suggest they are wrong there, too, in saying this is a serious case because the study that is in progress is going to take 18 months to do, and it is being done by EPA and we do not suggest it be changed. And if they find something serious with it, we gave them the authority to do something about it.

I ask unanimous consent that the entire list of standards that would be affected by the moratorium indicating the annual case avoidance be made a part of the RECORD for any who would be worried that the contaminants that we are not going to mandate regulation might be harmful be made a part of the RECORD so you can look at it.

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

STANDARDS THAT WOULD BE AFFECTED BY THE MORATORIUM

Contaminant	Health effect	Annual cases avoided	Cost-effectiveness
Tetrachloroethylene	Probable cancer	None	>$40 M/case.
Chlorobenzene	Non-Cancer	None	Cost>>>benefits.
trans-1,2-Dichloroethylene	Liver/nervous system	None	Cost>>>benefits.
cis-1,2-Dichloroethylene	Liver/nervous system	None	Cost>>>benefits.
o-Dichlorobenzene	Nervous/liver/lung/kidney	None	Cost>>>benefits.
Asbestos	Benign tumors (non-cancer)	None	>$100 M/case.
Aldicarb	Non-cancer	<0.0001 cases	$98.9 billion/case.
Chlordane	Probable cancer	None	>$50 M/case.
Carbofuran	Nervous/reproductive system	None	Cost>>>benefits.
Alachlor	Probable cancer	None	$3.9 billion/case.
Epichlorohydrin	Probable cancer	None	>$50 M/case.
Toluene	Kidney/nervous/lung systems	None	Cost>>>benefits.
PCB's	Probable cancer	None	>$50 M/case.
Atrazine	Reproductive/heart	None	$3.9 billion/case.
Acrylamide	Probable cancer	None	>$50 M/case.
Dibromochloropropane	Probable cancer	None	>$50 M/case.
1,2-Dichloropropane	Probable cancer	0.1677 cases	$22.4 M/case.
Pentachlorophenol	Probable cancer	None	$860 M/case.
Xylenes	Liver/kidney/nervous system	None	Cost>>>benefits.
Ethylbenzene	Liver/kidney/nervous system	None	Cost>>>benefits.
Styrene	Liver/nervous system	None	Cost>>>benefits.
Heptachlor	Probable cancer	None	>$50 M/case.
Heptachlor epoxide	Probable cancer	None	>$50 M/case.
Nitrite	Blue-baby syndrome	See nitrate	
Aldicarb sulfoxide	Non-cancer	See aldicarb	$98.9 billion/case.
Aldicarb sulfone	Non-cancer	See aldicarb	$98.9 billion/case.
Copper	NA	NA	
Dichloromethane	Probable cancer	None	>$38 M/case.
1,2,4-Trichlorobenzene	Adrenal glands	None	Cost>>>benefits.
Hexachlorobenzene	Probable cancer	None	>$25 M/case.
Antimony	Reduced body weight in mice	None	Cost>>>benefits.
Nickel	Inhalation cancer agent	None	Cost>>>benefits.
Thallium	Genetic toxin	None	Cost>>>benefits.
Beryllium	Bone damage	None	Cost>>>benefits.
Cyanide	Spleen, brain, liver	None	Cost>>>benefits.
Dalapon	Liver/kidney	None	Cost>>>benefits.
Diquat	Liver/kidney/eyes	None	Cost>>>benefits.
Endothall	Liver/kidney/reproductive system	None	Cost>>>benefits.
Glyphosate	Liver/kidney	None	Cost>>>benefits.
Adipates	Liver/testicles	None	Cost>>>benefits.
2,3,7,8-TCCD (Dioxin)	Probable cancer	None	>$25 M/case.
1,1,2-Trichloroethane	Nervous system	None	Cost>>>benefits.
Oxamyl	Kidney	None	Cost>>>benefits.
Simazine	Possible cancer	None	>$50 M/case.
PAHs	Possible cancer	None	>$50 M/case.
Phthalates	Probable cancer	None	>$50 M/case.
Picloram	Liver/kidney	None	Cost>>>benefits.
Dinoseb	Thyroid/reproductive	None	Cost>>>benefits.
Hexachlorocyclopentadiene	Kidney/stomach	None	Cost>>>benefits.
Uranium	Cancer	0.56 cases	$56.6 M/case.
Sulfate	Diarrhea	5,702 infant cases	Costs 5 times>benefits.

Note.—Total for standards affected by the moratorium: 51 Contaminants; <0.8 cancer cases/year, 5,702 cases of infant diarrhea; benefits>costs for no contaminants, costs>benefits for 51 contaminants, 18 contaminants w/>$50 million/case, 7 contaminants w/>$100 million/case, 5 contaminants w/>$1 billion/case.

Mr. DOMENICI. Last, I want to make a part of the RECORD, lest anybody thinks we are pipedreaming on the costs of implementing this act. I just want to tick off a few of the costs; if we left the law as it is, and we did all these tests, what it would be. This is the cost of certain monitoring tests that would fall under the moratorium, that has not been implemented. Let me take asbestos, $300 million.

Aldicarb, Oxamyl, Aldibarb sulfoxide, Aldicarb sulfone, $200.

PCB's, $300.

Skip down to a few that are really cheap: 2, 3, 7, 8-TCDD—Dioxin—$1,000 to $1,500 per test.

I ask unanimous consent that this list be made a part of the RECORD. It contains most of those we are holding in abeyance for a few years.

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

THE COSTS OF CERTAIN MONITORING TESTS THAT WOULD FALL UNDER THE MORATORIUM: (NOT BE IMPLEMENTED)

Method	Analytical cost	Contaminants analyzed
TEM	$300	Asbestos.
531.1	$200	Aldicarb, Oxamyl, Aldibarb, sulfoxide, Aldicarb sulfone.
508A	$300	PCB's.
200.9	$150	Antimony, nickle, thalium.
335.2	$30	Cyanide.
549	$150	Diquat.
548	$150	Endothall.

THE COSTS OF CERTAIN MONITORING TESTS THAT WOULD FALL UNDER THE MORATORIUM: (NOT BE IMPLEMENTED)—Continued

Method	Analytical cost	Contaminants analyzed
547	$150	Glyphosate.
525.1	$325	Adipates, PAH's, Phthalates, and others already covered in part by 505 508.
1613	$1,000 to 1,500	2,3,7,8-TCDD (Dioxin).
ASTM D-2907	$20	Uranium.
Sulfate	Unknown	Sulfate.

Note.—Total: 12 monitoring requirements: $2,775.

Mr. DOMENICI. Mr. President, in summary, the Domenici amendment puts a 2-year moratorium on the remainder of this act. For those who are worried about copper and lead, we have lent our ear to your concerns and we have included them as contaminants that must be monitored.

In addition, we gave extraordinary authority to the Environmental Protection Agency. If indeed they find that any of the other contaminants are serious, they do something about it.

It seems to me that this is a realistic way of avoiding a very serious problem that has been discussed here in many different ways.

I greatly respect the way that my Senator friend from Colorado explained it. We from up here decided they should pay for it down there even if they do not think it is necessary, and there is good reason now to believe it is not necessary. The Governors cry out for their small communities, medium-sized communities, and I am going to hold on to examples of medium-sized communities such as Columbus, OH, from which we received detailed information about the burdens we are imposing on them.

I yield the floor at this point.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I wish to compliment my friend and colleague, Senator DOMENICI and also Senator BROWN for their statements and for their leadership in trying to provide what I would call common sense to the objective of having clean water. I think all of us share that objective. That is the purpose of the Safe Drinking Water Act.

I do not dispute the intent of the authors of the bill, the original bill, underlying bill, as amended in 1986. But I will state that if my colleagues have had the opportunity as I have, of going back to their States and having a lot of town meetings, they probably would have had their eyes opened to the cost and the impact of the amendments to the Safe Drinking Water Act. They would probably have heard from a lot of small towns and communities and rural water districts about the needless

expense of the Safe Drinking Water Act amendments. And their request is that we put a moratorium on any new additional regulations. That is what the Domenici amendment would do.

Mr. President, I am happy to join in support of this amendment to the Safe Drinking Water Act. Safe drinking water is one of the most critical needs of our society. State and Federal Governments have worked closely with our local and regional water suppliers to develop the program which provides people with important assurance that the water they drink is safe.

However, in 1986 Congress amended the Safe Drinking Water Act mandating a wave of new, unnecessary and costly regulatory requirements. In 1986 the Safe Drinking Water Act amendments required that the EPA promulgate a set number of standards, 83, by the year 1989, and then establish an additional 25 standards every 3 years until the end of the century.

These requirements have placed a very heavy and counterproductive burden on the EPA, the States, and the regulated water systems. It has resulted in EPA standards for chemicals, which have been found in only one or two systems in the entire country—even these are of questionable health significance, with the only apparent reason for monitoring solely being to meet the "bean count" required by the 1986 amendments.

These excessive, unneeded and costly regulations have resulted in budget shortfalls in State public water supply supervision budgets during a time of serious economic difficulties nationwide and may result in some of the States turning the program back to the EPA because the minimum program requirements cannot be maintained. It also imposes serious economic problems for water systems which will have to finance the capital expenses required to meet questionable new standards and find some way to pay for exorbitant recurring expenses resulting from the increased monitoring requirements.

Oklahoma was the first State in the Nation to gain primary enforcement responsibility under the Safe Drinking Water Act of 1974. Since then the Oklahoma Department of Health has attempted to stay in the forefront of implementing subsequent revisions to the act.

Oklahoma's program has been evaluated by a variety of outside groups, including the GAO, and has generally been found to be among the more credible programs in the Nation. However, even so, Oklahoma has asked that some reasonableness be inserted into the process.

No responsible State health agency or water system would object to the establishment of a drinking water standard where there is reasonable potential of an adverse health threat. However, the establishment of standards simply to meet the required number is difficult to justify and finance. Resources could be better utilized if the standards were established only on known or reasonably projected health threats that occur in a significant number of systems nationwide.

Small systems are especially hard hit by overzealous regulation. Small systems with part-time or small number of employees cannot carry out series after series of tests on water that has been and is clean and safe.

Over the past 24 years over $9 billion has been spent through grants and loans to small systems by the Federal Government to improve the quality of drinking water in rural areas. It has been very successful. However, these grants and loans require local communities to charge rates at a maximum level that the community can afford. As a result, most systems are producing quality water to families who previously used dangerous well water or hauled water to their homes. These families are already paying a considerable fee for this improvement.

All systems need to test and those at risk need to test more often, and everyone needs to monitor their water. However, rules need to be simple, testing reasonable, and enforcement targeted at those few communities with serious problems. But the present approach is not going to protect public health as well as a more reasonable comprehensive approach for implementing the law that takes small community's water systems into account.

The Domenici-Brown-Nickles amendment simply requires that EPA and Congress stop, look, and listen before they pile more unnecessary regulations that do not address real health risk on water systems. The amendment leaves in place all currently, fully implemented water standards, 35, and the lead and copper rule. New standards would be implemented for any contaminant if health risks justify it.

Other pending regulations would remain under moratorium for 2 years while the act is reviewed. Monitoring requirements that would remain in place measure over 90 contaminants. This amendment would reduce costs by about $180 per household each year for the one-third of the systems which are very small.

Contrary to allegations made by opponents, this amendment does not "gut" the Safe Drinking Water Act. The existing program will continue, unjeopardized by the waste of money on needless monitoring. Public water suppliers will continue to be regulated and protected from all carcinogens known to represent a meaningful risk to public health, as well as lead and nitrates, and bacterial and viral contamination.

None of the regulations affected by the moratorium address toxins which represent significant known health risks. According to EPA data, the treatment of water supplies to remove the contaminants affected by the moratorium would only prevent less than one case of cancer per year nationwide at a cost of billions of dollars. The cost per avoided case of cancer for 18 of these contaminants is greater than $50 million, for 7 of the contaminants is greater than $100 million, and over $1 billion for 5 of the contaminants.

In short, the minuscule chance of health risks do not justify these enormous costs. Our States and water systems cannot afford to wait for Congress to reexamine and reauthorize the Safe Drinking Water Act. They need our help. They need it now, not years from now. Our country has some of the safest drinking water in the world. We do not need to burden our water systems with unnecessary requirements when they are already providing safe drinking water. Let us listen to the changes advocated by the States and water systems, that implement the rules and regulations of the Safe Drinking Water Act, and fashion legislation that makes sense.

Mr. President, I just conclude by stating that I have several letters from people who work in this field all the time. I venture to say that most Senators are not experts in this field. I am not an expert. But I have listened to rural water districts and to people in our community that work on providing safe drinking water to our constituents on a day-to-day basis.

They are not interested in dirty water. They are not interested in providing water that is not safe, that is not clean. But they are interested in trying to have rules and regulations that they can live with, that they can afford. They are interested in cleaning up any contaminant if it is proven to be unhealthy. If it is proven to be dangerous to anybody's health, they are happy to clean it up.

Frankly, I think part of the result, and part of the anger that we feel, myself and many of my constituents, is that the mandates come from Washington, DC, and no money is provided to comply. We are talking about serving people in many districts, in rural areas that are on very low fixed incomes. They cannot afford the additional requirements mandated by the additional tests.

I might mention that, right now, the law mandates testing for 35 contaminants. By the year 1995, unless this amendment is adopted, we will be testing for 111 contaminants; and by the year 2000, 200 contaminants, all of which will greatly increase the cost to our users, water users, with very little, if any, cost-benefit association. I think we need a cost-benefit association.

We have to make sure that the costs we are mandating on our constituents, on rural water districts, small towns

and cities—and even on larger towns, like Columbus, OH, or Tulsa, OK—we need to make sure the regulations make sense, that it is money well spent, that we are actually improving the quality of service; in this case, the quality of water.

Mr. President, I would like to read a letter from the Oklahoma Rural Water Association, one paragraph:

The Congress and EPA have embarked on a course that will dramatically affect system operations and substantially increase the cost of providing water. There is no assurance that this will result in a significant improvement in the quality of drinking water supplies provided by the great majority of systems. It is essential that Congress reconsider its shotgun approach for establishing drinking water standards. Implementation of new requirements should be delayed so that the EPA has sufficient time for conducting scientific studies to ascertain the real health effects of various contaminants. The financial impact and the cost-benefit ratio of new regulation should be given more thoughtful consideration.

In another letter from the Rural Water Association:

S. 2900, the Domenici bill——

Now amendment.

is exactly what is needed to protect small water systems from unnecessary and costly overregulation.

It says:

As you know from your Henryetta meeting.

I had meetings with people across the State of Oklahoma, and they told me they are concerned about the cost of complying with the Safe Drinking Water Act, and their belief that the costs are enormous and the benefits are de minimis.

They said:

As you know from your Henryetta meeting, change in the Safe Drinking Water Act is a number one priority of system in Oklahoma.

Also, from the Association of Central Oklahoma Governments; it says:

Attached is a copy of the board's most recent policy statement regarding water quality regulations and how they affect cities and towns. We want the citizens of central Oklahoma to be confident in the healthiness of the water they drink, but major expense for little or no gain is counterproductive.

We continue to encourage adoption of maximum contaminant levels only when those levels are reasonable and scientifically substantiated.

Then I have one additional insertion into the RECORD. This is written on behalf of Commissioner Joan Leavitt, Dr. Leavitt, the Commissioner of Health in the State of Oklahoma:

On behalf of the Oklahoma State Department of Health, I wish to thank you for your efforts to bring about reasonable changes to the Safe Drinking Water Act. Senate bill S. 2900 appears to address many of the concerns of health professionals regarding safe drinking water standards based on risk, unnecessary standards promulgated just to meet a quota, and the fear that the high cost of unneeded standards may force consumers to abandon public water supplies for untested private sources.

We fully support drinking water standards for parameters demonstrated to be a threat to public health, but are unwilling to use limited resources for monitoring which is not necessary.

Mr. President, I ask unanimous consent that the letters which I have alluded to be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. NICKLES. In conclusion, I wish to compliment my friends and colleagues, Senator DOMENICI, Senator BROWN, and Senator DOLE, for trying to bring about some common sense, needed examinations, and hopefully a moratorium on additional regulations.

I tell my colleagues, if they vote for the substitute and therefore vote against the Domenici amendment, they will hear about it. They will hear about it from their small towns. They will hear from the rural water districts.

I have been in the State, and I have been listening to the people, and they are not wanting additional Federal mandates coming with enormous costs with little, if any, benefit or improvement in the safe drinking water.

Again, I compliment my colleague from New Mexico. I hope his amendment will be agreed to.

EXHIBIT 1

OKLAHOMA RURAL WATER ASSOCIATION,
Oklahoma City, OK, July 24, 1992.

Hon. DON NICKLES,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR NICKLES: We appreciate your efforts to place a moratorium on implementation of the Safe Drinking Water Act (SDWA) until a study of the regulations and reauthorization of the Act is completed. S. 2900 is exactly what is needed to protect small water systems from unnecessary and costly over-regulation.

As you know from your Henryetta meeting, changing the SDWA is the number one priority of systems in Oklahoma. ORWA and the National Rural Water Association strongly support S. 2900. We will do all that we can to keep our members informed and actively involved in working for passage of this critical legislation. We have already initiated efforts to generate grass roots support for your legislation.

Thank you again for your assistance and leadership in working to ensure that the requirements of the SDWA are realistic and affordable for small water systems. Please call if we can be of service.

Sincerely,

GENE WHATLEY,
Executive Director.

RURAL WATER DISTRICT NO. 4,
Oologah, OK, May 11, 1992.

Hon. DON NICKLES,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR NICKLES: Board Member C.K. White and I attended your meeting in Henryetta. We appreciate your efforts on our behalf in attempting to eliminate unessential regulations on drinking water.

Our water system was constructed in 1967 and currently serves 1700 meters in northwest Rogers County. Since our system has been in operation, it has met all the federal and state requirements and provided a safe quality water supply to the members.

We fully support requirements making water safe for human consumption, but we have very definite reservations about the Safe Drinking Water Act. It calls for monitoring of 25 more contaminants in 1994, 25 more in 1997, and 25 more in the year 2000, but the contaminants have not been identified; therefore, how do we know if they will be harmful.

Already our expenses have greatly increased due to new requirements and will continue to increase each year without any method of funding except increasing water rates to our users.

Before 1989 we did not pay the State Health Department an operational fee, but in 1989 and 1990 we paid an annual fee of $1,920 each year. In 1991 this fee increased to $3,840. We also built a new clearwell in 1991 at a cost of $183,000 to give us more storage for finished water. This allows us more retention time through the filters to assure us of meeting the new turbidity standards.

To comply with part of the Lead and Copper Rule, beginning in July 1992 we will be required to take 80 samples within the next 12 months at a cost of $35.00 each for a total of $2,800. In addition to these samples we are also going to be required to take the following ones:

Non-lead samples, 10 @ 35.00 each, $350.00 annually.

Synthetic Organic Chemicals, $500.00 annually.

Inorganic Chemicals, $86.00 annually.

Nitrate Monitoring, $20.00 annually.

Volatile Organic Chemical, 4 @ 20.00 each, $80.00 might be deleted.

Asbestos Monitoring, $160.00.

Monitoring for unregulated IOC's Antimony, Beryllium, Nickle, Sulfate, Tallium, Cyanide, @ $140. each, $840.00.

Monitoring for Unregulated Contaminants Sampling must be completed by December 1995. There are 6 Inorganic Chemicals and 24 Organic Chemicals to be sampled, and the cost of these samples are unknown at this time.

In addition to the sampling requirements, it will be necessary for us to purchase the following equipment for our plant to meet the new regulations:

Chlorine Analyzer, $1,895.00

Chart Recorders, 2 @ 650. ea., $1,300.00.

Automatic switchover for Chlorination, $495.00.

Chlorinator w/ cylinder mounted regulator & flowmeter, ejector, tubing, and fittings, $1,050.00.

Model 500 cylinder regulator w/ flowmeter, $750.00.

EJ1000 ejector 100 ppd maximum chlorine feed, $375.00.

Remote flowmeter RM 401, 100 ppd maximum feed, $275.00.

As we previously stated we provide safe drinking water and legislation for such is a top priority, but excessive regulations for contaminants that are not known to be harmful is an unnecessary increase in expenses for Rural Water Systems such as ours.

Sincerely,

BILL COLLINS,
Chairman of Board.

OKLAHOMA RURAL WATER ASSOCIATION,
Oklahoma City, OK, March 28, 1991.

Mr. JOHN TRAX,
National Rural Water Association,
Duncan, OK.

DEAR MR. TRAX: Safe Drinking Water Act reauthorization is one of the most far reach-

ing and important issues that State Associations and NRWA will pursue on behalf of small water systems. The Congress and EPA have embarked on a course that will dramatically affect system operations and substantially increase the cost of providing water. There is no assurance that this will result in a significant improvement in the quality of drinking water supplies provided by the great majority of systems. It is essential that the Congress reconsider its shotgun approach for establishing drinking water standards. Implementation of new requirements should be delayed so that EPA has sufficient time for conducting scientific studies to ascertain the real health affects of various contaminants. The financial impact and the cost/benefit ratio of the new regulations should be given more thoughtful consideration.

* * * * *

Sincerely,

GENE WHATLEY,
Executive Director.

BECKHAM COUNTY RURAL
WATER DISTRICT #1,
Carter, OK, June 19, 1992.

Hon. DON NICKLES,
U.S. Senate,
Washington, DC.

DEAR SENATOR NICKLES: We wish to personally thank you and the members of your staff for meeting with the Members of the Oklahoma Rural Water Association on the 5th of May 1992.

The Rural Water Districts in Oklahoma have no problem supporting the intent of the Safe Drinking Water Act (SDWA). But, the cost to each Rural Water District to analyze and monitor the ever growing mandated list of contaminants is imposing an increasing financial burden on the membership of the water districts.

Our delegation promised to send your office factual data regarding the financial impact on our system—Beckham County Rural Water District #1. Please note that attachments #1 and #2 show the effects of the implementation of the SDWA regulations on our "User Fee" from the Oklahoma State Department of Health. The fee went from $522.00 for 1990 to $1044.00 for 1991. We have been informed that our 1992 fee will be at least $1800.00.

We would appreciate your continuing support to eliminate the creation of federal mandates without federal funding, especially with regard to the implementation of the Safe Drinking Water Act in the rural areas of Oklahoma.

Sincerely yours,

John Coakley, President; Ed Carter, Vice-President; Darrell Wootton, Secretary-Treasurer; George Normand, Asst. Sec.-Treas.; Bill Wood, Member; Jake D. Silk, Member; Elmer Koester, Member; Leo Schantz, Member; Wayne Holman, Member.

MOUNTAIN FORK WATER SUPPLY CORP.,
Broken Bow, OK, April 21, 1992.

Hon. DON NICKLES,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR NICKLES: While attending "A Forum on Water" on April 16, 1992, in Henryetta, I was pleased to hear you were indeed concerned about the SDWA reauthorization.

Enclosed please find an estimated cost to Mountain Fork Water Supply Corporation to comply with the EPA rules and regulations set forth in the 1986 SDWA amendments.

Expenses from 1988–1991: $79,053.00 total; expenses from 1992–????: $41,208.00 per year. These expenses include equipment, personnel and personnel training, OSDH fees, etc.

Senator Nickles, these new rules and regulations coming up are outrageous! If there were some medical documentation to justify this, then we would have no problem. However, as Nancy Jenner, EPA, stated, "this may prevent one person in a million over 70 years from getting cancer." Unless there are some better medical documentation than that, I see no feasibility what-so-ever.

If you could convey our concerns to your constituents on Capitol Hill you would do a great service to the American water users.

Sincerely,

JAYE COLEMAN,
Manager.

TOWN OF HARRAH,
Harrah, OK, July 27, 1992.

Hon. DON NICKLES,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR NICKLES: We appreciate your continual support of Oklahoma cities and towns. We especially support Senate Bill 2900, which you have co-sponsored.

The City of Harrah recently was notified by the Environmental Protection Agency that we are required to construct some treatment processes (that appear to be completely unnecessary) that could cost up to $200,000. At this time, they are demanding that it be finished by August, 1993, even though we were not notified of this requirement until June of 1992. With an operating budget of $212,000, obviously this requirement will create a hardship for our residents. What is especially frustrating is that this is apparently some sort of "technical requirement", which does not even consider the actual need for the construction.

We urge you to continue your support of Senate Bill 2900 and continue your efforts to insure that regulations are reasonable and meet true environmental needs.

The City of Harrah has 4200 residents, and we will all be grateful if you continue your efforts to insure that our limited resources can be directed to effective protection of our residents and not at some whim which places an unbearable financial burden on our residents.

We appreciate your sponsoring of this bill. Please call if your office has any questions or desire additional information.

Sincerely,

ROBERT WHERRY,
City Manager.

RURAL WATER AND SEWER
DISTRICT NO. 4,
Lincoln County, OK, April 23, 1992.

Hon. DON NICKLES,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR: I was present at the water meeting April 16th, in Henryetta where you were guest speaker. I came away from that meeting feeling rural water still has friends in Washington. You requested cost numbers to present in your debate with SDWA in the Senate.

We are a District serving approximately 2,200 people in Northern Lincoln and Southern Payne Counties. Our monitoring cost went from $849.00 in 1990 to $1,699.00 in 1991. The Lead and Copper rule does not apply to us until 1993, but I believe this rule will increase our cost by another $2,000.00 to $3,000.00 per year. Such increases are very hard for us to bear, due to the fact, we buy part of our water from Tri-County Development Authority. Our average monthly bill per customer is now approximately $27.00. The economy in our area has not recovered since the 1982 oil bust.

We appreciate the job you are doing and look forward to the help you can give on this critical issue.

Sincerely,

BILL ROE,
General Manager.

DEER CREEK WATER CORP.,
Edmond, OK, September 8, 1992.

Hon. DON NICKLES,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR NICKLES: This letter is written in support of Senate Bill 2900. This bill would delay implementation of the proposed drinking water rules for one year until a study has been completed addressing our concerns that the contaminants and the levels being set offer increased health protection and are affordable and realistic for small community systems.

We are concerned that the contaminant levels are being set at lower levels without sufficient studies to show that health protection would be increased at the lower levels. We feel that the levels are being set without consideration as to whether small community systems will be able to financially afford to be in compliance. In addition, the 25 additional contaminants which EPA is required to regulate every three years will place an unbearable financial burden on our customers for testing which may prove unnecessary since there is no documentation showing increased health protection from these proposed lower levels.

We are a rural water system which provides quality groundwater to approximately 775 service taps. We currently comply with all state and federal testing requirements and have done so for the past 21 years. Our priority is to provide safe, affordable drinking water to our customers, but we are concerned that this may become financially impossible in the future. We encourage your support of S.2900 to insure that regulatory mandates and the limited resources of our water system are directed to effective and affordable health protection for our customers.

Thank you for your support and consideration. We look forward to hearing from you on this critical issue.

Sincerely,

JIM C. MURPHY.

P.S. We would like to express our appreciation for your time in visiting with the Oklahoma delegation in your office during the National Water Rally in Washington. We appreciate your support of rural water in Oklahoma.

ASSOCIATION OF CENTRAL
OKLAHOMA GOVERNMENTS,
Oklahoma City, OK, August 13, 1992.

Senator DON NICKLES,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR NICKLES: Thank you for leading the fight for reasonable, justifiable safe drinking water regulations! The local governments of central Oklahoma, large and small, appreciate your proposed legislation regarding implementation of the Safe Drinking Water Act.

Attached is a copy of the ACOG Board's most recent policy statement regarding water quality regulations and how they affect cities and towns. We want the citizens of

central Oklahoma to be confident in the healthiness of the water they drink, but major expense for little or no gain is counterproductive. We continue to encourage adoption of maximum contaminant levels only when those levels are reasonable and scientifically substantiated.

This policy was approved by the ACOG Board last January and may be used by you and/or your staff in any way you deem to be helpful in pursuit of this issue. We appreciate your continued concern and proactive involvement.We appreciate your continued concern and proactive involvement.

Sincerely,

ZACH D. TAYLOR,
Executive Director.

SAFE DRINKING WATER ACT

GENERAL ISSUE STATEMENT

The Environmental Protection Agency (EPA) adopted tough, new regulations which address maximum contaminant levels (mcls) for 30 synthetic organic chemicals and eight inorganic chemicals, including lead and copper. The new regulations also include monitoring, reporting and public notification requirements for these compounds.

EPA has estimated that its regulation for lead will affect 53,000 (of 80,000) public drinking water systems throughout the country and will cost over $1.2 billion. The most severe financial impact will be to the smaller systems, which will have the least ability to pay for these improvements.

A controversial aspect of the regulations is that water suppliers (i.e., municipalities) will be required to test water at the consumer's tap to determine need for corrosion control. The majority of lead problems are in household plumbing over which local governments have limited authority. Treatment techniques, or sampling in the municipal distribution system, would be less costly and more reasonable to municipalities than the present requirement to sample at the tap.

LEGISLATIVE STATUS

Amendments to the Safe Drinking Water Act were last approved in 1984.

ACTION REQUESTED

(1) Continue to encourage adoption of maximum contaminant levels (mcl) only when those levels are reasonable and scientifically substantiated. In addition, a cost-benefit analysis should be performed to weigh the benefits of the proposed regulatory level with the cost of reducing environmental risks.

(2) Support granting local governments ample time, technical flexibility, and funding to develop the most economical solutions to their drinking water problems. Congress should provide matching funds to help finance monitoring and improvements necessitated to assure compliance with new environmental regulations.

(3) Support mandated use of local government planning in any state-level ground water protection plans required by Congress.

(4) Support local regulation of land use activities as an enforcement tool for protection of critical recharge areas (including wellhead protection programs).

OKLAHOMA STATE
DEPARTMENT OF HEALTH,
Oklahoma City, OK, August 10, 1992.

Hon. DON NICKLES,
U.S. Senate,
Washington, DC.

DEAR SENATOR NICKLES: On behalf of the Oklahoma State Department of Health, I wish to thank you for your efforts to bring about reasonable changes to the Safe Drinking Water Act. Senate Bill S. 2900 appears to address many of the concerns of health professionals regarding drinking water standards based on risk, unnecessary standards promulgated just to meet a quota, and the fear that the high costs of unneeded standards may force consumers to abandon public water supplies for untested private sources. We fully support drinking water standards for parameters which are demonstrated to be a threat to public health, but are unwilling to use limited resources for monitoring which is not necessary.

We were glad to provide your office with water supply inventory information last week. We hope it was helpful in your efforts to promote your bill. Please feel free to call on our department again if you have need of further information regarding water supplies in Oklahoma.

Yours very truly,

JOAN K. LEAVITT, M.D.,
Commissioner of Health.

Mr. CHAFEE addressed the Chair.

Mr. DOMENICI. If the Senator will yield, Mr. President, I might indicate, while the Senator is occupying the chair, that we have been greatly assisted by staff members of your Governor in working on this amendment, and I am most appreciative of that.

I thank the Senators who have spoken and who have helped me. In particular, I thank Senator NICKLES and his staff for their help on this. They are exactly right. It is either this amendment, or small communities clearly are not going to be satisfied with the substitute amendment we are going to speak about now.

I yield the floor.

AMENDMENT NO. 2965 TO AMENDMENT NO. 2964

(Purpose: To modify the implementation schedule of the Safe Drinking Water Act)

Mr. CHAFEE. Mr. President, I send a substitute amendment to the desk on behalf of myself, Senator LAUTENBERG, the chairman of the subcommittee with jurisdiction over the Safe Drinking Water Act; and on behalf, also, of Senator DURENBERGER, who is the ranking member of the subcommittee dealing with safe drinking water.

This amendment is cosponsored by the majority leader, Senator MITCHELL, who has long been a member of the Environment and Public Works Committee, and the chairman of the Agricultural Committee, Senator LEAHY.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for himself, Mr. LAUTENBERG, Mr. DURENBERGER, Mr. MITCHELL, and Mr. LEAHY, proposes an amendment numbered 2965 to amendment No. 2964.

Mr. CHAFEE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike all after the first word of the amendment and insert in lieu thereof the following:

"SEC. SAFE DRINKING WATER ACT IMPLEMENTATION.

"(a) SAFE DRINKING WATER ACT REPORT.—The Administrator of the Environmental Protection Agency shall report to the Congress within nine months of the date of enactment of this section recommendations concerning the reauthorization of the Safe Drinking Water Act. Such report shall address—

"(1) the adverse health effects associated with contaminants in drinking water and the public health and other benefits that may be realized by removing such contaminants;

"(2) the process for identifying contaminants in drinking water the selecting contaminants for control;

"(3) schedules for the development of regulations and compliance with drinking water standards;

"(4) the financial and technical capacity of drinking water systems to implement monitoring requirements associated with regulated and unregulated contaminants and options to facilitate implementation of such requirements, with special emphasis on small communities;

"(5) the financial and technical capacity of drinking water systems to install treatment facilities needed to assure compliance with drinking water standards and options to facilitate compliance with such standards, with special emphasis on small communities;

"(6) the financial and technical capacity of States to implement the drinking water program, including options for increasing funding of State programs; and

"(7) innovative and alternative methods to increase the financial and technical capacity of drinking water systems and the States to assure effective implementation of such Act.

"(b) MORATORIUM AND REPORT ON RADIONUCLIDES IN DRINKING WATER.—(1) The Administrator of the Environmental Protection Agency shall conduct a multi-media risk assessment of radon considering: (A) the relative risk to adverse human health effects associated with various pathways of exposure to radon; (B) the relative costs of controlling or mitigating exposure to radon from each pathway; and (C) the relative costs for radon control or mitigation experienced by households and communities, including the costs experienced by small communities as the result of such regulation. Such an evaluation shall consider the risks posed by the treatment or disposal of any wastes produced by water treatment. The Science Advisory Board shall review the Agency's study and submit a recommendation to the Administrator on its findings. The Administrator shall report the Administrator's findings and the Science Advisory Board recommendation to the Senate Committee on Environment and Public Works and the House Committee on Energy and Commerce.

"(2) Notwithstanding any existing court order or agreement, not later than December 31, 1993, the Administrator shall (A) publish the Administrator's study and risk assessment and the Science Advisory Board recommendation (as described in paragraph (1)) in the Federal Register, and (B) issue final regulations under the Safe Drinking Water Act concerning radionuclides in drinking water.

"(c) SMALL SYSTEM MONITORING COST REDUCTION.—With respect to monitoring requirements for organic chemicals, pesticides, PCBs, or unregulated contaminants promulgated in January 1991 (known as the Phase II rule), the Administrator or a primacy State may modify such requirements to provide that any drinking water system serving a

population of less than 3300 persons shall not be required to conduct additional quarterly monitoring for a specific contaminant or contaminants prior to October 1, 1993, if monitoring for any one quarter conducted after the date of enactment of this subsection and prior to October 1, 1993 for any such contaminant or contaminants fails to detect the presence of such contaminant or contaminants in the water supplied by the drinking water system.".

Mr. CHAFEE. Mr. President, I would like to just explain what is happening here this afternoon. The Domenici amendment would freeze the EPA program dealing with testing for contaminants at 36 contaminants, which is about one-third of the total that would be implemented over a series of years. The effect of the Domenici amendment would be that 26 new contaminants that have been identified would not be tested for during the period that his moratorium goes into effect.

I might point out that some of the contaminants that would not be tested for under the Domenici amendment are the following: mercury, chlordane, dioxane, asbestos, PCB, and cyanide.

Mr. President, I would like to point out that this is really quite a radical step that the Senator from New Mexico is embarking upon. What he is doing is attaching this to an appropriation measure, which, of course, is the measure before us. The Senator from New Mexico introduced this measure in late July. There have been no hearings on this bill. No committee of the Senate has considered it or reported on this moratorium legislation.

As I pointed out, absent what the Senator from New Mexico is attempting to do, there would be some 26 contaminants that would be tested for over the next 2 years, and, as I previously mentioned, amongst those would be mercury, chlordane, dioxane, asbestos, PCB's, and cyanide. The Senator from New Mexico has properly pointed out that the deaths expected from dioxane and PCB's are extremely limited. That is true. The trouble is that dioxane and PCB bring about birth defects, and that is one of the worries that we have.

Let us just start right back at the beginning if we might. Is contaminated drinking water a serious threat to public health, or is this just one more example, as some will say, of the environmentalists trying to scare everyone needlessly? In 1991, the Science Advisory Board of the EPA conducted a thorough review of various threats to public health and environmental quality that were most significant in the United States today. This review was requested by the Administrator of EPA, Mr. Reilly, and as generally seen, I think, by even those who are not friendly to EPA as a very important summary of where we stand in our efforts to protect public health.

What the Science Advisory Board concluded was there are four areas of special concern to health and to the environment that stand out above all the others. These four were: ambient air quality, risk from chemicals to industrial and agricultural workers, indoor air pollution, and drinking water quality. And, obviously, I would like to address now the problems with drinking water quality.

This is what the Science Advisory Board said about the safety of our drinking water supplies: "Drinking water as delivered at the tap may contain agents such as lead"—and, indeed, the Senator from New Mexico has recognized that in his amendment—"such as lead, chloroform, and disease-causing micro-organisms. Exposure to such pollutants in drinking water can cause cancer and a range of noncancer health effects. This problem poses relatively high human health risk, because large populations are exposed directly to various agents, some of which are highly toxic." That is the end of that particular quote.

In June of this year, June 1992, 2 months ago, the New England Journal of Medicine, which I think is regarded as the most prestigious medical journal in the country, published a study showing that 15 percent of rectal and kidney cancers in the United States each year are likely caused by one group of drinking contaminants called disinfection byproducts. That is about 11,000 causes of cancer per year attributed to contaminants that are in our drinking water today.

The point I am making here, Mr. President, is this is serious business. This is not some flighty effort by a group of tree huggers over in EPA trying to impose on local communities onerous burdens.

Now, I am not saying that all the benefits of the safe drinking water would be lost if the Domenici amendment is adopted, but there should be no mistake about it, some of these benefits do hang in the balance today as we vote. Again, serious business is involved when you are discussing drinking water quality, and I believe we bear a large responsibility for the health of the American people as we debate the future of this program, which, indeed, we are doing today.

I have offered the substitute, as has been previously mentioned, along with other members of the Environment and Public Works Committee, which has jurisdiction over this legislation. This amendment will provide considerable relief to local governments on their monitoring costs, and it responds to concerns about the radon standard that EPA has proposed.

Let me just briefly describe the Chafee-Lautenberg amendment, but before I start and talk about this amendment, I think it is important to remember that right now, regardless of the Chafee-Lautenberg amendment, a community can receive a waiver from the State for those contaminants that are believed not to be present. For example, dioxane, if there is no history of dioxane in the area, then that community, that local water company can apply for a waiver and receive it from the State.

What about the substitute that I have proposed? First, our amendment would delay from April 1993 until December 1993, in other words, over a year from now, the promulgation of any new standards for radionuclides, including radon, and it would require EPA to produce a new study on the relative health risk of radon in drinking water and from other sources.

There is no doubt about the dangers to health from radon. It is estimated that radon is the second leading cause of lung cancer in the United States today, smoking obviously being the leading cause, radon being the second leading cause of lung cancer today. It is one of the most widespread drinking water problems affecting hundreds of water systems that draw their supplies from groundwater wells. That is accepted.

But the dispute here is about the relative risk of radon in drinking water. And since the Federal Government does not require that any steps be taken to correct the principal source of the risk, namely, the gas that comes from the soil, the drinking water suppliers, quite rightfully, wonder why they should be required to clean up drinking water at a great expense. In other words, yes, some radon comes up with the drinking water, but more of it comes from infiltration through basement walls, et cetera.

So there is much to be said for the line of reasoning for those who object to the testing of it in water. Thus our amendment delays promulgation of the radon standard until the end of 1993. During the interim, the EPA is asked to provide better data on the relative risk of radon from various sources, from water, from cellars, and so forth. So we can revisit that next year in 1993, because this postponement goes to the end of 1993. So that is taken care of.

Second, the Presiding Officer occupying the chair right now, the President of the Senate, acting President, and others are very concerned about small drinking water systems. So the Chafee-Lautenberg amendment has a special provision for them. What does it do? It says that any small drinking water system less than 3,300 people gets a special break in the monitoring costs. How? Under current regulations these systems are now required to test for more than a score of new contaminants starting in January of 1993, and they have to test four times a year. Our amendment would allow those systems to forego testing for any contamination that does not show up at some period during the year. In other words,

let us say in the first test, 12 contaminants just do not show up. Then that system does not have to test for those 12 contaminants for any time during the balance of the year.

And let us say in the next quarterly tests, four more contaminants that showed up the first time do not show up the next time. There does not have to be any testing for those four additional contaminants for the balance of the year. So this will save substantial amounts of money for these small communities. This applies to any community whose system provides water for 3,300 or fewer individuals.

Finally, our amendment requires EPA to provide Congress with a wide-ranging report reviewing the health benefits costs and implementation problems of the Safe Drinking Water Act. We are going to review this whole act early in Congress next year, 1993.

So, Mr. President, our amendment is what I believe to be a measured response tailored to the concerns that have been expressed. It preserves the benefits of the program while at the same time making clear that Congress will make adjustments to the program when they are required.

Mr. President, one of the reasons we have this amendment, that is the basic amendment, the Domenici amendment, before us today is because of complaints by the national Governors, and the National Governors Association, urging us to put the brakes on the Safe Drinking Water Act. And they say the States are faced with extraordinary fiscal problems. The cumulative States' deficits are some $30 billion.

We do not want to put any extra burdens on the States. I will address the locals in a while, but let us talk about the States. Where are we getting these complaints from? We are getting them from the Governors. And so, having been a Governor, I pay attention to what the Governors are interested in. But I must say, let us look at the facts and see how much of the burden the Governors are bearing in all of this.

I am surprised by the very small, low, very low level of effort that the Governors, the States themselves, are making. In 1991, the total State appropriation to carry out the Safe Water Drinking Act, the total State appropriations were $58 million. That is a grand total for the whole Nation—$58 million—20 cents a person.

Now it is true I am talking of State appropriations, 20 cents a person, per year.

How about New Mexico? How are they spending? The State of New Mexico is spending $250,000 a year to do something about safe drinking water. With a population of 1.4 million people, that is 17 cents a person per year.

The State of Colorado, the Senator from Colorado has addressed this, spends even less. The total appropriation for 1991 by Colorado was $197,000, 7 cents a person, in order to make sure we have safe drinking water.

So we are not talking huge sums. The Safe Drinking Water Act is not a major factor. Frankly, it is not a factor at all in the budgets of the States.

The second thing to point out, Mr. President, is the States are not increasing their expenditures at all. Indeed, they are flat or going down. I am not condemning that. I am just saying that is a fact. Twenty-one States have cut their drinking water budgets in the last year and five more are expected do so this year.

The third point is that a lot of complaints are about the Federal Government, they are not doing anything. Well, we heard remarks by the distinguished Senator from Oklahoma saying that over the past several years $10 billion has been spent by the Federal Government to help local communities with their water systems. The Federal Government now makes grants to the States which provide a substantial portion of their drinking water program budgets. The States appropriated $58 million. The Federal Government sent to the States $42 million. Forty-two percent of all the States' spending on drinking water comes from Federal grants, and some States substantially more.

Let us look at New Mexico. New Mexico spent $250,000. The Federal Government gave New Mexico $490,000, $2 for every dollar that New Mexico spent.

In Colorado, the Federal grants are 75 percent, 3 Federal dollars for every State dollar that Colorado spends.

How did we ever get into this business? I mean what is the Federal Government doing in safe drinking water to start with?

Well, when we enacted the 1986 Safe Drinking Water Act amendments, which is how we got on the current course where we are identifying these contaminants, we did so with the urging of the Governors. In 1984, when it was clear that EPA was not implementing the Safe Drinking Water Act, the National Governors Association adopted a strong policy statement urging Congress to get going, to mandate a schedule for standard setting. That is what makes all this so ironic. Because the Governors objected in 1984, 1985, 1986, the Federal Government did something, and now the State Governors are complaining.

Let me just read from the policy statement of the Governors in 1984: "The Governors continue to support the promulgation of the national drinking water standards"—national standards—"but believe the current Federal process has worked too slowly."

How is that? We have not moved fast enough. "Many substances suspected of endangering public health are not now regulated." They are sounding the alarm. Do something.

Let me continue: "The Governors urge Congress to establish a realistic but firm timetable"—is that not ironic, Mr. President? They urge us to establish a realistic but firm timetable, and now we are in here trying to dislodge the firm timetable that we agreed upon.

"The Governors urge Congress to establish a realistic but firm timetable for EPA review of such substances with speedy promulgation of maximum contaminant levels and drinking water regulation." That is what the Governors asked us to do.

Now let us read a letter from the Coalition of Northeastern Governors signed by none other than the chairman, Governor Sununu. No one can ever accuse Governor Sununu of being an embracer of Federal regulation. This is what he said September 18, 1985, nearly exactly 7 years ago today.

As chairman of the coalition of Northeastern Governors, I am writing to express our shared concern about the lack of national standards for safe drinking water. The lack of national safe drinking water standards has forced States to establish or consider State standards. The level of staff resources and scientific expertise required for individual States to test and monitor adequately this complex area may result in costly duplication of standards inadequately grounded on scientific research.

In other words, they quite logically say, look, this is a complicated field. Do not ask us to set up the standard, each State doing that. You, the Federal Government do it.

"Failure of States to act may lead to inadequate protection of public health." This is a letter addressed to Senator DURENBERGER, who will be speaking in a few minutes. "Therefore, we urge the Congress to set a deadline for establishment under the Safe Drinking Water Act, of standards for volatile organic chemicals and pesticides or other toxic or carcinogenic substances."

So there you have it, Mr. President. That is why we are doing this. That is why we did it, because the Governors urged us to do so.

The Governors' resolution that I previously read was renewed in 1985 and 1986, while the bill that created the drinking water program was being implemented and moved through Congress. The Governors wanted Congress to pass this bill.

Mr. President, all of us have experience in dealing with deficits. But dealing with the deficit does not require that we ignore the facts or abandon all previous commitments. Some commitments, especially those to public health and safety, must be maintained in good times and tough times. Every Senator on this floor talks about preventive medicine, talks about the value of an ounce of prevention is worth a pound of cure. And if there is ever an example of it, it is in providing safe drinking water.

Now, let us look at the costs imposed on local governments by the Safe Drinking Water Act. People will say, oh, well, do not worry about the States. They are not involved with this. It comes back down to the local municipalities.

We have heard some figures bandied around here of what it is going to cost each community. We recognize that State spending is an integral part of the effort; most of it is borne by the local drinking water suppliers. That is where the real spending comes from.

Let us look at the practical effects of the amendment offered by the Senator from New Mexico. What he does is have a 2-year moratorium on the implementation of any new requirements except for lead and copper, as he has pointed out.

The facts are that the only new requirements that will go into effect over the next 2 years are the so-called phase 2 standards that I mentioned before, the testing for the 26 additional contaminants. So that is what we are talking about. We are not talking about 111. We are not talking 96. We are talking of 26 additional tests that will be conducted by the local drinking water suppliers.

EPA has estimated that this monitoring requirement will cost all—all of them—all the local drinking water suppliers in the Nation, $24 million a year. Is that a lot of money? Yes, $24 million is a lot.

But consider this. First of all there are 240 million people in the country. So, $24 million—somebody can do the arithmetic: 10 cents a person, 10 cents a person for the additional testing.

We hear all kinds of statements here, what this is going to come to. Consider this, Americans already are spending, for bottled water per year, $2 billion. They spend $2 billion in order to get safe drinking water because they do not trust the water that is currently coming out of their taps. If we spend $2 billion per year, it seems to me, to spend $24 million to guarantee the safety of our tap water does not seem to be too much.

Let me look at the small communities. They are the ones we are concerned about. Some of these tests are expensive. Dioxin, $1,000 to test for that. If you live in a big city those costs can be spread out. We all recognize that. But in a small community with a few families, expensive tests can be a burden. We recognize this. And that is why, as I previously mentioned, the community can obtain a waiver, not even test for dioxin if there is not a history of dioxin in the area. And, if there is a history of dioxin, it ought to be tested for.

As I mentioned before, for those small systems, if it does not show up the first time you do not even have to test for it subsequently. But it is important to remember that these waivers do exist and can be applied for and will be granted. That flexibility, it seems to me, is extremely important to remember. EPA estimates that, if a State takes full advantage of the waiver and other flexibility, the maximum monitoring costs under the new rules for any household, even in the smallest system, will be $13 a year. That is absent the Chafee-Lautenberg amendment—$13 a year.

We have heard discussion here of $1,000 a year per family—that just is not accurate. All we can go by is what we receive, the estimates from the EPA: $13 a year. And under the Chafee-Lautenberg amendment, this would be reduced to about $4 per year per household.

There has been a discussion here of trace amounts. In other words you recognize that, under the Chafee-Lautenberg amendment, if you test and it does not show up you do not have to test anymore for that year.

But the concerns about trace amounts are if you test and there is a little teeny amount. If there are trace amounts under the rules the EPA functions under, you can have reduced requirements for the type of testing. In other words you do not have to conduct the full-blown test.

I would like to return for one moment, if I might, to the Domenici amendment and discuss one of its major provisions. Apparently one purpose of the Senator's moratorium is to provide time for the National Academy of Sciences to conduct a study of the contaminants that are now regulated under the Safe Drinking Water Act to see if they present a public health risk. One of the reasons we are having all this is so we can have the National Academy of Sciences conduct a study.

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

Mr. CHAFEE. Yes.

Mr. DOMENICI. I read my amendment. You told me that before. And it says EPA in consultation with the National Academy, if I read it right. So I do not believe the National Academy is being asked to do one; EPA is. I just thought I had read it wrong.

Mr. CHAFEE. No, it says here, "This is to be conducted in consultation with the Director of the National Academy of Sciences. The list of contaminants pursued for purposes—" so forth and so on.

I would just like to finish, if I could, the point I am making.

It would seem, viewing this amendment, that one of the reasons for the moratorium is for this study to take place. What I would like to point out is this study has already taken place, as I discussed with the Senator from New Mexico yesterday. It is a good idea to have the study and the study has taken place. Here it is, five volumes; five volumes of study. All this has been done.

This is not something that just a bunch of do-gooders over at EPA suddenly rushed into and said, let us cause a lot of trouble to the local water suppliers. Here was this study. This was part of the Safe Drinking Water Act of 1974. These studies were completed over 4 years. Everybody here knows what the National Academy of Sciences are. They are a very prestigious group. They are not an arm of the Federal Government, they are an independent organization and they conducted the study.

What is the title of it? "Drinking Water and Health." We are dealing with serious business here, Mr. President. It is five volumes, hundreds and hundreds of pages, summarizing research on the health effects of each contaminant that can be found in drinking water. So this is, again, not the administrator of EPA trying to harass small communities with some unknown contaminant. This study was done over the course of 4 years. And they are the very foundation of the 1986 amendments to the Safe Drinking Water Act. That is why we have the amendments.

Somehow the impression is given that this list of contaminants was just plucked from the air. Not true. They were based on very solid science. If anybody can tell me a better group to go to than the National Academy of Sciences, I do not know it.

What happened as a result of all this? All this scientific work led to two EPA proposals that were published in the Register in 1982 and 1983 during the early years of the Reagan administration. These two proposals recommended that 83 specific contaminants be considered for regulation. So this came about, again, during whose administration? No one will accuse the Reagan administration of wanting to go meddle with small communities. But 83 specific contaminants were proposed and it was those lists that the administration adopted in 1986.

We do not need to halt the implementation of the Safe Drinking Water Act to get better science. As I say, this is built on very solid science itself.

Mr. President, let us just look briefly at how much is safe drinking water worth. How much should we be willing to pay for good drinking water coming out of the tap? It is absolutely accurate to say in the United States of America today, in most communities, safer water is dirt cheap. I say that literally, dirt cheap. If you order a load of dirt delivered to your house to use in the garden or as fill it costs $30 to $40 a yard, cubic yard. On the other hand, you can get hundreds of gallons of water delivered to your tap for just pennies. The average cost of 1,000 gallons of drinking water delivered to your faucet in your house today is $1.27—1,000 gallons. It is extraordinary.

I must say in passing we all think, if civilization collapses and we cannot get this and we cannot get that in our

house, what is the last thing we would like to be without?

I have thought this over. I suspect most people have. Is it electricity? Gas? What would it be? I will tell you what it would be, in my view, anyway, is water. That is the last thing you want to be without. You cannot do much without water. In the United States, we are very, very fortunate that we are able to get this water at a dirt cheap price, as I mentioned before, $1.27.

Mr. President, I come to this with a recent bitter experience of what happens when you do not have good water. In my State, the citizens of three communities, the third largest city in our State, Pawtucket, RI; the most heavily, densely populated city in our State, relatively small, Central Falls; and sort of a rural community, bedroom community, if you will, Cumberland. All have learned how valuable safe drinking water is.

On August 3 of this year, Pawtucket found coliform bacteria exceeding Federal health standards in its drinking water supply. The State health department held a news conference and advised the people of Pawtucket, Central Falls, and Cumberland not to drink the water. The children were not to use it for bathing. It was not to be used either to wash food or to make coffee out of, even.

Coliform bacteria can cause intestinal illnesses. It can also be an indicator of more serious problems like hepatitis, typhoid. Imagine, typhoid. That is not a term we have even heard for quite awhile—or cholera. So there has been a water crisis in these 3 communities; 100,000 people are affected. That is one-tenth the population of our State.

What happened? The first thing, there was a run on bottled water in the supermarkets. And then we discovered that the restaurants had a precipitous decline in business in the area because they could not serve water or coffee to its customers, and when they got it, they had to use the bottled water for food preparation. They even had to use it for washing the dishes. People were leery and concerned about those restaurants, regrettably. So their business fell 20 to 30 percent. These restaurants are paying $800 a day for bottled water just to stay open.

So the city government responded by making bottled water available in gallon jugs. They provided it free for the citizens. "Come and pick it up at the local fire station." The city is buying this water at 40 cents a gallon and distributing it. In 1 month, the largest city, Pawtucket, 75,000 people, in 1 month it has cost them over one-half million dollars. Think about it, one-half million dollars to provide this water.

Our local newspaper has every day an advice column to readers "do or don't" this or that with contaminated tap water. Can you give it to your pets, can you use it in the dishwasher, what about the swimming pool, what kinds of illnesses does it cause, where can we get good water?

The Governor has appointed a task force to study it. We have had private engineers come in and try and pinpoint where the problem is coming from. These areas, these three cities, have been declared disaster areas. We have asked the Federal Emergency Management Administration for help.

The point I am making, Mr. President, is, we are talking serious business. And it is not something that comes about because these tests are a pain. These tests came about because the National Academy of Sciences said this is something we have to do. It is a long study, not some do-gooder over at EPA or some other place said do it. It came about because of this. Certainly, in our State we have learned what it is like when things go wrong.

So, Mr. President, I urge support for the Lautenberg-Chafee amendment.

In review, in 1986 we passed a law to rebuild the Safe Drinking Water Act so Americans could go on having confidence in plentiful safe water that is delivered to kitchen faucets, garden hoses, showers, dishwashers and billions of gallons at bargain prices, and we certainly have that in the United States today.

But the Safe Drinking Water Act is not painless, and we admit that. It is going to require real investment. I must say, I am perplexed by the amendment of the Senator from New Mexico because he even does not say get rid of all this. He says have a moratorium. At some point we have to step up and "bite the bullet" as they say in the trade. It is not going to go away. Testing for mercury is not going to somehow disappear. Even under his moratorium we are going to be back to this. How are we going to relieve ourselves of anything by postponing things?

There is a real investment required to keep our drinking water safe. It is a reasonable investment when you consider the alternative. I will tell you the people in Pawtucket and Central Falls and Cumberland, RI, would certainly wish some investment had been made to keep their water safe.

So I hope the Senate has an appreciation for this truly precious resource. I hope we will vote to finish the effort that we have begun. So I do urge my colleagues to support the Chafee-Lautenberg amendment and to preserve the Safe Drinking Water Act.

I thank the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I am quickly going to yield the floor because the Senator from Alaska wants to speak. But I just want to say to my friend from Rhode Island, he has joked with me about what follows after one Senator says my friend, but in this case I truly meant it. That was a splendid argument. I just will make two comments now. Clearly when I wrap up I will have a few more.

I want him to know I am fully aware of that National Academy of Sciences study. The problem is that is not a study of the type the Senator from New Mexico is asking about. That study is from the great scientists of America saying what could pollute our water. I am asking that we use that and what we now know about the water systems and that in a study they give us the cost benefit of what the committee took out of those reports and made in law.

My second point is—and I make this part of the RECORD. The Senator indicated that about $24 million is all that would be required for the small communities, that is up to 3,300, for this second round of tests. Here is the EPA preliminary analysis and I regret to tell him that in the first paragraph they say $26 million but then they say, in actual practice, only a handful of States are allowing compositing and waivers are not being given. As a result, the national cost for monitoring is nine times that, $234 million and a 3-year monitoring is $702 million. I ask unanimous consent it be printed in the RECORD.

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

National Cost for Small Systems (All systems serving fewer than 500 people with no waivers or compositing as reflects current practices); One-time 525.1 & 515 Only, $33,767,100, One-time all methods, $175,566,850, current EPA requirements $702,267,400.

Previous national cost estimates use compositing and waivers assumptions not found in current practice.

Annual household cost of current requirements, people served, 25–100, $212; 101–500, $102.

NOTES TO ACCOMPANY THE TABLE ON COST OF MONITORING SYNTHETIC ORGANIC CONTAMINANTS, AUGUST 4, 1992

These figures are preliminary in nature. With improvements in understanding of how EPA rules will actually be implemented, the aggregated values will change. Unit costs (cost per analysis) are not expected to change.

Previously, EPA estimated the cost of SOC monitoring for Phase II as $21.6 million/yr. and for Phase V at $4.5 million/yr, totaling $26.1 million/yr. These estimates assume that all samples in small water systems are composited (5 samples per analysis) and waivers are routinely given for dioxin and PCBs. Preliminary review of these assumptions with States and Regions suggest they do not reflect actual practice.

In actual practice, only a handful of states are allowing compositing and waivers are not being given. As a result, the national cost of monitoring for Phase II and V increase by 9 times, to a total of $234 million per year. The 3-year monitoring cycle would cost the nation $702 million.

If a simple, one-time pesticide scan replaced Phase II and V requirements, the na-

tional cost would be reduced by a factor of about 20 times. Such a requirement would be based on use of only methods 525.1 and 515.1. This would be the same basic analysis needed to look for those synthetic organic contaminants regulated under the Interim Primary Drinking Water Regulations.

Mr. CHAFEE. Mr. President, if I might, I just want to briefly respond to the point that the Senator from New Mexico made. He first cited what it cost, I think he said $26 million.

Mr. DOMENICI. Yes, it says that.

Mr. CHAFEE. And then he says it might be more or could be more, I think he said nine times that, if they do not grant waivers. The waivers, Mr. President, are granted by the States. That is up to the States. They can grant the waivers. Certainly, EPA is prepared to encourage the States to grant waivers, as I mentioned before, where there is not a history of the presence of the contaminants. So these waivers can indeed be granted, will be granted and indeed should be granted.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I rise in opposition to the pending amendment and in support of the Domenici amendment.

I think it is interesting to reflect on the comments of my good friend from Rhode Island. As the junior Senator from Alaska represents an area one-fifth the size of the United States, I am sure my friend can understand the frustrations we have on the uniform applicability of the Safe Drinking Water Act on the small communities in my State of Alaska.

It is a simple issue, Mr. President. Small communities are currently spending millions of dollars to test and monitor for contaminants in their drinking water supply. The tests are extremely expensive. They are required of all communities regardless of historic presence or actual health risks.

I ask, why do we not simply measure the risk and apply protective measures to those areas that need it. Certainly they should have it. Safe water is almost a basic right in this country. But for heaven's sake, why mandate these measures upon the rest of us. I only have one city in my State over 200,000. The application of many of these tests is simply unnecessary, it is expensive, and simply does not bring us any better water.

We are very hard hit by this proposed law in Alaska. We have some of the cleanest, if not the cleanest, water in the country, and we want to keep it that way. But we have very real monitoring problems. Most of you have seen the list provided by the Senator from New Mexico showing the costs of each of the current tests. But in my State, Mr. President, you can double, you can triple, you can quadruple those costs.

It is based on higher transportation, and laboratory costs. The availability of expertise in Rhode Island, New Jersey, or other States is understandable to this Senator from Alaska, but it is simply not available in my State of Alaska, and it is not necessary in my State of Alaska. We want to have safe water. We want our areas monitored appropriately, but when we do not have the contaminants that are required to be tested for, it is simply not practical.

My larger communities, as I have said, are under 200,000. And I only have one over 200,000. We are not even considered as part of EPA's affordability assessment, Mr. President. Some of my small communities do not have the historic use of filtered or chlorinated or fluoridated water. These communities have survived for centuries without these protections and are wary and without an incentive to do the testing and monitoring required by EPA. These communities need education, time, and a reasonable health-risk-based testing program. Why is it necessary to make it mandatory for everybody at the same time when everybody is not the same.

To hope that there will be a way to manage and pay for even more sophisticated testing required by new regulations is unrealistic, not to mention pointless if some of these new contaminants are not even present in the waters tested. And that is certainly the case in Alaska.

My State needs the time that this amendment would allow to catch up with the regulations that have already been implemented and they need the relief that risk-based monitoring and testing would afford.

Senators DOMENICI, NICKLES, and BROWN have come up with a thoughtful, reasonable approach to fix these problems, and I have joined them as an original cosponsor. The amendment would put a 2-year moratorium on implementation of further regulations under the act until EPA performs a comprehensive review under the law, including a very important review of whether the costs of regulations are justified by the benefits to the public and also until Congress is able to reauthorize the act.

This does not throw out existing regulations, Mr. President. It allows the Administrator of the EPA to implement regulations, if necessary, to circumvent serious public health risks. Safe drinking water for the country is thereby protected.

I ask you, Mr. President, what is wrong with this? What are we doing, I would ask. Congress is supposed to fix things, make them work, react in the public interest. The problems that this law creates are complex.

I would guess that all of us in the Senate have heard this from our water suppliers. Senator DOMENICI's amendment prepares us to fix the problem in a well-thought-out manner. In the meantime, it offers relief to our small communities.

Finally, Mr. President, the National Governors Association supports the amendment. The Administrator of EPA has agreed, I understand, that the testing and monitoring requirements under this act should be risk based and has urged the administration to support this amendment. The National Rural Water Association, the National Association of Water Companies, and the National Water Resources Association support the amendment, and I would urge my colleagues to do so as well.

I want to thank the leader for allowing me to finish and I yield the floor.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I support the Chafee-Lautenberg second-degree amendment to the amendment proposed by Senator DOMENICI.

One of the essential purposes of Government is to assure basic standards for the protection of health. For example, we have an obligation to assure that every American breathes clean air and an obligation to assure that every American has safe drinking water. I know that my colleague from New Mexico has the best intentions in offering his amendment.

His response to concerns raised about the program as proposed by his amendment is to suspend existing public health standards and prevent development of new standards for an extended period of time.

This proposal is not properly focused. If adopted, it would be a step backward for public health.

There are serious and substantial issues with respect to the drinking water program which demand our attention and our concern. The best way to answer the difficult and complex questions related to safe drinking water is to carefully review and reauthorize the act. Senator LAUTENBERG has agreed to do just that in his subcommittee next year.

Using our established legislative process, we can be confident that we will be making thoughtful and well-informed decisions. Having full confidence in our decisions is especially important when we are deciding issues which affect the health of every American.

While we should reserve the long-range decisions about the future of the drinking water program for the full reauthorization process, we should also consider responding to immediate short-term problems which need our attention prior to reauthorization next year. The amendment offered in the second degree, developed by the Environment and Public Works Committee and offered by Senators CHAFEE, LAUTENBERG, and others, addresses three such issues, and I support that amendment.

There is strong evidence from numerous sources that the proposed regulation of radon may have underestimated treatment costs to drinking water systems.

It is critical that we build a consensus on dealing with radon in drinking water. The committee amendment directs the EPA and the EPA's Science Advisory Board to review the issues related to radon in drinking water. Because the agency is under court order to publish final radon rules by April, the committee amendment proposes to extend the deadline for the final rules to December to allow completion of further studies.

The committee amendment also addresses the immediate problems faced by small communities needing to begin monitoring for toxic contaminants in January of next year. While the costs of monitoring can be easily absorbed by midsized and large systems, small systems have fewer users to share such costs.

The committee amendment would allow systems with under 3,300 persons to reduce the frequency of monitoring and thereby reduce their costs by three-quarters. This new authority will substantially reduce monitoring costs for small communities.

Of equal importance, however, the committee amendment will assure that persons served by small systems have the confidence that their drinking water has been checked for harmful contaminants such as synthetic organic chemicals, pesticides, PCB's, and inorganic chemicals. Under the proposed Domenici amendment, testing for these toxic contaminants by large and small systems would be delayed for an extended period.

Finally, the committee amendment provides for a comprehensive review of the drinking water program by the EPA and a report to the Congress recommending needed changes.

This report will be completed in time to inform and guide the Congress in the reauthorization of the act next year. I am confident that the committee amendment adequately addresses the immediate issues and the immediate needs in the drinking water program and will lead to a thoughtful review, changes, and a long-term reauthorization of the Safe Drinking Water Act in the next Congress in a way that provides continued assurance to the American people that the water they drink is safe.

I urge my colleagues to join me in supporting the Chafee-Lautenberg amendment.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER (Mr. DIXON). The distinguished Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I thank the Chair.

Mr. President, as chairman of the subcommittee with jurisdiction over the Save Drinking Water Act, I want to announce my strong support for the amendment offered by my colleague from Rhode Island and myself.

This amendment is supported by a variety of groups. To note some, the Industrial Union of the AFL-CIO, the National PTA, the Association of Metropolitan Water Agencies, Audubon Society, Environmental Defense Fund, Natural Resources Defense Council, National Wildlife Federation, and the U.S. Public Interest Research Group known as PIRG.

Our amendment is a compromise that protects the public health and addresses some of the concerns of the small water systems.

The amendment of the Senator from New Mexico [Mr. DOMENICI], on the other hand, would make radical changes to the Safe Drinking Water Act. It would suspend the regulation of over 50 toxins that threaten the Nation's drinking water supplies, and it would, in so doing, jeopardize the public's health.

That is why the Domenici amendment is opposed by the Environmental Defense Fund, Friends of the Earth, the National Wildlife Federation, and the Naval Resources Defense Council. They recognize that the Domenici amendment would have the effect of gutting the operation of the Safe Drinking Water Act, and potentially compromise the safety of the Nation's water supply. They recognize that it would suspend EPA's regulations on cancer-causing PCB's, and that it would set aside the current regulation of toluene, the toxic chemical that causes lung, kidney, and nervous system damage. It would suspend the current regulation of ethylbenzene, a toxin that causes liver, kidney, and nervous system damage.

These are just a few examples of the more than 50 dangerous toxins the Domenici amendment would disregard.

Mr. President, this is no time to turn back the clock on environmental protection. It is not a time to remove the health and environmental protection we all fought so hard to achieve when we enacted the safe drinking water amendments.

Mr. President, I remind those listening that in 1986, when we had a renewal of the Safe Drinking Water Act, that we had a vote taken here that had 94 votes for it and no votes against it, including the distinguished Senator from New Mexico [Mr. DOMENICI] and Senator NICKLES, who supported this reauthorization and thusly the program that was laid out as a result of the Safe Drinking Water Act.

So now we enter into a debate, which the distinguished Senator from Rhode Island [Mr. CHAFEE] articulated in terms of what the costs might be.

But all of this begs the question. Where we arrive is whether or not there ought to be a more thorough review of this proposal before we gut the Safe Drinking Water Act.

Mr. President, this is a relatively new foray. Yes, it has been talked about by the distinguished Senator from New Mexico. He said on the floor of the Senate a couple of months ago that he would be looking to deal with the problems that he saw created by the Safe Drinking Water Act. But here we are taking radical steps without even allowing the appropriate committee to consider the issue, and without a solid record of support.

Mr. President, I am not arguing this simply to lay out the areas of jurisdiction. I think that is important. I think what is more important, however, is that we do not suddenly take the radical step of eliminating the protections that all of us believe are essential in a society like ours where people, when they go to the water tap, ought to feel that they are not jeopardizing their health or their children's well-being.

So despite many weeks of negotiations with those supporting the Domenici amendment, and despite offering an opportunity for a hearing, they have simply refused to accept any compromise and to allow the committee process to go forward.

A few of my colleagues have expressed concerns about the cost of EPA's regulations. But what exactly are the costs? It is debated back and forth, and we get to some parameters. But what I see, with the information available to us, in a worst-case scenario—no waivers granted by EPA on testing, and a community of only 100 households—the costs might be about $13 per household per year.

The fact is that we have small communities, lots of them, which express concern. But on balance, we must make the investment in the protection of the health of our children. That is what the Chafee-Lautenberg amendment attempts to do. Because, in a worst-case scenario, under our amendment costs might be $4 to $5 per household per year, and we are allowing that a small community or a small water system serving fewer than 3,300 persons may be able to forgo the quarterly testing, or four times a year testing routine, if, when they do the first test, they do detect a specific contaminant.

So the question arises: Would the average family be prepared to pay, under the estimates here, $4 per year per household to protect the health of their children? Is it worth $4 to keep a child from getting sick? I think everybody would agree that it is. And if EPA uses only some of its existing waiver authority, the cost per household could be further reduced to only $2 to $3 a year.

Mr. President, these are facts. Senator DOMENICI, as I noted earlier, is proposing that we gut the law's protection; that people are not willing to pay the relatively small cost per household

to keep their kids healthy. I do not believe, certainly, that would be the intention of the Senator from New Mexico; but I think that might be the result if we adopt his amendment.

Mr. President, our amendment offers a clear alternative. First, it responds to the compliance problems facing small water systems by modifying, as I said earlier, their current monitoring obligations. Under current regulations, these systems would be required to begin regular testing for numerous toxin chemicals by January 1993.

Our amendment will allow these systems to forego multiple tests if their first test does not detect any contamination. In such test, the amendment would reduce monitoring costs, obviously, by 75 percent per year.

Second, the amendment would delay promulgation or any new standards for radionuclides, including radon, and require EPA to produce a new study on the relative risks of radon in drinking water.

Third, the amendment requires EPA to provide Congress with a wide-ranging report on the health/benefit costs and the implementation problems of the Safe Drinking Water Act. This will assist the authorizing committees in a thorough review of the program in the next Congress.

Our amendment takes a responsible approach to make the Safe Drinking Water Act work better. I hope that my colleagues will oppose the Domenici amendment and join the National PTA, the Industrial Union of the AFL-CIO, the Association of Metropolitan Water Agencies, and environmentalists across the country in supporting the compromise being offered by the Chafee-Lautenberg amendment.

I yield the floor.

Mr. DURENBERGER. Mr. President, they say that success has a thousand fathers and failure is an orphan. I, for one, believe that the Safe Drinking Water Act has been a success and so I shall claim it as my own this afternoon. I was the Senate author of the 1986 amendments to the Safe Drinking Water Act that set us on the course we debate today. At the time, I chaired the subcommittee with the jurisdiction over the law, I managed the reauthorization bill here on the floor of the Senate and chaired the conference committee with the House. I have an investment in this program and I am proud to speak on its behalf today.

It might be useful if I described the situation we faced in 1986 when this effort was begun. The Congress had originally enacted the Safe Drinking Water Act in 1974. The legislation had come in response to an EPA study of surface water contamination. Many major cities draw their drinking water from rivers and lakes and these surface water supplies can contain literally hundreds of manmade contaminants. EPA found trace levels of over 400 different chemicals in the drinking water of New Orleans, for instance. That EPA study made the cover of Time magazine in the early 1970's.

So, the Congress, with the support of the Nixon administration, passed the Safe Drinking Water Act in 1974. Congress had the expectation that EPA would rapidly promulgate standards for a long list of industrial pollutants and that local drinking water suppliers would monitor their water supplies to assure that the standards were not exceeded.

That was the expectation. But the reality was much different. In 1976, EPA reissued 16 standards that had been established by the Public Health Service in the Department of Health, Education and Welfare at various times since 1945. In 1979 EPA banned six pesticides used in just a few States and at the same time published drinking water standards for these pesticides. And also in 1979 EPA added one other standard for byproducts of the chlorination process.

But there was not any great leap forward in the protection that guaranteed America's drinking water supply. By the early 1980's only seven new standards had been issued, and there was real frustration, expressed in all quarters, about the failure to get on with the job of setting standards. In hearings that I chaired and in hearings held in the House, Congress was urged in the strongest possible terms to impose a schedule for standard-setting on EPA.

I remember receiving a letter from John Sununu, who was then Governor of New Hampshire, and chairman of the Coalition of Northeast Governors, urging that the Federal Government set standards for pesticides, organic chemicals, and carcinogens that occur in drinking water. He made the very excellent point that in a federal system of government each of the 50 States should not have to conduct the study and research necessary to determine proper health standards, when this research could and should be done once by a Federal agency for the benefit of all the States.

In response to this broad-based urging for more standards, we drafted a reauthorization bill that required EPA to set standards for a specific list of contaminants by a date certain. Congress did not draft the list of substances. It was an EPA list based on sound science and a series of studies that had already been completed. Under the 1974 Act, the National Academy of Sciences had compiled a five-volume study of contaminants in drinking water. EPA had done two national surveys of contaminants that occur in drinking water. Based on all that research EPA published two notices in the Federal Register suggesting that a list of 83 contaminants for which standards should be set. We simply adopted those EPA lists. And we allowed EPA to make substitutions, if new science showed that some other chemical was more toxic or more widespread.

The bill that we presented to the Senate in 1986 was really very simple. It was a list of contaminants and a schedule for standards. Everybody knew what contaminants would be regulated. Everybody knew what the schedule was to be. The bill passed the Senate by a unanimous vote.

Since 1986, EPA has been implementing that law. There have been times when it has fallen behind the schedule. There have been specific standards which have not measured up to the full promise of the law. But we now have our goal in sight. EPA has actually promulgated standards for 86 contaminants. If we allow the law to be carried out, by the end of this decade the safe drinking water program will be fully implemented.

At that point the Safe Drinking Water Act will be nearly 30 years in the making. But we will be able to say that the Federal Government had a clear role to play in protecting drinking water quality. That agencies of the Federal Government, including EPA and the National Academy of Sciences, conducted exhaustive research to assure that the science which stands behind the standards is sound. That each standard went through additional scrutiny by the EPA Science Advisory Board and was subjected to lengthy public comment and debate. That a careful, deliberate, and open Federal effort was undertaken to assure the quality of our drinking water supply. And that the effort succeeded.

I hope the Senate will not vote today to cut that effort short. I know that many Senators have heard from their small towns and communities about the costs they may face under this law. It would be wonderful if we could tell them that safe drinking water could be theirs without any effort, without any investment, at no additional cost.

But that sadly is not the case. The stories of small town water supplies being contaminated by spills and leaks, gasoline and pesticides, landfills and underground tanks, are all too frequent. If we are going to have safe and plentiful drinking water delivered to the tap in this country, we will need to make an effort to reach that goal.

I think that we can point to the Federal program, the science that has been done, the standards that have promulgated, the assistance that has been provided to the States by EPA and to small communities by the Farmers Home Administration program and the role that the Congress has played, putting EPA on a schedule, insisting that appropriations be made for the Farmers Home program with pride.

We will be able, after a sustained effort, to say that we have fulfilled a Federal responsibility and a promise made by the Congress in a law called the Safe Drinking Water Act.

Mr. President, I would now like to turn to the specifics of the Domenici amendment for a moment. The amendment that has been offered by the Senator from New Mexico would suspend implementation of the Safe Drinking Water Act for 2 years. This would mean that standards for 25 drinking water contaminants would not be promulgated. And standards for 50 contaminants that have already been promulgated would not be implemented.

Even more troubling is the fact that this amendment would actually repeal some standards that are now in place and have been for many, many years.

The Senator from New Mexico has said that his amendment would allow EPA to continue to enforce the 35 standards that have already been implemented. But my reading of the amendment leads me to a different conclusion. I think that the Senator from New Mexico's legislation would actually repeal some of the existing 35 standards. I hope that he will hear me out on this point and look at the text of his amendment as I describe it.

Take the case of nitrates as an example. Nitrate is a form of nitrogen found in commercial fertilizer, in wastewater from septic tanks and in sewage. Wastewater dumped on the ground or fertilizer applied to soil in large quantities can cause nitrate to migrate through ground water to drinking water wells. Nitrates also runoff farm fields and urban developments to pollute rivers and lakes that may be used as a source of drinking water.

There have been Federal standards for nitrate in drinking water for many, many years since long before the Safe Drinking Water Act was first enacted. The first Federal standards for nitrate were promulgated in 1945. In the early years they applied to water served by bus companies and airlines operating in interstate commerce. They have applied to local public water systems for over three decades.

Nitrate is a very widespread drinking water problem. Recently, EPA did a survey of drinking water supplies for pollution from fertilizer and pesticides and found nitrate contamination in 52 percent of the drinking water wells in the United States.

Earlier EPA studies had found nitrate above health-based levels in 3 percent of U.S. water supplies. A 1985 study by the U.S. Geological Survey found that 6 percent of drinking water wells exceeded the Federal health standard for nitrate. In fact, nitrate contamination is likely to be the most frequently experienced manmade drinking water contaminant in small towns across America.

People die from nitrate pollution. Nitrate contamination causes a problem called blue baby disease. Very young children lack the capacity to digest nitrate in drinking water. It enters directly from the stomach into their blood streams and interferes with the hemoglobin in the blood reducing the ability of the circulatory system to deliver oxygen. A small child drinking water contaminated with nitrate literally turns blue. It is a sometimes fatal disease with a death or two reported each year in the more rural parts of our Nation. But even big cities like Des Moines, IA, have experienced problems with excessive nitrate contamination in their drinking water supplies.

As I said, Mr. President, there has been a Federal nitrate standard for many years. Local drinking water suppliers have been testing for nitrate and treating their water supplies to remove it when they have exceeded the standard.

As part of regulations for 38 contaminants that were promulgated in January of 1991, EPA reissued the nitrate standard. EPA did not change the standard. It was merely reissued at exactly the same level it has always been, 10 parts per million. Because it was part of a larger package of regulations, some of which are new and some of which are simply revised or even reissued in their current form, because the nitrate standard was reissued as part of this larger package, the Domenici amendment would suspend implementation of the standard.

Let me read the precise language of the amendment by the Senator from New Mexico. On page 2 beginning at line 7 it says:

> The Administrator may not implement (1) any national primary drinking water regulations promulgated pursuant to section 1412 of the Act after December 21, 1989 or (2) any similar rule or regulation.

Mr. DOMENICI. Mr. President, will the Senator yield there for a question?

Mr. DURENBERGER. I yield for the purpose of question.

Mr. DOMENICI. Let me ask: Is the second part of that "any similar rule or regulation" that causes the Senator to say that we are actually repealing regulations?

Mr. DURENBERGER. It is the total of the two. It is both parts of it.

Mr. DOMENICI. Let me just suggest to the Senator, and I will do this when I have an opportunity after we vote on the Senator's amendment—it is not the Senator's intention that that provision in part 2 repeals anything. In fact, we asked EPA to draft this for us, and it is their understanding it does not do that. If there is any doubt I will strike that before we vote on it and I thank the Senator for raising the question.

Mr. DURENBERGER. Mr. President, I think that is one of the issues that I wanted to raise, the one with regard to the nitrates. I would guess that that may be correctable in some form, but it does not obviate the necessity for us to take a close, careful look at the amendment which my colleagues have offered as a preferable alternative. I do not think we are going to run the risk of running into the problem of wiping out any of the standards promulgated in the recent past if you support the second-degree amendment which is before us right now.

Let me now proceed to the issue of discretionary authority as well.

It is true that the amendment contains a provision that would allow the EPA discretionary authority. And now that I understand that the amendment was at least in part, if not totally, drafted by the Environmental Protection Agency, I can understand the logic of my colleague with which he has approached his response to this issue.

If you look at the history of the Safe Drinking Water Act, you know any effort by the Environmental Protection Agency to reinstate standards of any kind is likely to be locked or blocked by higher authority. One of the problems, of course, that we all have—and I cannot quite remember the phrase that my colleague used in the beginning about the sign over the door and all the rest of that sort of thing, but I imagine it was his experience when he was on the Environment Committee—since he has left that I have been on the committee—that it is not just a matter of the promulgation of the kind of policy that you would like to see implemented around this place. But it is the policy in part in response to the environment in which that policy is going to be implemented by regulatory authority.

The real policymaker—in the 10 years I guess now that I have been on the Environment and Public Works Committee—the real policymaker around this place is not the Environmental Protection Agency. If I were in the shoes of the Senator from New Mexico, which I am not, and if I were trying to decimate the Safe Drinking Water Act in the name of few small communities, which I am not——

Mr. DOMENICI. And I am not.

Mr. DURENBERGER. If I were in the position of trying to decimate this act on behalf of a State that made such a small contribution to its implementation as his State has, which I am not, I would not go to the Environmental Protection Agency to have this amendment drafted. I would go to the real environmental policymaker in this administration and previous administrations, and it is called the Office of Management and Budget.

The Office of Management and Budget has never been a great friend of the drinking water program.

The history of the Safe Drinking Water Act makes the point so clearly that it cannot possibly be ignored. If you consider the situation, for example, that we faced back in 1986 when, as I indicated earlier, I was the author of these provisions, at that particular point in time it had been 12 years since the Safe Drinking Water Act first was

enacted. Four different Presidents were administering the law, and during that 12-year period the Environmental Protection Agency had written the standards for only a handful of contaminants.

It was seven to be exact, and six of those contaminants were for pesticides banned under FIFRA. Only one real standard was promulgated in the first 12 years.

In the early 1980's, it was clear to everybody that more standards were needed. Hearings held in both the House and Senate in 1983 and again in 1985 developed nearly unanimous testimony in favor of more Federal standards. EPA even developed a proposed rule and sent it to OMB where it was blocked. At that time, I recall working with Senators BENTSEN, STAFFORD, and BAUCUS to free those rules from OMB.

Even the National Governors Association petitioned the Congress asking for a congressional mandate for more standards. The author of this amendment cites the concerns of the National Governors Association about the cost of the drinking water program. Recently the Governors Association went on record asking that the program be modified so that the costs imposed on the States can be reduced. Well, in 1983, 1984, 1985, and 1986, the Governors Association was petitioning the Congress, asking the Federal Government to promulgate more standards, because EPA was going too slow.

And the only way to get new standards promulgated was for the Congress to set a specific schedule. That is what the 1986 amendments did. Because virtually nothing had happened in the first 12 years of the program, Congress took a list of 83 contaminants that had been developed by EPA and the National Academy of Sciences and mandated that a standard be written for each of the 83 contaminants over a specific schedule. Everybody knew what the contaminants were to be. And there was broad support, including support from the National Governors Association, for requiring EPA to write those standards.

The point is this is relatively simple. EPA had discretionary authority under the original 1974 law to write standards for more contaminants, just like they would under the amendment by the Senator from New Mexico. But they had not used that authority, they had been prevented from using that authority just as I fear they will be prevented from using the discretionary authority in the Domenici amendment.

So, Congress established a schedule for standard setting. That was the whole purpose of the 1986 amendment to get on with the standard-setting process. That bill passed the Senate by a vote of 94 to 0 on May 21, 1986. The contaminants were listed in the bill that we brought here to the floor of the Senate in 1986 and the bill passed unanimously with the support of the National Governors Association, I might add.

Since 1986, EPA has often failed to live up to the schedule for standard setting that the Congress enacted. The Agency has been sued to force action and the courts have set deadlines that are enforceable under court orders. For instance, OMB held up the final lead and copper standard. It was eventually issued under a court-imposed deadline resulting from a suit brought by citizens in Oregon.

Under existing law with a standard-setting schedule mandated by the Congress and enforceable in court, we are getting standards. Repeal those mandates—like the Domenici amendment would do—and I think it's fair to say that the program will come to a halt, whatever the Administrator's discretionary authority to respond to a public health threat. The history of the program does not allow any other conclusion. We will be right back to where we were in the early 1980's.

The amendment of my colleague from New Mexico exempts any action by EPA to reinstate standards from the Administrative Procedures Act and from judicial review. These exemptions are intended, I believe, to allow EPA more latitude. But the exemptions don't address the real problem.

The Administrative Procedures Act allows the public to participate in the rulemaking process. I have no fear that the public will prevent EPA from issuing health standards. The public has always supported the Safe Drinking Water Act. Pushing the public out of the way won't help our drinking water program. An exemption from Administrative Procedures Act is not necessary.

And the courts have always been a source of support for the law, as well. EPA's decisions have been consistently upheld by the courts under challenges brought both by the environmental community and by industry. So, we have nothing to fear from the public or the courts. In fact, these exemptions from scrutiny by the public and courts make this amendment even less attractive.

OMB is the enemy of the Safe Drinking Water Act and there is nothing in the Senator's amendment that will exempt EPA's decisions about drinking water and health from supervision by OMB. If the Domenici amendment is adopted suspending the standard for nitrates or blocking the standard for arsenic that is scheduled for proposal in 1994, that is the end of the road. There is no doubt in my mind that OMB will make a dead letter of any discretionary authority given to EPA to protect the public health. That judgment comes from 10 long years of jousting with OMB over implementation of the Safe Drinking Water Act.

THE USE OF MCLS IN OTHER LAWS

Mr. President, I would like now to turn to a letter that Senators received from the U.S. Chamber of Commerce on August 31. And like any piece of legislation as it is being proposed, there are a lot of versions of what it actually does.

But this letter endorses the legislation by my colleague from New Mexico which would put a moratorium on the implementation of the Safe Drinking Water Act.

And it is a curious letter, because I cannot quite figure out why the chamber of commerce cares about implementation of the Safe Drinking Water Act. There are no members of the chamber of commerce that provide drinking water to households. The monitoring and treatment costs imposed by implementation of the law do not fall on members of that business organization. Water supply costs are not an important factor in commerce and manufacturing.

So the chamber letter has really nothing to do with the subject before us.

The answer to this riddle lies in the relationship that exists between the Safe Drinking Water Act and our other environmental laws. For instance, the standards set under the Safe Drinking Water Act are used to identify hazardous waste under subtitle C of the Resource Conservation and Recovery Act. Generally, a waste that would produce leachate containing any contaminant in concentrations 100 times greater than the drinking water standard for that contaminant is considered a hazardous waste under RCRA.

And I think that is one of the reasons that somebody at the chamber thought they better write a letter.

The other is Superfund, because drinking water standards are also used as cleanup standards under the Superfund program. Remedial action taken at Superfund sites must assure that the ground water that has been contaminated is cleaned up to meet the standards set under the Safe Drinking Water Act.

It is not the Safe Drinking Water Act itself, but its impact on other laws that the U.S. Chamber of Commerce is interested in. If we put a moratorium on implementation of the drinking water standards, we are also deregulating hazardous waste. Fewer standards mean that fewer waste streams will be defined as hazardous under RCRA. Fewer standards mean that Superfund cleanups will not be less extensive and less protective.

I have always believed that this connection between the Safe Drinking Water Act and RCRA and Superfund is unfortunate. It puts pressure on the drinking water standards. The generators of hazardous waste have a real interest in preventing the promulgation of new standards and urging less pro-

tective levels for those that are promulgated. The chamber of commerce letter urges us to put a moratorium on the Safe Drinking Water Act, not because they have any interest in the quality of the water that is delivered to the tap in tens of millions of homes across the country, but rather because the moratorium would reduce the regulation that would otherwise be imposed on the wastes generated by its members.

So Mr. President, I rise to support the efforts of my colleague from New Jersey, Senator LAUTENBERG, and certainly my colleague from Rhode Island, Senator CHAFEE, to amend the Domenici amendment. And I hope that all of my colleagues or a majority of my colleagues will agree that that is the preferable approach to solve the problem.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota yields the floor.

The manager, the distinguished Senator from Maryland, is recognized.

Ms. MIKULSKI. Mr. President, I just wanted to say a few words and rise in support of the Chafee-Lautenberg amendment and in opposition to the Domenici amendment.

This is a classic situation where everyone is right. The original intent of the Safe Drinking Water Act was to make sure what its title implied; that the water consumed by the American public would be safe. As the Senator from New Mexico said, it is a hallmark of a civilized society.

We in Maryland have scientists at Johns Hopkins, Dr. Abe Wolman and his son, Dr. "Reds" Wolman, who have pioneered safe drinking water around the world. Yet at the same time, the Senator from New Mexico is right that we continually pass legislation creating mandates but not the money. So we have the original intent to the bill that is not only worthwhile but needed for the safety of the American people, we do fund mandates and not give the States or local governments money and then we find ourselves in this clash of good intentions and skimpy resources.

The Chafee-Lautenberg amendment, I believe, offers a reasonable compromise to this dilemma. And also I would like to bring to my colleagues' attention that this legislation, the bill itself, provides additional resources to the States. The bill advocated by the managers will provide $58.9 million for State drinking water grants. This is an increase of $9 million over the current budget to help States with resources needed to implement the program.

I would hope we would adopt the Chafee-Lautenberg amendment. And again as we look ahead to the reauthorization of the Safe Drinking Water Act, we really must come to grips with matching good intentions with real resources and not just do mandates without money.

Thirty years ago, there was a Maryland woman by the name of Rachel Carson. She was an obscure scholar working at the University of Maryland. She published a book called "Silent Spring." It was about the chemical contaminants that were going into our streams and ultimately into the Chesapeake Bay, and also that this was a national problem. Rachel Carson, 30 years ago in her book "Silent Spring," written in 1962, called our attention to the fact that the water in the United States of America was not as safe as it appeared to be.

Certainly 30 years later, we cannot be adrift and have no legislation in terms of water. We do need to proceed to ensure our water is safe, and at the same time not bankrupt our States with good intentions. And that is why I believe that the Chafee-Lautenberg amendment is a good compromise.

The PRESIDING OFFICER. The manager yields the floor.

The distinguished Senator from New Jersey is recognized.

Mr. LAUTENBERG. I thank the Chair.

I would ask the distinguished Senator from New Mexico a question to be sure that I understood a comment that he made. If the Senator would respond. In answer to the query put by the Senator from Minnesota, I think the Senator from New Mexico said that he would modify his amendment to accommodate a concern about nitrates; is that correct?

Mr. DOMENICI. Will the Senator give the Senator from New Mexico just a moment? I want to look at the statutory language to answer the question.

Mr. LAUTENBERG. Because I think that the Senator from Minnesota's inquiry dealt with the nitrates and the blue baby effect that is acknowledged.

Mr. DOMENICI. If the Senator will look at the amendment of the Senator from New Mexico, on page 2, following the provision that is called moratorium there is an Arabic 1 followed by an Arabic 2. It says any similar rule or regulation.

The combination of Arabic 1 under moratorium and Arabic 2 are not intended by the Senator from New Mexico to permit the repeal of interim regulations or regulations with reference to the subject matter you inquired that may have been adopted after December 21, 1989. It was not our intention that those be repealable or that the original ones are repealed. As a matter of fact, when the help was provided in drafting this, it was never intended that be the case.

So if we did it and it is confusing, we will, if our amendment prevails and your amendment is tabled we will clarify that and make sure that such is the case.

Mr. LAUTENBERG. The Senator therefore, then, succeeds, I must say, in confusing in my mind the response that he gave. And perhaps the Senator from Minnesota can help us by restating what his concern was about nitrates and the blue baby syndrome that results there?

Mr. DOMENICI. I think I answered it on nitrates, if that is what the Senator wants. That is what I am saying.

Mr. LAUTENBERG. I am then caused to ask the Senator from New Mexico, if he thinks that nitrates, perhaps, ought to be exempted from his amendment because of the terrible effect that this has on human heath, then why does the Senator persist in making decisions on the floor of the U.S. Senate about which of those materials—which of these toxic materials, including those listed after 1989, ought to be resoluted?

So we now are making almost what amounts to scientific decisions in the matter of debate, here.

Mr. DOMENICI. No, Senator. We are saying previously regulated remain in effect. And when we used "any similar rule or regulation" we do not intend that. So we will fix that.

Mr. LAUTENBERG. Then if I may ask the Senator a further question, that is with the roughly 50-plus materials listed after 1989 that they ought not to be dealt with at this time?

Mr. DOMENICI. We have no indication that such is the case.

Mr. LAUTENBERG. Certainly it suggests, at least, that we ought to have a serious discussion about this, a serious review, a hearing, call in the experts and find out whether those materials that were recognized after 1989 as being toxic—and the list is pretty imposing. We have cancer-causing PCB's. We have toluene, which causes lung, kidney, and nervous system damage. We have ethyl benzene, which causes kidney, liver, and nervous system damage.

Ought not we to be just as concerned with these substances?

Mr. DURENBERGER. If the Senator will yield just for a question, if I might just state my concern for the language?

The language led me to conclude that the Senator from New Mexico might be doing this with a purpose in mind. There are two parts, two paragraphs, if you will, to the language I read.

> The Administrator may not implement (1) any national primary drinking water regulations promulgated pursuant to section 1412 of the Act after December 21, 1989 or (2) any similar rule or regulation.

So, as I indicated in my remarks, there is a logic there that seems to me kind of inescapable. That is paragraph 1 suspends all of the regulations promulgated after December 21, 1989, and anything and everything that EPA has done or will do from December 21, 1989 forward is addressed by paragraph 1.

Mr. DOMENICI. That is correct.

Mr. DURENBERGER. It is fairly absolute, marking a very clear point in time. If paragraph 2 is going to have any meaning at all then, it has to refer to standards promulgated prior—Right?—to December 21, 1989. And that

includes all 35 contaminants—the standards for 35 contaminants, including nitrates, that are currently in place.

So, in effect, it is not just nitrates you are wiping out. You are wiping out all of the standards promulgated prior to December 21, 1989. I cannot draw any other conclusion from the language.

The PRESIDING OFFICER. The distinguished senior Senator from New Mexico.

Mr. DOMENICI. Mr. President, some Senators have been asking whether there are any additional speakers on my side. I might suggest we have no additional ones. I will wrap up here. I do intend to move to table the Chafee amendment. If I prevail, we will either adopt mine or vote on it. If we lose, obviously, we will not insist on a vote on the Chafee amendment.

But let me suggest, this last discussion, really to be honest with all the Senators, is, in the real sense of the word, irrelevant. We are saying the following: prior to 1989, there were 35 major pollutants that were the subject matter of EPA's regulatory process. If you look at those, they include the monitoring of 90. It is commonly understood that 35, and the monitoring of the 90, include most of the significant pollutants involving clean water in the United States.

What we are saying—and nothing more—we are not trying to do away with any of those. We are saying those will remain in effect. But the next batch of 26 will not go into effect for 2 years while the committee and the EPA does some real soul searching. If it is necessary, if any Senators are worried, we could bring an expert down to say what is left over are very, very difficult pollutants with reference to the cost/benefit ratio to the American people and their safe drinking water.

So that issue is very firm and I might say to my fellow Senators, I must have met 10 different times in my State with experts from our Environmental Protection Agency in the State, with scores of experts from the water departments of major cities, from those who run the water departments in little tiny associations, and not a single one—and I do not believe they are callous, I do not believe they want to hurt people—not a single one was worried about the health effects of this moratorium, because they are applying common sense.

Let me tell you, there is a lot of common sense that is not applied to environmental regulations, and I want to just mention one. We had a Clean Air Act that we passed early, about a year and a half after the President was in office. That Clean Air Act was reported out of committee. It was reported out of committee and was here on the floor. It would not see the light of day as prepared on the floor of the Senate as pending hearing. It was discussed for 4 or 5 weeks in different offices around here to make it practical. In fact, we had a test in that particular bill for certain toxic pollutants that was called a maximum exposed individual. We were told that is a very important issue. You have, ultimately, to clean up the air so that maximum exposed individual is protected.

Some of us then were frightened. We would not come to the floor and argue against this because the dread word was going to be used, "cancer."

Do you know what it meant, the maximum exposed individual? It meant that we were talking about a theoretical man who would stand at the fence of a polluting industry that had this benzene or whatever it was, and be exposed for 70 solid years—just stand there under maximum exposure for 70 years, this theoretical maximum exposed individual. And then, 10 to the minus 6 was the risk, one in a million of those kind of theoretical men standing there.

And some of us when we first read about it said we cannot go to the floor because we are going to be talking about that one in a million theoretical man who might get cancer.

By the time we finished in the back rooms and talking about it, we were all convinced that was pretty theoretical, and it was not enough to close down petroleum refiners in the United States and steel mills and auto manufacturers. And we talked about something actual.

Mr. President, Senator CHAFEE, my dear friend, has talked about some people in his community, in his State, from communities who were sorrowful, frightened because they had polluted water, and they did almost anything to fix it.

Mr. President and fellow Senators, I have seen hundreds of New Mexicans—a small rural State—who come to meetings about this law and they have tears in their eyes because they are saying, Senator, we are going to have to leave our town and abandon our home because the association is telling us—the association that supplies us water—that the second and third round of tests provided in this law are so expensive we cannot pay them. Not $5 or $10 a month—$100 in some cases.

So we are not only talking about the dread of polluted water. We are talking about thousands of Americans in small communities who have safe water and we are talking about a theoretical issue, and then the Senator from New Mexico, to take care of the concern that maybe some of the pollutants that were in the second round, very way out pollutants in terms of their danger to the public—concern that the EPA, if they found that there was risk would take too long to regulate because of various administrative acts. So I said in good faith let the Environmental Protection Agency without having to go to court, without having to have hearings—let them do it.

For every argument there is a counterargument.

Then my dear friend from Minnesota says they will never be able to do it because OMB will not let them and we rather would have public hearings. The courts have been friends of environmental protection. If there is anyone who thinks we ought to amend the Domenici amendment after it comes back up here after we table the Chafee amendment and wants to put in the EPA in order to implement any of the remaining regulations during the next 2 years of the moratorium, if you want to put back the practices that they have to have hearings and it can be appealed, I welcome it. The only thing is I think the other side of the argument will be they will never be able to do anything.

Having said that, let me suggest that this measure of ours freezes the monitoring at 38 contaminants, but the way the science is, the freezing of those actually picks up 90 additional contaminants. That is point No. 1.

We have been accused of backing up, wanting another study when there is already a National Academy of Sciences study. I told the Senate I was fully aware of that, but what we need to find now when we get down to these fine points, we need to find out what the cost is and what the risk is.

The EPA Administrator in 1990 said we have to start looking at that. And guess what act he picked out as one that qualified? This one.

We are merely saying for the next year, study the contamination and its potential for harm and if there is some, see if there is any cost involved and then tell us the cost benefit, just like the example I gave you about the theoretical man versus the actual man being harmed by toxic waste when we discussed the Clean Air Act.

I could go on item by item, but let me just suggest, the Senators who want to help the communities in the United States who cannot afford the costs of this act and who do not feel it is necessary, we are now confronted with a committee coming to the floor and telling us there have been no hearings on this amendment. It has been since July and no hearings. Who has hearings? The Senator from New Mexico could have asked for hearings 6 years ago when I was on the committee. I am not on it anymore. So why did they not have hearings?

You will not get a larger outcry from the American communities about an issue than this. If you want to have a hearing on the Domenici amendment or, as they indicate, they want to look at this act, why did they not look at it? There are thousands of letters from communities in America in our offices about the ridiculous costs of this act versus what we are getting out of it.

So I am not responsible for not having hearings, and I am not intending to gut this act. It seems to me that rather than talk about somebody's intentions, we ought to talk about what is in the particular Senator's amendment. I am totally aware of the value of clean water. I am totally aware we are going to pay a lot more for it. I am totally aware that cities are going to bear very big costs just to see if the pollutants are there or not and then, if they are, to clean it up. But what I am suggesting is that a phased-in law should not proceed beyond this phase which took most of the contaminants into consideration until we have had a look at whether there are real consequences from the remaining ones and get some cost benefit analysis. It is as simple as that. It is a 2-year moratorium.

I honestly believe having talked to the Members that this is one that they know something is wrong with. They would not be offering an amendment to have a half-baked moratorium. At least that means they know something is wrong with it. They would not be offering that if they did not think something was wrong with it.

I believe this is one they will have hearings on next year. But, frankly, I want to close my remarks by saying anyone in this Senate who thinks that this substitute for the Domenici amendment will help the small communities in this country—I just read the Colorado Rural Water Association letter, a simple one dated September 8, and they are aware of the Chafee amendment. They mistakenly call it the Durenberger amendment, but it says: "Dear Senator Brown"—he is not here but he gave me this letter—"the alternative amendment by Senator DAVE DURENBERGER to S. 2900 will give very little relief, if any, to the small towns for water systems. The 75 percent savings in monitoring costs they speak of do not add up."

Mr. President, we have been on this a long time. The Senator from New Mexico is totally aware of how difficult it is to modify environmental laws on the floor of the Senate. I served on the Committee of the Environment and Public Works for the first 14 years in this body. But I actually submit to the Senate tonight that we ought to give the small communities in this country, rural America, the benefit of the doubt on this one. They are begging for this.

I cannot believe that the mayors and public works directors in the communities, the environmental agencies in our States—and I do not even know of one of those that is against the Domenici amendment. I have received not one letter from the Sierra Club or Wilderness Society in my State. The only thing is we heard from their national directors, because it is common sense that we should not impose from $150 to $200 per household to check one more time, and that is the minimum that the Chafee amendment is going to do for them, one more test.

I close by saying even that is not very clear because we have a habit around here of talking about contaminants' presence as if it does not matter how much. So if there is a trace of one of those contaminants, you are going to get a second test. And trace does not mean that the contaminant is dangerous. So we are going to be confronted in 6 months with the small communities around here being back at us saying, thanks but no thanks, you did not help, we did not need all that, and all your fancy talk is just absolutely, absolutely some more environmental hodgepodge that nobody can understand.

So, Mr. President, with that, we have been at this for about 4 hours. I am delighted with the debate. It is a pleasure to be on the floor responding to this as best I could.

Mr. DECONCINI. Mr. President, I rise in support of the Domenici amendment to the VA/HUD appropriations bill. I am doing this because of the problem facing small water systems in the State of Arizona with complying with the Safe Drinking Water Act. This amendment is substantially similar to S. 2900, legislation of which I am a cosponsor.

Mr. President, the Domenici amendment basically tells the EPA to take a step back before implementing new Safe Drinking Water Act regulations. It does not repeal any regulations that have already been implemented. This moratorium will allow Congress an opportunity to review the program so that we can ensure that we are addressing real health risks and not creating regulations just for the sake of regulating. The Safe Drinking Water Act requires that the EPA regulate 25 additional contaminants every 3 years regardless of the potential health risks or lack thereof. If, in the meantime, the Administrator of the EPA has concluded that there is a significant health risk from unregulated contaminants, the Domenici amendment allows EPA to immediately promulgate regulations notwithstanding the moratorium.

The Domenici proposal will also allow for us to fully analyze the consequences to small water systems of the requirement that they implement cost-prohibitive monitoring programs. These smaller water systems do not have the rate base that allows the larger ones to pay for these programs. In order for this to be a successful program, we need to provide the smaller systems with the resources to effectively participate in it. This program is another case of the Federal Government placing more burdens on the local entities without providing adequate resources.

The Domenici proposal closely tracks a recommendation made by a regionally diverse group of Governors which was adopted by the National Governor's Association.

Mr. President, I ask unanimous consent that a number of letters I have received from Arizona water companies be included in the RECORD.

I ask that my colleagues join me in adding a bit of rationality to this program by voting for the Domenici amendment. Doing so will in the long run result in a more efficient and effective safe drinking water program.

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

THE TOWN OF DUNCAN,
August 5, 1992.

Senator DENNIS DECONCINI,
Hart Office Building, Washington, DC.

DEAR SENATOR DECONCINI: The purpose of this letter is to voice the Town of Duncan's strong support for S. 2900. This bill will delay implementation of the proposed drinking water rules for one year until a study has been completed to address our concerns that the contaminants and the levels being set offer increased health protection and are affordable and realistic for small community systems.

The current levels are based on what is affordable to large metropolitan systems and contaminant levels are being set at lower levels with questionable increased health protection at the lower levels. In addition, the EPA is required to regulate 25 additional contaminants each three years. This is placing an unbearable financial burden on our consumers with no documented increase in health protection.

Our system provides safe, quality water to 380 households. We continuously meet all state and federal standards in our system. We encourage you to support S. 2900 to insure that regulatory mandates and the limited resources of our system are directed to effective and affordable public health protection.

We appreciate your support and consideration.

Sincerely,

R.N. WILLIS,
Manager, Town of Duncan.

PONDEROSA DOMESTIC WATER IMPROVEMENT DISTRICT,
Pinetop, AZ., August 4, 1992.

To Whom It May Concern:

We would like to lend our support in the form of extreme urgency to Senate Bill 2900.

It appears obvious that the new regulations being promulgated and put into effect are going to have a devastating impact on many small water systems, and indeed on the entire economy. In many instances, the health benefits are non-existent or marginal at best versus the effect on the economy.

MARVIN GOAR,
Manager, and President, Pinetop Water Co.

DONEY PARK WATER,
August 4, 1992.

Re U.S. Senate bill 2900.

Hon. DENNIS DECONCINI,
U.S. Senate, Washington, DC.

DEAR SENATOR DECONCINI: The purpose of this letter is to voice strong support for S. 2900. This bill will delay implementation of the proposed drinking water rules for one year until a study has been completed to address our concerns that the contaminants and the levels being set offer increased

health protection and are affordable and realistic for small community systems.

The current levels are being set based on what is affordable to large metropolitan systems and contaminant levels are being set at lower levels with questionable increased health protection at the lower levels. In addition, the EPA is required to regulate 25 additional contaminants each three years. This is placing an unbearable financial burden on our consumers with no documented increase in health protection.

Our system provides safe, quality water to approximately 5,300 people. We continually meet all state and federal water quality standards. We encourage you to support S. 2900 to insure that regulatory mandates and the limited resources of our system are directed to effective and affordable public health protection.

We appreciate your support and consideration.

Very truly yours,

RUSS DALTON,
General Manager.

MAYER WATER DISTRICT,
Mayer, AZ, July 23, 1992.

Hon. DENNIS DECONCINI,
Senate Hart Building, Washington, DC.

DEAR SENATOR DECONCINI: I am writing you in reference to the upcoming legislation regarding the re-authorization of the Safe Drinking Water Act and Senate Bill S. 2900.

I have been associated with the Mayer Water District over the past 2½ years after retiring from the computer industry with over 25 years in management. As a result, I fully realize the need to negotiate and compromise for the good of all—often against apparent popular opinion. It is with this thought that I would like to call your attention to the plight of small water systems and the impending federal legislation of the Safe Drinking Water Act Re-authorization (SDWA).

Without question, all of us know the need to provide our customers with safe drinking water. We also know that in numerous cases our groundwater and surface water supply has been contaminated by the careless use of industrial chemicals, pesticides and other harmful products. There is a need to monitor and eliminate these hazards to continue to provide safe drinking water. The USEPA and related state agencies have done much toward this objective, but I am concerned that we have come to the point in our regulations where we will be testing for contaminants because the technology has advanced to the point where super sensitive detection is possible (often at considerable cost) without regard to the risk of that contaminant. From what I have heard and read, many of the proposed regulations in fact are at the edge of technology with these attendant high costs. Although it could be considered pristine to continue to test for the sake of even safer drinking water, I believe more important is the need to establish a risk weighted limit for contaminants which are in balance with other environmental and living risks.

The National Rural Water Association estimates that these new regulations will cost approximately $10,000 per water source just for the initial round of testing. Because of the limited water supply in our area, our district uses 12 separate wells to recover enough ground water to service the community. At $10,000 per well this testing would cost us $120,000 for the initial test. Our annual revenue is $150,000 against a zero based budget which suggests it will be impossible for us to comply with this proposal. Our only recourse at this time should such a regulation be implemented would be to increase the price of our services to our customers to cover this cost. With the user base of approximately 450 customers in our service area, this would almost double the cost of water. You will note, it would be difficult for our customer base to absorb this added cost. They are both older than the average for the State of Arizona and also have a lower income.

I can't help but believe that this "scientific and environmental" attitude and the resulting mandatory regulation will cause the cost of services to escalate to the point that many small water systems simply will no longer be able to provide their product to the end user. Therefore, it appears to me, that a more practical approach to environmental and consumer protection is in absolute need of legislation. I personally believe this issue of overregulation has a very direct impact on our national economy and our fervor of making it right for the sake of "making it right" has had a heavy negative impact on our national economy. Governmental spending is important, but we should do it where it does the most good for the most people.

I am enclosing a copy of the National Rural Water Association's article "NRWA's View On The Safe Drinking Water Act Reauthorization" which provides the perspective needed to produce this balance. I believe this position would give us the balance we need e.g.; protect our environment, and continue to maintain reasonable cost for the effort. I do however suggest that the solution of federal funding for testing should only be considered after the risk/benefit issue is understood and resolved.

I understand that Senate Bill S. 2900 has recently been introduced to place a one year moratorium on further Safe Drinking Water Regulations until the impact on small water systems has been studied and resolved. I am fully in favor of this moratorium despite the indifference and possibly opposition of our larger metropolitan utility systems. Simply stated, the smaller systems of this nation must be considered before proposals become regulations.

In closing, my management experience through the application of corporate policy has led me to the conclusion that the basic difference between following the letter of the policy and maintaining fairness in the work place is the interpretation of intent. Let's keep our federal policies aimed at the intent—for the people, by the people, of the people.

Sincerely,

WILLIAM R. DUNHAM,
Manager.

TOWN OF PAYSON,
Payson, AZ, August 5, 1992.

Senator DENNIS DECONCINI,
Hart Office Building, Washington, DC.

DEAR SENATOR DECONCINI: Please accept this letter as statement of our strong support for S. 2900, a bill that will delay implementation of proposed drinking water rules for one year.

It is our strong belief that we as public water purveyors should deliver to our citizens a drinking water of the highest possible quality. We do, however, realize that the effects of increased needless or unnecessary federal regulations with regard to drinking water quality, testing and treatment are yet another burden on small communities such as ours and the new regulations come with no funding attached.

It is also our belief that threats to large metropolitan water supplies that are subject to the effects of industrial or agricultural chemicals or specific naturally-occurring elements should in no way be presumed to be threats to small, isolated and rural mountain communities with virtually no activities occurring nearby that pose any threat to our local water supply.

What we would like to see in the implementation of new federal drinking water regulations is a reasoned, logical approach whereby a cost benefit is proven before small communities are forced to meet the guidelines, a probability of threats to the drinking water exists, and an analysis of the ability and history of a local water purveyor to meet already stringent drinking water guidelines is assessed and quantified.

In short, if there is no practical reason to enforce any provision of the proposed drinking water rules—why further burden our citizens with the cost of same? Hence our support for S. 2900.

BRADSHAW WATER CO.,
Prescott, AZ, August 3, 1992.

To: The Honorable Dennis DeConcini.
From: Bradshaw Water Co.

DEAR SENATOR: I understand there is legislation pending that would place a moratorium on the implementation of the Safe Water Drinking Act requirements (Senate Bill 2900).

Bradshaw Water Company is a small utility. The requirements of the Safe Water Drinking Act will place an undue burden on our company without offering increased health protection to our customers. Our system provides quality water to thirty-two customers and we encourage legislation that would allow us to provide safe water to them. We want the regulations to be practical and affordable for small water systems and also protect the public health.

The Safe Water Drinking Act needs to be studied further to ensure it provides practical protection to the water consumer and not unrealistic requirements that increase the financial burden on the consumer without making the water safer. We are increasingly concerned about requirements that necessitate small utilities to test for and control contaminants at levels that show no proven health hazard.

I encourage your support of Senate Bill 2900.

Sincerely,

DON LOVELL,
Secretary.

TOWN OF TAYLOR,
Taylor, AZ, August 3, 1992.

Senator DENNIS DECONCINI,
Hart Office Building, Washington, DC.

DEAR SENATOR DECONCINI: This letter is sent to voice our strong support for S. 2900. This bill will delay implementation of the proposed drinking water rules for one year until a study has been completed to address our concerns that the contaminants and the levels being set offer increased health protection and are affordable and realistic for small community systems.

The current levels are being set based on what is affordable to large metropolitan systems and contaminant levels are being set at lower levels with questionable increased health protection at the lower levels. In addition, the EPA is required to regulate 25 additional contaminants each three years. This is placing an unbearable financial burden on our consumers with no documented increase in health protection.

Our system provides safe, quality water to 2400 people. We continuously meet all state

and federal standards in our system. We encourage you to support S. 2900 to insure that regulatory mandates and the limited resources of our system are directed to effective and affordable public health protection.

We appreciate your support and consideration, and express to you our deep appreciation for the time and effort you put in on representing our community as our Senator.

Sincerely,

GERALD GULLICK,
Mayor, Town of Taylor.

BOWIE WATER IMPROVEMENT DISTRICT,
Bowie, AZ, August 9, 1992.

Senator DENNIS DECONCINI,
Hart Office Building, Washington, DC.

DEAR SENATOR DECONCINI: The purpose of this letter is to voice our strong support for S. 2900 and urge you to do the same. This bill will delay implementation of the proposed drinking water rules for one year until a study has been completed to determine if the forthcoming USEPA contaminants, along with minimum containment levels, will actually increase health protection.

We are also very much concerned with the overwhelming financial burden this sudden enactment will bring to the small water utilities here in Arizona. Small communities should not be asked to subsidize the cost of testing, monitoring, tracking and possible treatment of drinking water. Individuals in large communities such as Phoenix and Tucson, should be made to feel the financial pinch on an equal basis with those who are unfortunate enough to live in small isolated communities. We who choose to live outside of large population centers, don't have the same community service financial options as do the large incorporated towns. Estimated costs for this upcoming implementation range from $10,000 to $50,000 per wellhead per year, depending on who you talk to. $50,000 exceeds the entire yearly operating budget of many small water utilities here in the State. The sudden arbitrary enactment of testing for 25 additional so called contaminants over the next three years is not based on documented studies that show any alarming health risks.

Bowie Water Improvement District, a self supporting, non profit, non taxing Water District in Cochise County organized under State Statutes, provides safe potable water to approximately 650 individuals. Up to this point, we have managed to meet all USEPA and Arizona Department of Environmental Quality standards but question for how long if forced to carry the financial burden of any future unrealistic actions of the USEPA. Our only source of operating income is from monthly water bills. This revenue must provide for our entire operating budget as we do not have the luxury of tax support. If proposed enactments continue, small utility monthly water rates will have to increase from four to five times their present levels in the next few years, a completely unrealistic imposition.

We encourage you to support S. 2900 to insure that regulatory mandates and the limited resources of our system are directed to effective and affordable public health protection.

We appreciate your support and consideration.

Sincerely,

JOHN A. STAGGS,
Acting Operations Manager,
Bowie Water Improvement District.

TOWN OF MAMMOTH,
Mammoth, AZ, August 4, 1992.

Senator DENNIS DECONCINI,
Hart Office Building, Washington, DC.

DEAR SENATOR DECONCINI: I am writing you to voice my strong support for S. 2900. This bill will delay implementation of E.P.A.'s proposed drinking water regulations for a period of one year until a study has been completed to address concerns of small public water system operators that the contaminants and their acceptable levels offer increased health protection, are cost effective and realistic for public water systems in small communities such as ours.

Small public water systems are being placed in a position to monitor contaminants which are affordable to large metropolitan systems. The small systems do not have the rate base the larger systems have. This places an unreasonable financial burden on the customers of a small system with no documented increase in health protection.

The town of Mammoth Public Water System provides safe drinking water to 1850 people. We meet all existing State and Federal drinking water standards. I encourage you to support S. 2900 to insure that regulatory mandates and the limited resources of our system are directed to effective and affordable public health protection.

Thank you for support and consideration of this request.

Sincerely,

JOHN C. LUTICH,
Director of Public Works.

EDEN WATER CO., INC.,
Eden, AZ, August 15, 1992.

Senator DENNIS DECONCINI,
Hart Office Building, Washington, DC.

DEAR SENATOR: This letter should have been written in 1986 when the "Great" legislature in Washington revised the Clean Water Act. However, it is just now being felt by us and our customers as you add one regulation after another. It is putting little water companies like ours out of business.

We had employees from the Arizona Department of Environmental Quality tell us that as small water companies we would have to merge our close down because it would be impossible for us to continue with the regulations that they were expecting to apply to us. That is a fine thing for you in Washington to do to us—close us down. After hauling water in 50 gallon water barrels until 1969, from Pima which is 10 miles away, the Eden Water Company was formed as a non-profit corporation and we were able to secure a loan and grant from the Farmers Home Administration. The government giveth and the government taketh away.

We now have 100 customers and a 14 mile water system—the largest line being 4 inches. We purchase most of our water from Pima, Arizona in Graham County. We have a small lateral well system that we can use for some of our water when it is not dry. Our water tests good and it has been over 10 years since we have had a bad water sample and then it was Pima's fault. We chlorinate our lateral well system and have had no problems. Our system cannot be improved upon. Yet we have to do all the testing and obey all the new regulations just as if we were in a large system and had contaminated water. Our poor 100 customers have to bear the added expense—which is very great per person in a small water company.

The new lead testing regulation that will soon go into law is not even a wise decision even for Washington. We are now going to be responsible for private plumbing. We have to take samples early in the morning before anyone uses their water facilities. I have personally been told that our customers would not make the tests nor would they allow me in to do it. These are my friends and relations. Their words are "we do not want anything to do with any more government regulations—we have too many now." That reflects my own feelings. A system should be worked out where people who have small children should be able to send in samples to have them checked if they are worried. This would be a good idea for anyone especially in rental homes, and they do not know what kind of plumbing the house has. But do not have water companies take on the responsibility.

We understand that Senate Bill No. 2900 would give someone the authority to review some of the regulations and see what they will be doing to water users and what the end results will be. Someone really needs to review these regulations and throw a few of them out and revise a few more. No matter how many regulations you put upon the Eden Water Company, we still have the same water, the same number of customers, and the same problem of having to pay for the water. If you cause the cost to exceed what people can pay and close us down, what have you gained? We will have to again haul our water in barrels and I can tell you right now that will not improve on the quality of water.

Sincerely,

——— ———,
Operator/Manager.

THUNDERBIRD FARMS
IMPROVEMENT DISTRICT,
Maricopa, AZ, August 11, 1992.

Senator DENNIS DECONCINI,
Hart Office Building, Washington, DC.

DEAR SENATOR DECONCINI: The intent of this letter is to advocate our support of Legislation S. 2900. It is my understanding that this bill would place a moratorium on the implementation of the Safe Drinking Water Act until a study has been completed and the act has been reauthorized by Congress. It is our concern that the E.P.A. in their haste to regulate 25 additional contaminates each three years, has failed to take into consideration the financial burden placed on Small Water Systems to be passed on to their consumers. This would be done with no added documented health protection.

Our Water System provides water to 1149 people. As with other water systems our concern is public health. We ask you to support S. 2900 so we may continue to provide Safe Drinking Water at a affordable price to our lot owners who are the collective owners of our system.

Thank You for your consideration and Support.

Sincerely,

RON SMITH,
Water Operator.

CITY OF GLOBE,
Globe, AZ, August 12, 1992.

Re: Support for S. 2900.

Hon. DENNIS DECONCINI,
U.S. Senate,
Hart Office Building, Washington, DC.

DEAR SENATOR DECONCINI: It has come to my attention that the U.S. Senate is considering a critical piece of legislation which would allow a one year delay on implementation of the Safe Drinking Water Act requirements. The legislation, S. 2900, is extremely important to rural communities such as the City of Globe who provide water utility services to residents.

The one year moratorium in implementation of the rules and regulations of the Act, while keeping in place sufficient regulations to protect public health, is a step in the right direction. The bill allows time for Congress to reexamine approaches to drinking water, affects of compliance on small water systems, and the need to address cost versus potential threat of extremely low-risk and low probability contamination.

As city manager, I am responsible for the day to day operation of our city utilities and protection of our water supply. As I see the cost of compliance to EPA rules and regulations increase, along with so many other costs of the services we provide, I am concerned that it may become unfeasible for the city to provide such services at a cost that our general population can afford to support.

Please support S. 2900. Also, we ask that you continue to insure regulatory mandates which protect the public health but that are effective and affordable.

As always, please feel free to contact me, at your convenience, if I can answer any questions or provide you with additional information.

Sincerely,

DAVE MOSLEY,
City Manager.

HUB WATER CO.,
Tucson, AZ, August 17, 1992.

Hon. DENNIS DECONCINI,
U.S. Senate, Washington, DC.

DEAR SENATOR DECONCINI: The intention of this letter is to show our support for S. 2900. This bill will put off the implementation of the recommended drinking water regulations for one year until an examination has been completed to address our concerns that the pollutants and levels being set will give us increased protection for our health and are reasonable and idealistic for small community systems.

The recent levels are set based on what is financially feasible for large metropolitan systems and contaminant levels are set at lower levels with uncertain increased health protection at lower levels. Also, over three years, it is necessary for the EPA to regulate 25 additional contaminants. With no written increase in health protection, this is putting a tremendous financial burden on our consumers.

To 4100 people, our system supplies safe, great-tasting quality water. All state and federal standards are met by our system. For adequate public health protection, your support for S. 2900 will assure regulatory mandates and limited resources of our system.

We greatly appreciate you support and consideration in this matter. Thank you Senator DeConcini.

Sincerely,

STEVEN SIEGFRIED,
Manager.

VERNON DOMESTIC WATER IMPROVEMENT DISTRICT,
Vernon, AZ, July 12, 1992.

Senator DENNIS DECONCINI,
Hart Building, Washington, DC.

DEAR SENATOR DECONCINI: We the board of directors of the Vernon Domestic Water Improvement District which is a small water improvement district located in the White Mountains of southern Apache County, Arizona ask that you please support Senate Bill 2900.

We believe the moratorium provided for in this bill is indeed needed. For instance our total budget to operate the whole system for a year is less than $10,000.00. The best information we can obtain places the cost of testing the list of items the EPA has now ready to require of, all water systems will be from $10,000.00 to $12,000.00. (It is doubtful any one of these items could be found at least in harmful quantities in this pure mountain water). The cost of these tests if they are allowed to stand will more than double the cost of water to each household served by this district. Our rates at the present time are averaging $35.00 to $45.00 and up depending on the amount of rainfall.

Please consider that this district qualified for CDBG funding in 1990 due to the fact that 65% of our households were below the median income level and that situation has not changed. The grant was used to replace a fifty year old well that was failing, and to replace a woefully inadequate distribution system which had been condemned by the ADEQ.

If S2900 is passed we urge you to cause someone to determine if a less expensive test or a set of tests can be devised to identify systems which do and which do not need these extensive expensive tests. We realize there are locations here within our own state where shallow water tables and or mineralization of deep water make it unsafe. We support and gladly comply the testing requirements of both the EPA and the ADEQ to protect our drinking water. We also believe this endeavor by the EPA to achieve optimum drinking water safety may well exceed economic capability.

In our location along with numerous other small water districts and water companies supplying domestic water to small communities located in the higher elevations of Arizona. Our elevation is 7,000 ft. Our well is drilled to 340 ft. There is nothing above us to contaminate our water supply. Before we were allowed to put our new well on stream in late 1991 we spent $980.00 to have the required tests made.

Sincerely,

_____,
Chairman.

COMMUNITY WATER CO. OF GREEN VALLEY,
Green Valley, AZ, August 17, 1992.

Hon. DENNIS DECONCINI,
Hart Office Building, Washington, DC.

DEAR SENATOR DECONCINI: This letter is to request your support for S. 2900 which will delay implementation of proposed EPA drinking water rules for one year until EPA can conduct a review of its final regulations and alternatives as well as the costs and benefits.

We support efforts to improve the quality of drinking water but we are concerned that the benefits of some of the regulations proposed by EPA are not significant in relation to the costs of achieving them. EPA continues to mandate lower contaminant levels where increased health protection is questionable.

Our system provides safe drinking water to 11,000 people. That water meets all current EPA standards. Our concern is for the increased cost of meeting proposed and future regulations where the health protection benefits may be marginal at best.

We encourage your support of S. 2900 in an effort to insure that health benefits match the cost of increased regulation.

Sincerely,

JAMES F. THOMSON,
Chairman of the Board.

CUP OF GOLD WATER CO., INC.,
Sedona AZ, August 17, 1992.

Hon. DENNIS DECONCINI,
Hart Office Building, Washington, DC.

DEAR SENATOR DECONCINI: I represent a small, not-for-profit water company which services about thirty six customers, all of which are members and shareholders of the company. Our company is run by all volunteers. I am writing to ask for your support for Senate Bill 2900.

This bill will delay implementation of the proposed drinking water rules for one year until a study has been completed to address our concerns that the contaminants and the levels being set do, in fact, actually offer increased health protection and are affordable and realistic for a small community system.

Current contaminant levels are being set by the EPA, based on what is affordable by large metropolitan systems. Many of these lower levels have a questionable health benefit for the user but increase the cost of water beyond what the small community can afford. Today the Cup of Gold Water Company system provides safe, high quality water to its users and we continually meet and exceed all state and federal standards.

We ask you to support S. 2900 to insure regulatory mandates recognize the limited resources of small water companies such as ours. Thank you for your consideration and help.

Sincerely,

EDWARD E. MANLEY III,
Director/Treasurer.

PLEASANT VALLEY COMMUNITY COUNCIL,
Young, AZ.

Senator DENNIS DECONCINI,
Hart Office Building, Washington, DC.

DEAR SENATOR DECONCINI: This letter is being written to express our strong support for S. 2900. This bill will delay implementation of the proposed drinking water rules for one year until a study has been completed to address our concerns that the contaminants and the levels being set offer increased health protection and are affordable and realistic for small community facilities.

The current levels are based on what is affordable to large metropolitan systems and there does not seem to be any allowances for very small rural areas such as Young (our Community Building). This is putting a great financial burden on our non-profit council, with no documented increase in health protection.

Our well provides safe, quality water to approx. 500 people a year. We continuously meet all state and federal standards in our system. We encourage you to support S. 2900 to insure that regulatory mandates and the limited resources of our system are directed to effective and affordable public health protection.

Thank you for your support and consideration,

Sincerely,

BUSTER GREEN,
Chairman, Pleasant Valley Community Council.
PEGGY SMART,
Vice-Chairman.
PETE SANDERS,
Secretary.
RUTH BILBERRY,
Treasurer.

TONTO APACHE TRIBE,
Payson, AZ, August 7, 1992.

Hon. Senator DENNIS DECONCINI,
Hart Building, Washington, DC

DEAR SENATOR DECONCINI: The purpose of this letter is to voice my support for S. 2900.

This Bill will delay implementation of the proposed drinking water rules for one year until a study has been completed that would address our concerns that the contaminants and the levels being set, offer continual increase for health protection and which are affordable and realistic for small rural community systems such as ours.

The current levels are being set based on what the large metropolitan systems can afford and contaminant levels are being set at lower levels with questionable increased health protection at the lower levels. In addition, the EPA is required to regulate 25 additional contaminants each three years. This is unreal! What a financial burden! Doesn't make the water any safer!

The system here at Tonto provides safe, quality drinking water to 125 people. We are constantly monitoring and meeting federal standards.

For the survival of the rural water systems, we urge you to support S. 2900!

Thank you for your continued support and efforts on our behalf.

Sincerely,

NANCY CAMPBELL,
Executive Secretary.

TOWN OF JEROME, AZ,
Jerome, AZ, August 5, 1992.

Hon. DENNIS DECONCINI,
Hart Office Building, Washington, DC.

DEAR SENATOR DECONCINI: We would like to voice our support of S. 2900. This bill is to delay implementation of new drinking water rules for one year until a study has been completed as to whether the benefits are worth the costs created by these regulations.

Here in Jerome we have a water system serving about 400 people with one of the lowest per capita incomes in the State. The current water standards are already very expensive to test for and we feel additional tests are not needed and would cause an increase in our already high water rates.

We continuously meet all State and federal standards in our system. These additional tests have very little documented increase in protection for our water. We believe these additional standards may place an unbearable financial burden on our community with few benefits.

We would appreciate your support and consideration.

Sincerely,

PHILIP TOVREA,
Mayor.
JOHN SCARCELLA,
Public Works Director.

Mr. DOMENICI. Mr. President, I move to table the Chafee amendment and ask for the yeas and nays.

Mr. LAUTENBERG. Will the Senator hold off for a response before making the motion to table?

Mr. DOMENICI. How much time does the Senator desire?

Mr. LAUTENBERG. Three minutes.

Mr. DOMENICI. Fine.

Mr. CHAFEE. Mr. President, I would like 3 minutes also.

Mr. DOMENICI. Mr. President, I listened for an hour and a half when they rebutted mine. I gave an 8-minute rebuttal. I have the floor and I have the right to move to table.

The PRESIDING OFFICER. The Senator from New Mexico has the right.

Mr. DOMENICI. Nonetheless, I will say, I will reserve that so long as the reservation is I get the floor after 3 minutes for Senator LAUTENBERG and 3 minutes for Senator CHAFEE.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request propounded by the Senator from New Mexico? I am not sure I understand it. Three minutes to the Senator from New Jersey, and 3 minutes to the Senator from Rhode Island. How much for the Senator from New Mexico?

Mr. DOMENICI. Mr. President, I ask unanimous consent that Senator LAUTENBERG have 3 minutes, followed by Senator CHAFEE for 3 minutes, after which the Senator from New Mexico will be recognized to speak for 3 minutes, after which he will have authority to make a motion to table.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from New Jersey is recognized for 3 minutes.

Mr. LAUTENBERG. Mr. President, I will just say to my colleague from New Mexico, we all share a concern here.

Mr. President, under the Domenici-Brown moratorium, we talked about suspending regulation on some of the following: Asbestos, which can cause tumors; cyanide, which causes tremors, convulsions, and death; dioxin, which can cause cancer; PCB's, which cause cancer; toluene, which causes lung, kidney, and nervous system damage; trichlorobenzene, which can cause convulsions, liver, and kidney damage.

Mr. President, we are talking about costs, and some of the estimates vary considerably, but what we come up with is we can come down to about $2 to $3 a household. That is less than it takes to rent a video. I guarantee you nobody is going to go bankrupt if in 1 year it costs them $3 or $4 to have a test. What are we talking about? More studies, more science, more EPA delay. I say let us do it the right way. Let us not step back from protecting the public health.

Let us not rush hastily into something like this that guts a law that protects the public health.

Mr. President, I submit that there needs to be time to evaluate this without the crush of the moment and to get on to a sensible conclusion, as opposed to suddenly jumping up and throwing up a smokescreen that prevents us from going ahead and doing what we ought to be doing as U.S. Senators.

The PRESIDING OFFICER (Mr. WELLSTONE). The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, let me say again that we are dealing with very serious business. What we are talking about are 26 contaminants that have not been dreamed up by some way-out environmentalist over at the EPA. These 26 contaminants have come about because of a National Academy of Sciences study—this is about one-fifth of it—that took place over 4 years. And as a result of that study, it was recommended that these 26 contaminants come on line for study and recognition, and elimination if required.

Now, Mr. President, that is what is taking place here. And the Senator from New Mexico says: Let us have a moratorium; let us postpone doing it. We do not want to do this. We will take the contaminants that are already there, but do not add these 26.

Now, Mr. President, these are serious contaminants, as has already been pointed out.

Finally, Mr. President, I would like to once again get back to these figures, because the Senator from New Mexico feels very strongly about this and he gives the impression, because he feels so strongly, that this is going to just wipe out certain households that draw their water from very small supplies.

Mr. President, the figures—I do not know where else we can get better figures than from EPA itself—are as follows: That in the smaller systems, the maximum addition would be $13 per year per family if—if—none of these were eliminated under the Chafee-Lautenberg amendment.

But the Chafee-Lautenberg amendment provides that if any of these do not turn up in a test, any of these 26, then you do not have to test any further for the balance of that year. If, in the first part of the year, the first test, first quarterly test, you do not have certain contaminants, then you do not test further. In the second quarterly test, if certain of the contaminants do not show up, then you do not test for those further.

So those are the facts.

And in addition, Mr. President, there are certain waivers that can be granted for those contaminants which do not have a history within the community. So it is estimated that for those communities that lack some of the contaminants, the maximum charge will be $4 per year per family in the smallest of these water-supplying agencies.

So, Mr. President, I think we want to bear it in mind. Is it going to cost something? Yes, it is going to cost something. Having clean water costs something.

Finally, Mr. President, I ask unanimous consent that I may include here for the RECORD a letter from the Association of Metropolitan Water Agencies in support of the Chafee-Lautenberg amendment.

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

ASSOCIATION OF
METROPOLITAN WATER AGENCIES,
Washington, DC, September 5, 1992.

Hon. FRANK LAUTENBERG,
Chair, Senate Subcommittee on Ocean, Superfund and Water Protection, Senate Environment and Public Works Committee, Senate Hart Office Building, Washington, DC.

DEAR SENATOR LAUTENBERG: On behalf of the Association of Metropolitan Water Agen-

cies (AMWA), I would like to express our support for your amendment to the VA, HUD and Independent Agencies appropriations bill addressing a number of Safe Drinking Water Act concerns. Your amendment, also sponsored by Senators Durenberger, Chafee and Burdick, would delay promulgation of any new standard for radon, allow small systems to forego multiple tests for contaminants that are not present and require EPA to conduct a study of the health benefits, costs and implementation problems of the Safe Drinking Water Act.

AMWA supports the extension of time granted EPA to address the concerns raised by the Science Advisory Board and the water supply community on radon. As you know, the Science Advisory Board concluded that about 5 percent of the total indoor radon in homes is due to radon released from household water use and that EPA's proposed regulation would address about 1 percent of the total indoor radon in areas with ground water supplies at an estimated $1.6 billion in initial capital costs and $180 million in annual operating costs. The SAB also specifically recommended that EPA focus its efforts on primary (air) rather than secondary sources of risk and that the agency conduct a full multi-media risk assessment of the various options for regulating radon in drinking water.

AMWA also supports the amendment's proposed study on the health benefits, costs and implementation problems of the Safe Drinking Water Act. The study, however, should be expanded to include EPA's overall recommendations on improvements to the Safe Drinking Water Act including alternative methods for control of contaminants that do not routinely occur at levels of public health concern.

Your pledge, as well as that of the other members of the authorizing committee, for a thorough review of the program in the next Congress will provide an opportunity not only for small communities, but for the nation's large municipal and publicly-owned water supply agencies, to work with you on their concerns and problems with the Safe Drinking Water Act and its implementation requirements.

The Association of Metropolitan Water Agencies is comprised of the directors and managers of the nation's large municipal and publicly owned water supply systems serving drinking water to over 78 million people. Our members are both community and national leaders in the drinking water field and as such play a major role in the development and implementation of drinking water standards and water science and technology innovations.

We look forward to working with you and other members of the Committee on reauthorization of the Safe Drinking Water Act in the next session of Congress.

Sincerely

DIANE VANDE HIE,
Executive Director.

Mr. SMITH. Mr. President, I want to commend the Senator from New Mexico for his efforts to address an increasingly expensive regulatory program that threatens to bankrupt many of our Nation's small communities. We have mandated that our communities meet a variety of safe drinking water rules, the cost of expensive landfill requirements and the cost of more stringent sewage treatment facilities—all with little or no Federal funding.

Prior to establishing new Federal regulatory mandates, we need to conduct adequate risk assessments to determine the most significant risk to human health and the environment so that these programs are funded in the priority of their risk. This is exactly what the Domenici amendment will accomplish with regard to safe drinking water regulations. It will place a 2-year moratorium on the implementation of those regulations promulgated after December 1989 and require the Administrator of EPA to conduct a comprehensive review of the costs and benefits associated with the current regulatory program.

Contrary to the rhetoric from certain critics, this amendment will not sacrifice public health standards. The EPA Administrator has ample authority to exempt any contaminant from the moratorium should it prove to cause a significant health risk. In fact, the lead and copper rule has already been exempted in the amendment.

Mr. President, no State would support legislation that put its citizens at risk, and this amendment was enthusiastically endorsed by the National Governors' Association. In its position paper, the Governor's Forum on Environmental Management pointed out that States are currently facing an annual shortfall of more than $200 million in the funds needed to implement the current program, let alone comply with additional regulations due out this December and next year.

EPA estimates that compliance of these new regulations will cost $10 billion in capital expenditures and $2.5 billion annually in operating expenses—and these estimates are considered on the low end. What is truly at risk here is the economic viability of many of our local communities.

Given the rapidly increasing number of Federal environmental mandates and the insufficient amount of resources being provided to meet those demands, it is imperative that EPA focus financial resources on those contaminants that pose a serious health risk.

Our small communities are experiencing severe financial strain; it is only common sense that we should follow appropriate risk assessment to ensure that our limited funds are spent on those issues that truly represent a health and environmental risk.

Simply stated, the Domenici amendment makes economic and environmental sense. I urge my colleagues to help out their State government and local communities by voting in support of this amendment.

Mr. KERREY. Mr. President, I rise today in support of an amendment offered by Senators CHAFEE and LAUTENBERG that makes some much-needed changes in the implementation of the Safe Drinking Water Act [SDWA]. It addresses concerns that have been raised by the States and small communities with the SDWA.

The proposal offered by Senators CHAFEE and LAUTENBERG is a recognition that the SDWA is flawed as it is currently being implemented. The amendment will allow substantial savings to small communities in Nebraska. Our State Department of Health estimates that communities, if we include phase II contaminants, will face about $1,700 of testing per quarter, totaling $6,800 per year per point of entry. Some communities have more than one well, and therefore will pay this per well.

This amendment will reduce the number of annual tests from four to one, thereby saving $5,400 per year per well. Further, if the test comes up clean on any contaminant, no test will be required for 3 years. One estimate is that we can expect at least a $16 million savings during the next 3 years in reduced testing and monitoring costs for small communities with populations under 3,300 individuals. Fully 860 out of Nebraska's 900 water systems qualify as small community systems.

Further, the amendment prevents EPA from implementing its proposed radionuclides regulations until it conducts a multimedia risk assessment.

Finally, the proposal has incorporated, and strengthened a provision initiated by Senator DOMENICI to conduct a study of the health benefits, costs, and implementation problems of the Safe Drinking Water Act.

In the past several months I have received calls and letters from communities across Nebraska and from our State government asking for relief from the SDWA requirements. It is not that these officials or water system managers want weak public health standards. However, they are facing a growing number of requirements which, while well intentioned, simply cannot be reasonably complied with. Our Governor joined a number of other Governors in stressing the regulatory and financial difficulties faced by States in complying with the SDWA's ever expanding requirements. I share their concerns.

Since the SDWA was first passed, States and localities have made great progress in improving the protection of public water supplies. As of March of this year, States and local governments have been required to implement EPA regulations controlling 35 contaminants. That number will jump to 62 by December of this year, to 84 by November of 1993 and to 111 by the beginning of 1997. We are asking a great deal of our States and communities. The amendment proposed by the Chafee and Lautenberg amendment will help communities comply with the SDWA requirements.

We are facing a broader crisis of environmental and public health policy, which we are seeing in this debate on safe drinking water regulations and are likely to see in the upcoming debate on

the Clean Water Act and the Resource Conservation and Recovery Act. On the one hand, the public's demands for clean, safe water are growing. Since we passed the first Clean Water Act or Clean Air Act, the level of public concern about clean and safe water has grown substantially. It is our duty to respond to that concern and safeguard our natural resources and protect public health.

However, we cannot respond adequately to that concern unless we recognize that the old top-down regulatory approach will not do. We need to develop mechanisms that allow for implementation of tough standards at the local level. We need to bring the public and interested groups into the decisionmaking process to an even greater extent. We need to step up public education and help the public understand the justification behind laws and regulations. We need to rely on more incentives and disincentives to achieve policy objectives. But the top-down regulatory approach can only be transformed by reorganizing our regulatory structures. Our natural resource and environmental agencies and departments reflect an exhausted view of the world. It is time that we reorganize and integrate those agencies so that they better serve the natural resource and public health protection requirements of the future.

Specifically, during reauthorization of the SDWA, the Congress should work with EPA and the States to emphasize pollution prevention by providing additional incentives to States and localities to adopt effective wellhead and watershed protection initiatives to help reduce expensive monitoring requirements. The States and EPA should identify and implement a strategy to allow States and localities to focus resources on controlling the most significant real public health risks. EPA and the States need to place a greater emphasis on risk-based approaches to protecting public water systems.

I support tough environmental and public health standards. The public expects it. But I also believe we need to find innovative solutions to respond to the growing concern about our natural resources and public health. Environmental protection should enhance economic growth and not stifle it. Our communities should not be allowed to fail because they don't have the resources. We need to create policy that allows them to succeed. I am not saying that there won't be sacrifices, but the public rightly expects common sense. I am pleased that Senators CHAFEE and LAUTENBERG have offered a compromise that recognizes the problems faced by small communities and States.

Mr. MCCAIN. Mr. President, I would like to make a few remarks regarding the Senate's vote on the amendment dealing with Safe Drinking Water Act regulations.

Safe drinking water is a complex issue and one of crucial importance to the health and welfare of the American people. The Senate has been asked to vote on an amendment that would excuse public utilities from testing drinking water supplies for hazardous substances such as mercury, cyanide, chlordane, nitrates and many other contaminants that the National Academy of Sciences has determined pose a threat to human health. That's a very big step to take. It troubles me greatly that the Senate is asked to take such action on an appropriations bill without any hearing, without a full debate nor even basic agreement on the facts about the impact of the proposed amendments.

I agree that we have an obligation to ensure that all Federal regulations are reasonable, based on sound science and are cost-beneficial. Those which do not meet that criteria should be thrown out. Certainly, changes need to be made in the Safe Drinking Water Act to meet those objectives. But, there is a proper and responsible way to achieve that goal.

Mr. President, an issue of this magnitude at least deserves a hearing so we can make fully informed decisions based on a strong public record. There have been no hearings. Safe drinking water and its impacts on public health and the economy is just too important an issue to address on the spur of the moment.

As I said, changes can and should be made to address the cost-benefits of Safe Drinking Water regulations. Out of fairness to rural families who must drink the water, and pay the utility bills let's do it right. I urge the committee to hold a hearing immediately so that we can address the public health and economic issues of drinking water regulations in an informed, responsible, and expeditious manner.

Mr. LEVIN. Mr. President, I support the Chafee-Lautenberg-Durenberger amendment to the Domenici amendment. I share the concerns many of my colleagues have stated today regarding the impact that Federal regulations can have on local governments and small communities especially when they are not accompanied by sufficient resources.

However, I think the Chafee amendment strikes a reasonable balance at least until we are able to reauthorize the Safe Drinking Water Act next Congress. The Chafee amendment will reduce the costs of complying with current and soon to be proposed regulations, delay those which we are uncertain as to their cost-effectiveness, and require EPA to conduct a comprehensive study of the costs and benefits of the entire Safe Drinking Water Act.

Mr. President, everyone wants to know that their drinking water is safe. Government officials, whether they are local, State or Federal, have a particular responsibility to ensure that the public health is protected. The Chafee amendment is intended to promote that protection, while avoiding some of the excesses of current and proposed regulations.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, we sure are getting different signals as to the cost. I could almost guarantee the Senate that if we were talking about a $4 increase in water bills once a year, we would not have had the hundreds and hundreds of people joining their mayors and village leaders and environmental protection people coming to us saying we are going to have to move; we are going to have to abandon our homes, because it is scores of dollars—some were talking to their people about $150, $200 that was going to be added to their bill for one test.

I asked the EPA what the test in the Chafee amendment per se would cost the first time through. Since it applies to small communities and small user groups, zero to 3,300, answer: $150 per household.

Now, I tell you, that is enough for rural America for many people not to be able to live there. What I understand the case to be is that the dread contaminants that are being spoken of may be dread contaminants in a laboratory where you study their effect on the physiology of man. But we are talking about water systems. And frankly, none of those that Senator LAUTENBERG has mentioned is on an EPA list with any serious cancer deaths known. I looked at each one, and it says annual cancer avoidance, none, none, none, none, for every one that he has mentioned.

Now, what are we talking about? Remember the case I told you about, the theoretical man test, or the actual test? Frankly, we ought to help the small communities here. They are going to know what we do not do if we pass the Chafee amendment.

I move to table, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 2965, offered by the Senator from Rhode Island [Mr. CHAFEE].

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from Tennessee [Mr. GORE], and the Senator from Colorado [Mr. WIRTH] are necessarily absent.

The result was announced—yeas 43, nays 53, as follows:

[Rollcall Vote No. 195 Leg.]

YEAS—43

Bingaman	Gorton	Packwood
Bond	Gramm	Pressler
Brown	Grassley	Rockefeller
Burns	Hatch	Roth
Byrd	Heflin	Rudman
Cochran	Helms	Seymour
Conrad	Hollings	Simpson
Craig	Johnston	Smith
Danforth	Kassebaum	Stevens
DeConcini	Kasten	Symms
Dole	Lott	Thurmond
Domenici	Mack	Wallop
Exon	McConnell	Warner
Ford	Murkowski	
Garn	Nickles	

NAYS—53

Adams	Fowler	Mikulski
Akaka	Glenn	Mitchell
Baucus	Graham	Moynihan
Bentsen	Harkin	Nunn
Boren	Hatfield	Pell
Bradley	Inouye	Pryor
Breaux	Jeffords	Reid
Bryan	Kennedy	Riegle
Bumpers	Kerrey	Robb
Chafee	Kerry	Sanford
Coats	Kohl	Sarbanes
Cohen	Lautenberg	Sasser
Cranston	Leahy	Shelby
D'Amato	Levin	Simon
Daschle	Lieberman	Specter
Dixon	Lugar	Wellstone
Dodd	McCain	Wofford
Durenberger	Metzenbaum	

NOT VOTING—3

Biden	Gore	Wirth

So the motion to table the amendment (No. 2965) was rejected.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the Chafee amendment No. 2965 to amendment No. 2964.

The amendment (No. 2965) to amendment No. 2964 was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WELLSTONE. The question is on agreeing to the Domenici amendment No. 2964, as amended.

The amendment (No. 2964), as amended, was agreed to.

Mr. GARN. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. MIKULSKI. Mr. President, to help bring about order in the Chamber, I would like to just comment that we are now coming to the end of the debate on the VA-HUD-independent agencies bill. I understand that the Senator from Maine wishes to offer an amendment, discuss it, and then perhaps withdraw it. If Senators could cooperate, so that we can take our seats and hear the commentary by the Senator from Maine, I believe then we could move to bring this bill to closure.

It is the intention of the manager, after the Senator from Maine speaks, and when there are no other amendments pending, to say something personally about Senator GARN, and then we will move to final passage. So if Senators could take their seats or withdraw to the Cloakrooms, then we could move on.

The PRESIDING OFFICER. The Senator from Maine is recognized.

AMENDMENT NO. 2966

Mr. COHEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maine [Mr. COHEN] proposes an amendment numbered 2966.

Mr. COHEN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place add the following new section:

"Sec. ( ).

(A) Of the $5,086,000,000 allocated to NASA's Space Flight, Control and Data Communications account on page 104, line 16, 425 million is transferred to EPA's Abatement, Control and Compliance account to be used for State Public Water Supply Supervision Grants. These additional funds shall supplement the amount made available for State grants under the authority of Sec. 1443 of the Safe Drinking Water Act.

(B) Of the $319,200,000 allocated to NASA's Construction of Facilities account on page 104, line 25, $25 million is transferred to EPA's Abatement, Control and Compliance account to be used for emergency grants to publicly owned water systems, as authorized by section 1442(a)(2)(B) of the Safe Drinking Water Act. For purposes of this appropriation, the Administrator may determine that an emergency exists in cases in which a state nominates a publicly owned drinking water system for such assistance and the Administrator determines that the system has (1) conducted required monitoring and made good faith efforts to comply with the treatment requirements of the Safe Drinking Water Act, and (2) has been unable to consistently deliver water meeting the Maximum Contaminant Levels required for the system due to significant economic hardship, as determined by the State.

Ms. MIKULSKI. The Senator from Maine has indicated he would be happy for me to proceed on something special, protecting his rights to offer his amendment.

AMENDMENT NO. 2967

Ms. MIKULSKI. Mr. President, while there are Senators in the Chamber, I send an amendment to the desk and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI] proposes an amendment numbered 2967.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 108, after line 11, insert the following new paragraph:

"The Mission Simulator and Training Facility, Building No. 5, of the National Aeronautics and Space Administration located at the Johnson Space Center in Houston, Texas, is hereinafter named and designated the Jake Garn Facility."

Ms. MIKULSKI. Mr. President, this amendment renames the space shuttle simulator training facility at the Johnson Space Center after our distinguished ranking member, the senior Senator from Utah.

The senior Senator from Utah was not aware that I would take this action. He is not the kind of guy that wants a lot of fuss made over him. But I think we should make some fuss over him, because he has been an exemplary Member of the U.S. Senate. And one of only two Senator astronauts, and therefore, I think it would be a fitting tribute to name a simulator training facility at the Johnson Space Center after him, something that will be training other astronauts to go into space.

At the end of this Congress, Senator GARN will end a distinguished career as a Member of this body and for the time being at least, a distinguished career in public service. Four years ago when I became the chair of this subcommittee, many wondered how Senator GARN and I would interact since we come from different geographic areas. We come from different political parties. We even have a different political philosophy. But I think many have been surprised about the way we have worked together in a bipartisan way fashioning the annual VA-HUD appropriations bill.

I thank the Senator from Utah for a lot of the advice and guidance that he has given to this Senator. I also thank him for what he has done for the United States of America.

Before coming to the Senate in 1975, Senator GARN was a Navy pilot, a member of the Utah National Guard, a private sector executive, and a mayor of a great city, Salt Lake City. He has chaired both the Banking Committee and the VA-HUD Appropriations Subcommittee. And as my colleagues know, he is best known for his passionate support for the space program, having flown on the space shuttle in 1985.

It is his own experience as an astronaut Senator that has anchored his support for NASA and his commitment to Federal investments in research and development.

Perhaps what can best be said about JAKE GARN is not about his days in the Navy, or as a big city mayor, or even

as an astronaut Senator. What he wants to be remembered for most is as a dedicated, loving husband, father, and grandfather to his 7 children and 10 grandchildren.

I have learned a great deal from him, and from his dedication to the space program. His role as an astronaut makes the designation of the shuttle simulator training facility at Johnson Space Center fitting and appropriate.

We shall miss him next year. We wish him and his wife, Kathleen, and the entire family all the best.

I would urge the adoption of this amendment. I also know that the distinguished Republican leader had something he wanted to put into the RECORD on this matter.

If there is no further debate, I urge adoption of the amendment by unanimous consent.

The PRESIDING OFFICER. If there is no objection, the amendment is agreed to.

So the amendment (No. 2967) was agreed to.

Ms. MIKULSKI. Mr. President, I move to reconsider the vote.

Mr. SYMMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GARN. Mr. President, I am not only surprised but humbled by the gesture of the distinguished chairman, the Senator from Maryland.

I am happy she passed it quickly by unanimous consent. I heard some grumbling on my side that they wanted a rollcall vote on the amendment. So I appreciate the speed.

I would just simply say that I am indeed honored. I spent a good deal of time in that particular building in the motion space simulator as well as the fixed base simulator. So I have fond memories of that period of time.

I suppose more importantly being honored doing something in aviation is paying a 12-year-old to eat candy in a candy store. My father was a pilot in World War I, got his wings in April 1917, and was Utah's first director of aeronautics, a real pioneer in aviation, far more than I. And the Utah State Aeronautics Building in Utah is dedicated to my father.

I received my private pilot's license on the morning of my 16th birthday and my driver's license in the afternoon. So I think that is probably an indication of a lifetime of love of things that fly.

The opportunity to fly in space was obviously the ultimate flying experience. So, to be honored in this way by my colleagues is very touching.

I would just say I am extremely grateful for the Senate passing this, and express my gratitude to the Senator from Maryland for her distinguished work.

As I said earlier today, she picked up the reins very, very rapidly, learned the intricacies of a very complicated bill and it has been my pleasure to work with her. And as she said, we are a liberal Democrat from Maryland and a Republican conservative from Utah, and we have had an extremely good, close working relationship. I only wish that the whole Congress could work on that basis and put aside partisan differences and the country would be a lot better off.

Thank you very much.

Mr. COHEN addressed the Chair.

AMENDMENT NO. 2966

The PRESIDING OFFICER. The question recurs on the Cohen amendment.

The Senator from Maine is recognized.

Mr. COHEN. Mr. President, I will be very brief this evening. I understand that there are no more amendments that are pending and none will be offered and that we can move fairly quickly on final passage.

I do want to say that the debate that consumed most of the afternoon surrounding the issues raised by the Senator from Rhode Island and the Senator from New Mexico were immensely important to this country because they deal with an issue that we have not taken up in recent months and years: mandates, Federal mandates, and the tremendous costs being imposed upon the local communities.

Mr. President, the amendment that I am offering would not add anything to the committee's allocation, nor would it add anything to the Federal deficit, but would take advantage of an opportunity to set a clear sense of budget priorities. It would, in fact, remove or transfer some $50 million from the Advanced Solid Rocket Motor Program in NASA's budget to the EPA's account for abatement, control and compliance to provide financial assistance to States and communities to meet Safe Drinking Water Act requirements.

Mr. President, this Advanced Solid Rocket Motor Program, ASRM, is clearly not a wise use of Federal dollars. NASA did not request funding for this program. The President opposes funding for this program. The Congressional Budget Office estimates that canceling the program will save $2.2 billion. The administration's estimate is $2.5 billion.

An amendment was offered in the House of Representatives. It cut the funding for the program and it passed 249 to 159.

The Citizens Against Government Waste, the Citizens for a Sound Economy, and several prominent environmental groups support the cancellation of this program. And yet here we have the funding for a program that nobody wants.

I was surprised. We heard a lot of discussion about asbestos and cyanides and other types of elements that ought to be monitored.

There was no mention made of trichinosis. That is what is involved here. We are suffering from an advanced case, not of rocket motor but of trichinosis. Nobody wants this particular program except the State or States that are now spending the money and receiving the Federal benefit from this particular program.

Mr. President, this is a classic case of a waste of necessary Federal dollars that ought to be saved. We hear a lot about balanced budgets. Everybody on this side of the aisle constantly talks about balanced budgets.

I urged the adoption this year, for the first time, of a constitutional amendment to balance the budget because it is out of control. We hear a lot about the Republicans' position on the line-item veto, and on wasteful spending. Well, here we have a case of clear wasteful spending.

The administration does not want it, NASA does not want it. It is very costly. We can save the money and yet here it is in the budget. Even the House of Representatives does not want it.

Mr. President, I am compelled to not proceed with my amendment because I am told that while my amendment would be considered a relevant second degree amendment under the rules, that procedure points of order may be raised against it. And, therefore, I will not press that issue because of the lateness of the hour and not take up time unnecessarily.

But I do think it is very important, Mr. President, that we start focusing on important programs, and that we start talking about the budget deficit. When we start railing against wasteful spending, the big spenders, the big taxers, let us look right here at home. Here is a classic case where we could save $2.5 billion and we are not going to do it; we are not going to do it because one or two States benefit from the program.

So if we are really concerned about the future of our children, if we are really concerned about what is happening to the future prosperity of this country, let us start looking at programs like the Advanced Solid Rocket Motor Program and start finding ways in which we can delete this. And at the same time, let us be diligent in our efforts to assist States and communities comply with the Federal mandates we place upon them.

Mr. President, I ask unanimous consent that I may withdraw my amendment.

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

The amendment (No. 2966) was withdrawn.

The PRESIDING OFFICER. Are there further amendments?

Ms. MIKULSKI. Mr. President, we are in the final minutes of this bill.

As the manager of the bill, I would like to thank Senator BYRD and Sen-

ator HATFIELD for their cooperation in moving the legislation through the full committee. A special thanks to Jim English, Keith Kennedy, and all the full committee staff.

On my own subcommittee, I would like to thank Kevin Kelly, my chief clerk, and Carrie Apostolou, Juanita Griffin, Sarah Linstead, and Peter Saundry, all who helped me move my bill.

And I know on the ranking minority member's side, we would like to thank Dona Pate for all of her work and Stephen Kohashi for all the work that he has done.

Mr. President, there are no further amendments pending.

Mr. MCCAIN. Mr. President, I want to thank the managers of the bill, Senator MIKULSKI and Senator GARN. The managers have accepted an amendment I offered to improve wastewater management along the United States-Mexico border.

Earlier this year, President Bush and President Salinas agreed upon a comprehensive plan to clean up and prevent border pollution.

One of the key elements of the plan is to substantially improve the treatment of sewage in the region by constructing state-of-the-art wastewater treatment facilities. These facilities will serve the United States-Mexico sister cities of Nogales, AZ/Nogales, Sonora; San Diego, CA/Tijuana, Baja CA; and Calexico, CA/Mexicali, Baja CA.

These, and other border cities, are growing rapidly. Expanded watewater treatment capacity is critically needed to protect human health and the environment in the region.

President Bush requested $120 million in border plant construction grants for fiscal year 1993 to implement the plan. Unfortunately, the Appropriations Committee deleted the grant request and reallocated the money to the State Revolving Fund Program. This program, authorized by the Clean Water Act, distributes money to the individual States to capitalize revolving loans for wastewater treatment plant construction.

I would like to note that the committee did raise Arizona's SRF allocation to $17 million—$5 million over the House bill. Apparently, the committee intended for Arizona and other border States to fund the international facilities through their revolving funds. We appreciate the additional revenues. However, simply bolstering border State revolving funds without making certain allowances would be ineffective.

First, Federal and State guidelines prohibit the use of State revolving fund money to construct facilities which are not under the jurisdiction of the State. The International Boundary and Water Commission, which operates the Nogales international border plant, is a Federal agency and would not be eligible for revolving fund money.

Second, Federal law requires States to provide 20 percent cost-sharing when federally assisted State revolving fund moneys are employed. This rule would require the people of Arizona to pay for the treatment of sewage generated in Mexico. Since the inception of the International Boundary and Water Commission in 1944, border environmental protection, particularly the treatment of water flowing from Mexico into the United States has primarily been a Federal responsibility. Changing the rules now would be grossly unfair.

The amendment I offered, which has been accepted by the managers, would remove these legal and policy inconsistencies.

First, the amendment would waive the prohibition against the use of State revolving fund money on international wastewater treatment projects operated by the International Boundary and Water Commission.

Second, the amendment would waive the 20-percent State cost-sharing requirement. This will ensure that longstanding Federal policy is not reversed—a policy which rightfully vests the Federal Government with the lead role in protecting America's borders from water pollution generated in Mexico.

Third, the amendment will require the International Boundary and Water Commission to repay the State revolving funds under the same terms as any other beneficiary of the program. If we are going to upgrade international plants by using State money, the Federal Government should play by the same rules as all other participants.

Finally, the amendment will ensure that money earmarked by the States for international plants will remain available until expended. Federal rules require revolving fund money to be obligated within 2 years of appropriation or the funds revert back to the Treasury. Should plant design, engineering and construction be delayed for any reason, this amendment would ensure the money remains available for its intended purpose.

Mr. President, I would have preferred that we simply provide the construction money in the form of a grant to the International Boundary and Water Commission. The committee could not accept that particular approach. Nevertheless, adoption of this amendment will ensure we can move forward with crucial improvements in border wastewater management to protect public health and the environment in Nogales, along the Santa Cruz River and throughout the border region.

Again, I thank the managers for accepting the change. I urge the House/Senate conference committee to retain the provision, and appropriate the necessary funds to accomplish the job.

Mr. CRANSTON. Mr. President, I would like to take a moment to thank the distinguished Chair of the Appropriations Subcommittee on HUD, VA, and Independent Agencies for working with me and other members of the Housing and Urban Affairs Subcommittee to resolve several issues in the committee-reported bill.

I would also like to commend Senators BYRD, GARN, D'AMATO, and BOND for their cooperative spirit. Senators BOND and GARN sponsored an amendment in committee markup making several positive changes to the original mark.

As you know, the Senate Banking Committee recently reported a housing reauthorization bill developed over the past several months. This bill would reauthorize and refine existing Federal housing and community development programs and fill critical gaps in Federal housing policy through initiatives proposed by the administration and Banking Committee members.

In an effort to avoid the delay in program implementation that occurred after passage of the National Affordable Housing Act in 1990, staff of both the authorizing and appropriations committees have engaged in an active consultation process to coordinate our legislative efforts. I am pleased that the Senator from Maryland has been so willing to accommodate funding for some of the pending programs, particularly Youthbuild, FHA multifamily finance, distressed public housing, fair housing enforcement and preservation technical assistance.

I was deeply concerned, however, with other aspects of the committee-reported bill which dramatically reordered established priorities in the allocation of scarce resources for Federal housing programs. Particularly disturbing were the major reductions in funding for section 8 rental assistance, emergency homeless assistance and the HOME Program.

The fiscal year 1992 appropriations law funded approximately 48,000 traditional certificates and vouchers. By contrast, the subcommittee-passed bill provided no funding for such incremental rental assistance. $250 million was provided for this purpose at the full committee level, but even this level will help only 7,000 additional low-income families.

In addition, the fiscal year 1992 appropriations law provided $1.5 billion for the HOME Program. By contrast, the subcommittee-passed bill provided only $900 million for HOME; $300 million was restored at the full committee level, somewhat mitigating the reduction in current activity.

Finally, the committee-reported bill provided only $17 million for the McKinney Emergency Shelter Grant Program—a cut of $56 million below last year's level.

We all know how tight resources are this year, particularly in the HUD, VA,

and Independent Agencies Subcommittee. Yet these funding cuts were not evenly distributed among programs. In fact, significant increases in funding were provided for CDBG, public housing modernization, elderly housing and even the original HOPE Programs.

The manager's amendment would make several changes to the committee-reported bill which I believe provide significant improvements.

First, funding for rental assistance would be increased by $450 million—$350 million for section 8 certificates, and $100 million additional for section 8 vouchers.

I sympathize with the Chair's concern that the section 8 program has been plagued by severe mismanagement at HUD; the Department's persistent inability to estimate accurately the cost of renewals and amendments has impeded efforts to develop responsible legislation.

However, tenant-based rental assistance is, perhaps, the most important form of Federal housing assistance. It gives low-income families the ability to decide where to live, in addition to ensuring, like other programs, that housing will be affordable, decent, safe, and sanitary. The 1988 Rouse-Maxwell National Housing Task Force recommended that the Federal Government should be assisting 200,000 new families each year to make a meaningful dent in the Nation's affordable housing crisis.

I hope that the Senate conferees on this bill will consider increasing this level further to the House-passed level of $1.6 billion.

Second, funding for the HOME Program would be increased by $300 million to restore the program to last year's program level of $1.5 billion.

The HOME Program establishes the new framework for federally supported housing, devolving responsibility for program design and implementation of the State and local governments and community groups who know their housing needs best. It has the real promise of building a strong national network of community-based organizations that can serve the housing needs of low-income families within the larger context of neighborhood revitalization.

While HOME is a new program without the track record of existing efforts, its success in meeting the country's housing needs is contingent upon a predictable, consistent stream of Federal dollars. Erratic funding levels will undermine the ability of States, localities, and community-based groups to plan and implement sound affordable housing strategies.

Again, I hope that the Senate conferees will fight to maintain this level in conference with the House.

Third, funding for the McKinney emergency shelter grants would be increased by $50 million for a total program of $68 million.

In order to provide resources for these changes, the increases provided for public housing modernization. HOPE VI and the multifamily housing finance demonstration would be reduced somewhat. The substantial increase provided for CDBG—$700 million over last year's levels—would be maintained.

All in all, I think these changes greatly improve this year's appropriations bill.

These issues, at their core, are issues related to the allocation rather than the level of resources. I am pleased that the authorizing and appropriating committees have been able to work together to construct an agreement in the manager's amendment that takes account of both our concerns and objectives.

ADVANCED SOLID ROCKET MOTOR PROGRAM

Mr. HEFLIN. Mr. President, I rise today to speak in support of NASA's Advanced Solid Rocket Motor Program.

The ASRM evolution began with feasibility studies in 1987 even while the current solid rocket motor was being redesignated following the tragic *Challenger* accident. Even before that time, Congress had strongly urged NASA to search for second sources for the shuttle motor. It had become quite clear that a new and advanced solid rocket motor was essential. Today, we are reaching the goal of fulfilling four extraordinary challenging objectives with ASRM:

Improve system safety and reliability; improve shuttle payload performance: 12,000 pounds; optimize program cost; and promote competitive solid rocket motor industry.

The validity and importance of these objectives to the Nation's civil space programs have become even more important over time.

It is paramount that the shuttle system be as safe and reliable as possible to protect the invaluable national asset and the brave men and women who fly it in quest of scientific and technological advancement. Current calculations show that the ASRM can produce substantially more than 12,000 pounds additional payload capability. This keeps this project's confidence high that the increased performance objectives will be achieved. The added 6-ton payload carrying feature provided by the ASRM has been declared essential to place in orbit a fully outfitted space station *Freedom* module and to preclude adding several flights for service and resupply.

The ASRM unit cost projections and payload cost efficiency fits closely with today's tight fiscal demands. The ASRM flight set cost is anticipated to be almost one-third less than the current system flying. And, since the ASRM can lift greater weight per flight, the cost per pound to orbit will be significantly reduced. Ten ASRM's can place the same payload pounds in orbit as can 13 flights with the current system.

Providing a government-owned, contractor-operated facility to promote competition in the large SRM industry is fully consistent with the requirement for more and more competition in Federal procurements. The ASRM manufacturing and test facilities now under construction are state-of-the-art, highly automated, and fully adhere to the principle of future competition.

Mr. President, opponents of the ASRM have suggested that terminating the ASRM will save hundreds of millions of dollars. This is simply not true. Cancellation of the ASRM contract will require $300 million immediately in termination costs. Fixing the redesigned solid rocket motor asbestos problem will cost $73 million. Without the extra thrust of the ASRM, the shuttle will not be able to place the Advanced X-ray Astrophysics Facility [AXAF] in the proper orbit. NASA will be forced to develop a propulsion system that can be strapped on AXAF to provide the additional lift at a cost of $87 million. Without the ASRM there will be three additional space station flights required at $50 million each. Furthermore, without the ASRM, space station deployment will be delayed by 9 months at an estimated cost of $1.5 billion. The total of these costs is $2 billion, $110 million. This is more than the amount required to complete the ASRM Program.

We have already spent $1.2 billion on the ASRM. The completed program, which includes the first six flight sets of the motor will require an additional $1.8 billion. It would be fiscally foolish for Congress to terminate the ASRM at this time. Clearly, it is more expensive to terminate the ASRM than to complete the program.

The advanced solid rocket motor project now employs over 2,500 people in the tristate Mississippi-Alabama-Tennessee area. The majority of ASRM employees and their families reside within 50 miles of the ASRM site in the Mississippi-Alabama-Tennessee region. Many have purchased or built homes which represent a major personal financial investment by these employees. The communities have responded with major investments of their own to accommodate this sudden growth. As a result, the project's economic impact has been uniformly positive and diverse. It has resulted in new jobs, business opportunities for large and small firms, new home construction and the associated major mortgage lending activity, an increased tax base, new service industries, and more business for existing ones, new schools, a new hospital, a modern utilities infrastructure, and a regionwide NASA education initiative. The State of Mississippi, though struggling with its own budget problems, has provided $25 million to

assist in providing much needed schools, roads, and utilities.

ASRM is serving as a catalyst for optimism in the tristate area, giving hope for a brighter future. Termination of ASRM would have a devastating economic impact on this historically depressed region as well as the hundreds of employees nationwide and residents whose livelihood is tied directly or indirectly, to the project. Moreover, greater than 50 percent of ASRM construction contracts have been awarded to small disadvantaged businesses.

The ASRM is an integral part of the future of NASA and I ask you to support it.

FUNDING FOR VETERANS

Mr. DASCHLE. Mr. President, I wanted to say just a few words about the measure before the Senate today. I plan to support this legislation because I believe it is important that we move forward with the funding contained in the bill so that the VA and the other agencies who receive their annual appropriation through this bill can begin to plan for the coming fiscal year. In addition, H.R. 5679 contains a number of important items for the State of South Dakota that I am very eager to see approved, including funding for downtown economic development in Sioux Falls, authorization for the State of South Dakota to use Federal funds to replace the wastewater treatment facility in Pollock, and an important increase in Indian housing funds.

In addition, H.R. 5679 contains some very important funding initiatives for veterans programs. Despite the spending constraints forced upon it, the subcommittee provided a $1.15 billion increase in VA medical care funding over the current year, including an additional $3 million for geriatric programs, $12.5 million for PTSD treatment, and $10 million for homeless programs. The subcommittee has also provided an additional $15 million so that the VA may hire over 250 new staff in its regional offices to reduce the backlog of benefits claims that keep veterans waiting for months and even years for their compensation or education checks. These are very important provisions that will greatly improve the care and benefits provided to veterans nationwide, and I strongly support them.

However, I will vote for this measure with strong reservations about some of the veterans' provisions included in H.R. 5679 and with the understanding that every attempt will be made to address those concerns in conference.

H.R. 5679 contains only $37 million more for the VA than was approved by the House or requested by the President. Yet, there a multitude of extenders and copayments imposed on veterans that will generate savings of an estimated $500 million. Among these provisions are the extension of the current $2 prescription drug copayment, which has caused a great deal of concern among veterans in South Dakota and nationwide. In addition, this bill extends the medical care copayments for non-service-connected veterans at nursing homes, as well as for inpatient and outpatient hospital care.

Unfortunately, these provisions constitute only a small part of my concern. The subcommittee has exceeded what I believe is its authority in an appropriations bill by extending these fees for the first time to disabled veterans as well. Veterans who may be 30 or 40 percent disabled will be required to pay for any care that is not directly related to their disability. I question the logic of such a provision, and I question the ability of the Appropriations Committee to take up such matters without so much as a hearing or real consideration of the effect this will have on the thousands of disabled vetrans who may not be able to pay those fees. This is clearly legislating on an appropriations bill, and I regret that the subcommittee will not remove the fees before Senate consideration.

Mr. President, this country is facing a real health care crisis. Over 35 million Americans have no health insurance, and many are veterans who have relied on the VA for care. Years ago the Government made a promise: If you give your time and you serve honorably, the VA will take care of you. If you are injured, the VA will care for those wounds. And if your life is given in defense of this great Nation, then the VA will care for your widow and your orphans.

The promise is becoming more and more empty every single day. Earlier this summer, two of the three VA hospitals in South Dakota were required to turn away a large number of non-service-connected veterans because we simply had no means of taking care of them. At the same time, we are asking those who have not been kicked out already to pay copayment for care that was supposed to be free. And now, this bill threatens the DIC program's ability to take care of veterans' survivors by taking away the savings that the Veterans' Affairs Committee had planned to use to finance a revision of that program.

When will this body say enough is enough? I understand that Senator CRANSTON had planned to raise points of order against each of these provisions, but had to withhold from doing so because it threatened all funding in the entire bill, a risk that none of us can afford to take. If forced to operate under a continuing resolution, veterans health care will deteriorate even more quickly, and service to veterans will suffer even more dramatically than under the funding provided in this bill. So, I appreciate the Veterans' Affairs Committee chairman's reluctance to impose such a heavy toll on the VA.

But again, Mr. President, I must point out that I do not think our veterans can bear the burden of this funding mess any longer. Unless the members of this body pull together and recognize that the hard choices are waiting for us right herein this bill, we will put more and more veterans on the street, more veterans out of the shelter of the health care umbrella, and more veterans without the services that they have earned.

I absolutely understand and share the frustration that the distinguished Chair of the VA, HUD, and Independent Agencies Subcommittee must have faced when the subcommittee was asked to fund so many important programs with $1.4 billion less than what the President had requested for these very same programs. Senator MIKULSKI has done the best job any Chair could do in this situation. In addition, the subcommittee was required to fund a restoration of the many cuts hidden in the President's budget request before it could begin to consider real funding increases. But, at some point, we must stop explaining and make some choices.

Thus, Mr. President, it is with strong reservations that I vote in favor of this bill. Senator MIKULSKI has indicated she will work hard in conference to delete the provisions that I have mentioned here today, and I am counting on that. I urge the subcommittee to work with the House and with the Veterans' Affairs Committees to see that veterans are protected from fees and cuts that take away the benefits they fought for and deserve. I offer my own assistance in that effort.

Simply put, veterans did not ask how much it would cost when they served, they did not weigh the various options and take the easy road. We cannot, in turn, ask them to sacrifice further because of the deficit or because we cannot seem to garner enough votes to tear down the walls preventing a shift funding to where it is most needed. Veterans deserve better than that, and I look forward to the year when they are finally exempt from the cutbacks and budget games that the administration and the Congress continue to force upon them.

STATEMENT ON VA-HUD-INDEPENDENT AGENCIES APPROPRIATIONS BILL

Mr. SASSER. Mr. President, the Senate Budget Committee has examined H.R. 5679, the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies appropriations bill, 1993, and has found that the bill is under its 602(b) budget authority allocation by $8 million and under its 602(b) outlay allocation by $12 million.

I compliment the distinguished manager of the bill, Senator MIKULSKI, and the distinguished ranking member of the VA-HUD Subcommittee, Senator GARN, on all of their hard work.

Mr. President, I have a table prepared by the Budget Committee which

shows the official scoring of the Veterans, Housing, and Independent Agencies appropriations bill and I ask unanimous consent that it be inserted in the RECORD at the appropriate point.

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

SENATE BUDGET COMMITTEE SCORING OF H.R. 5679

[VA, HUD, IA Subcommittee Spending totals—Senate Reported, dollars in millions]

Bill summary	Budget authority	Outlays
Domestic discretionary	65,499	64,944
Senate 602(b) allocation	65,500	64,949
Difference	−1	−5
Defense	365	346
Senate 602(b) allocation	372	353
Difference	−7	−7
Mandatory total	23,128	21,094
Senate 602(b) allocation	23,128	21,094
Difference	0	0
Bill total	88,992	86,384
Senate 602(b) allocation	89,000	86,396
Difference	−8	−12
Domestic discretionary above (+) or below (−):		
President's request	311	−716
House—passed bill	112	40
Senate—reported bill		
Defense above (+) or below (−):		
President's request	43	18
House—passed bill	−3	−0
Senate—reported bill		

RADON LANGUAGE

Mr. SMITH. Mr. President, earlier today, the Senate adopted the Chafee amendment dealing with the Safe Drinking Water Act. Although I had reservations with this amendment and preferred language in the Domenici amendment, I was pleased that it included language I had developed addressing the issue of regulating radon in drinking water. This language is a modified version of my amendment adopted as part of the Indoor Radon Abatement Act, which passed the Senate earlier this year.

When it became probable that comprehensive radon legislation would not be adopted by both Chambers of Congress this year, there was broad, bipartisan support to include this language in the relevant appropriations bill.

As many of my colleagues are well aware, the Environmental Protection Agency's proposed rules for radon in drinking water have come under fire from its own Science Advisory Board and numerous small communities across the country that would be forced to comply with these regulations. These rules, which fall under the jurisdiction of the Safe Drinking Water Act, would require that public water systems provide water containing no more than 300 picocuries per liter [pCi/L] of radon. While I agree that radon in drinking water is an important health concern that should not be ignored, I also believe that the 300 pCi/L set by EPA is too low. This assessment is supported by EPA's own Science Advisory Board.

I am also concerned that EPA's estimated cost for implementation and compliance of the radon rule—with a capital cost of $1.6 billion and annual operating cost of $180 million—is too low. According to the American Water Works Association, the overall cost of the radon rule will be $20 billion in capital costs and $2.7 billion in annual costs. These figures do not even take into account the myriad of other water rules with which communities and water suppliers must comply.

Regardless of whose figures you believe, it is clear that small communities and townships will bear the greatest financial burden from this proposed rule. Indeed, in my home State of New Hampshire, 96.5 percent of the 2,746 community wells would not meet the proposed standard of 300 pCi/L. Even if EPA adopted a less stringent standard of 1,000 pCi/L, 75 percent of the wells in my State would not meet this proposed radon rule.

Mr. President, we have mandated that our communities meet a variety of safe drinking water rules, the cost of expensive landfill requirements and the cost of more stringent sewage treatment facilities—all with very little Federal funding. Prior to establishing new Federal regulatory mandates, we need to conduct adequate risk assessments to determine the most significant risks to human health and the environment so that these programs are funded in the priority of their risk.

On January 29, 1992, the chairman of the executive committee of the EPA Science Advisory Board, Mr. Raymond C. Loehr, in a letter to EPA Administrator William Reilly, stated that, "radon in drinking water is a very small contributor to radon risk except in rare cases and the committee suggests the Agency focus its efforts on primary rather than secondary sources of risk. The Agency should conduct a full multimedia risk assessment of the various options for regulating radon in drinking water."

Mr. President, this is exactly what my proposal will do. Specifically, the language included in this bill will require the Administrator of EPA to conduct a multimedia risk assessment of radon considering the relative risk of adverse human health effects associated with various radon pathways, the relative costs of controlling radon exposure from these pathways, and the relative costs these controls will impose on households and communities. In addition, the Science Advisory Board will be required to review the EPA study and submit its recommendations to the Administrator, who must report these findings to Congress.

In simple terms, Mr. President, the language in this amendment requires EPA to look at the costs and benefits of treating radon in water and help focus financial resources on the sources and levels of radon that pose the greatest risk. At a time when small communities are experiencing severe financial strain, it is only common sense that we should follow appropriate risk assessment to ensure that our limited funds are spent on those issues that truly represent a health and environmental risk.

I thank my colleagues for including these provisions in their amendment to this bill. I believe the amendment is an important first step to addressing this problem.

Mr. SASSER. Mr. President, I rise today in support of the VA-HUD appropriations bill. I would like to congratulate the chairman and the ranking member of the VA-HUD Subcommittee for their good work under very difficult circumstances.

The activities funded under this bill represent some of the most important functions of Government. Each one of these functions—from low-income housing and veterans medical care to scientific research and environmental protection—are areas in which our Nation is arguably underinvesting. Yet, instead of growing commensurate with the needs, these diverse governmental functions must compete each year with one another in the context of the VA-HUD appropriations bill. I commend the managers for crafting a bill that does as little damage as possible to the missions of each of these important agencies.

I would particularly like to thank the distinguished managers for accepting my amendment to restore the funding for the Emergency Shelter Grants Program. The Emergency Shelter Grant Program provides important resources to a multitude of organizations out there who are providing beds for the homeless.

Mr. President, our Nation's policy with respect to housing the homeless is moving away from a system of emergency shelters to a system that combines shelter with services. Most everyone agrees that the primary objective is to provide permanent housing solutions. But where permanent solutions are unworkable for certain homeless individuals, policy prescriptions now recognize that we must combine shelter with the services necessary to help move the homeless into more permanent housing.

Unfortunately, Mr. President, we are not there yet. We clearly do not have enough affordable low-income housing. We clearly do not yet have in place a sufficient number of shelter options with service components. We still need emergency shelter beds out there. My amendment will ensure that existing shelters will have a continuing stream of funding to meet their operating needs over the coming year.

The offset for my amendment is a proposed HUD multifamily housing demonstration. I felt this was an appropriate offset for several reasons. First, while we need to revitalize our

Nation's multifamily housing system, the needs of those who are homeless must be a priority. Second, the multifamily housing demonstration is a new program not yet authorized, and the administration has expressed some reservations. I suspect that the demonstration will take some time to be implemented under these circumstances. Finally, my amendment would preserve the demonstration, but at a smaller level. It is important that the demonstration go forward as a way to test alternatives to the current HUD efforts which are unsatisfactory. Even after the reduction effected by my amendment, HUD will be able to share the insurance risk on nearly $200 million in new multifamily housing next year.

I would like to close by again thanking the gentlewoman for accepting this important amendment and by again congratulating her on her hard work in bringing this bill to the floor.

Mr. KERREY. Mr. President, as a member of the Subcommittee on VA-HUD-Independent Agencies, I am supporting the fiscal 1993 bill as reported from committee. I do this on the basis that the subcommittee, and then the full committee, did what it could within existing resources. There are a number of proposals in this bill which I wish were different, but the subcommittee had its spending allocation and it had many competing needs, and I commend the chair and the ranking member for the balance which they were able to achieve.

As a veteran, I am always particularly concerned about funding for veterans' medical care. The Department of Veterans Affairs medical program is the largest Federal medical care delivery system in our country. It includes 171 hospitals, 3 of which are in my State of Nebraska. During fiscal 1993, the Department anticipates treating 1,098,044 persons on an inpatient basis and total outpatient visits of 23,787,000.

The system faces many problems. A number of facilities are old. There are ongoing shifts in the geographical distribution of the veteran population. The veteran population in general is aging as World War II veterans reach retirement age. Vietnam era veterans continue to experience a number of special medical needs. Health care costs in the VA system, as elsewhere, continue apace.

In my State, there are some 176,000 veterans, of whom 52,800 are Vietnam-era veterans, 32,500 Korean veterans, 52,900 World War II veterans and 700 World War I veterans. Some 42,000 of these veterans are over 65 years of age.

Our task is to provide for medical needs as best we can—and that is not easy. Even with an appropriation in excess of $14 billion, all needs will not be met.

Last year, in Nebraska, we were able to obtain funding for renovation of State veterans' homes as a result of increases in funding provided by the Senate subcommittee and ultimately the Congress as a whole for construction of State extended care facilities. Last December, the VA notified the State that $4.1 million in Federal funds were available for projects at the Norfolk, Scottsbluff, and Omaha State veterans homes. Several months ago, final requirements were satisfied and the award announced by the Governor.

This year our efforts are focused on improving our understanding and treatment of alcoholism in elderly veterans and initiating an effort to provide support and assistance to veterans with Alzheimer's disease and their families. In Nebraska, as in many other States, advancements in veteran medical care is often the result of collaboration between veterans medical centers and university medical centers. And I intend to continue to work to forge a stronger relationship between such institutions in areas of special need for our veterans.

In one of our three Nebraska medical centers, Grand Island, we have recently seen the closing of the surgical wing. Unfortunately, detailed plans for alternative care were not in place at the time of closing and this has caused not only concern but some hardship for veterans in the area. The Senate report includes language requesting a report on the provision of emergency services and transportation to Lincoln and Grand Island for less urgent and elective cases. I have discussed this matter with Secretary Derwinski, and I am hopeful that proper arrangements will soon be in place. I will continue to work to see that they are.

We continue to have other needs in Nebraska. Services in the western part of the State, in particular, require improvement. We will also continue to work on these and on other problems as they arise.

As a former Governor, I also want to comment on several programs which are of special importance to our cities and States. One of these is the Community Development Block Grant [CDBG] Program. I was an enthusiastic supporter of the $4.4 billion recommendation in subcommittee and regret that it was reduced to $4.1 billion, although the latter is both an increase over the $3.4 billion provided in fiscal 1992 and the $2.9 billion requested by the President for fiscal 1993.

We have talked a lot recently about our cities and their needs. We have and continue to work on some programs to address specific areas. But the CDBG Program is special, in part because it is not specific. It is the program which provides our entitlement cities and our States with assured but flexible funding to meet various needs.

The U.S. Conference of Mayors recently surveyed 172 jurisdictions and found that they could immediately obligate $6.1 billion above the current level of funding. These are funds which could be expended within 1 year. They are projects that are ready to go. They are projects which create economic activity and jobs. In response to the survey, Omaha indicated that it could use 72 percent more funding. Lincoln could have spent about $1 million more than it received this past year.

Under the $4.1 billion recommendation, Nebraska would receive more than $23 million, and while these funds would help the entitlement cities of Omaha and Lincoln, they would also help numerous smaller cities throughout the State. Last year, the State was able to make 70 grants to nonentitlement cities on a competitive basis. These funds are used for housing, infrastructure, water quality, and services.

For the Home Investment Partnership Grant Program, the committee has recommended $1.2 billion. This program, in its second year, is designed to help localities provide affordable housing. Under the committee mark, Nebraska would receive $5.3 million. Last year, 15 Nebraska communities received an average $233,000 under the Home Program.

A third program of particular interest to States and localities is the Construction Grant/State Revolving Loan Fund Program administered by the Environmental Protection Agency. This program is designed to eliminate municipal discharge of untreated or inadequately treated sewage into the Nation's waters. It is a major effort. The need has not gone away. Localities cannot meet their wastewater treatment needs without it. It was a grant program when I was Governor and is shifting to a loan fund. For fiscal 1993, the committee recommendation provides more than $13 million for Nebraska. On a nationwide basis, the committee recommendation will create approximately 145,000 construction jobs while it helps us restore water quality.

While I regret that there are no additional section 8 units, I understand both the budgetary constraints and the problems within the program. It is a good example of a worthy idea gone wrong. It is not sustainable in its current form.

In order to compensate to some extent for the section 8 suspension, the committee has tried to fund at an adequate level other housing efforts and public housing accounts, and it has added to the Drug Elimination Program. Both the youth sports activities under the Drug Elimination Program and the new Youthbuild Program under HOPE are, in my opinion, of particular importance in bringing opportunity and help to our urban youth.

I am pleased that the committee has made a major effort to expand the Congregate Services Program. For years, we have managed to do little more than maintain the existing demonstra-

tions, yet this program offers hope and help to the elderly who require special assistance but do not require full nursing home services. As the committee notes, some studies have suggested that as many as 100,000 elderly residents in public housing face institutionalization unless they can obtain support services.

The committee has provided funding for emergency shelter, transitional and supportive housing, single room occupancy, and shelter plus care as well as last year's level for FEMA's Emergency Food and Shelter Program. Caring for those of our citizens who have nowhere to go at night is a special responsibility. Certainly this is an area where we need to do more, and I hope that in future years we will be able to.

Under the HUD section, the committee has also included special projects which will help us meet certain health, job training, and economic development needs in Nebraska.

Finally, I would like to discuss for a few minutes several research and technology efforts which I consider especially significant to our Nation's future.

The subcommittee has under its jurisdiction the Office of Science and Technology Policy [OSTP]. OSTP has unique governmentwide coordinating responsibilities in a number of areas including science, math, and engineering education; global change; and high performance computing. It has made significant contributions in these areas, but I submit that its work is far from done. This is especially true, I believe, in the high performance computing and networking area.

The Federal Government has made real progress in developing the infrastructure, but significant questions remain about the future of the National Research and Education Network [NREN], and we are only beginning to address issues of application, programming, and use. Legislation recently introduced by Senator GORE, which I cosponsored, moves us in the right direction. I see a major role for OSTP is helping determine where our Nation should go in terms of networking, especially in applications to education, health care, and manufacturing and the telecommunications policy necessary to support those applications. I look forward to pursuing this matter in further detail with OSTP.

Two agencies under the jurisdiction of the subcommittee, the National Aeronautics and Space Administration [NASA] and the National Science Foundation [NSF], are engaged in activities which will play a large role in improving our Nation's technological capabilities and the competitiveness of our industries. They are among the six Federal agencies which since 1973 have provided the bulk of Federal research funds: HHS/NIH, DOD, NASA, DOE, NSF, and USDA. A third agency under the jurisdiction of the subcommittee, the Environmental Protection Agency, will also be involved in the development of new technologies for restoring and protecting our environment.

It has been suggested that technological advance is responsible for up to half of the Nation's economic growth and that it is a principal reason for long-term growth and increases in the standard of living. Technology in the decade ahead is likely to determine the efficiency of our industries, their ability to obtain and maintain market share, and the number of high-paying jobs available in our Nation.

NASA has performed several important functions in this regard. First, it has symbolized what we as a nation are capable of doing. The Apollo mission to the Moon captured the imagination of the world. It also felt no question about the engineering and technological ability of America.

The fiscal year 1993 budget for NASA is $14.1 billion—about 1 percent of the Federal budget. Most of the attention is focused on the space station, for which the subcommittee has provided $2.1 billion. I understand the controversy which surrounds the station—the cost issues, the concern of many in the scientific community that the station will take funds from other areas of science, the debate over spinoffs. I know that NASA must convince a number of Americans that the station is something more than an apartment in the sky.

The space station is the next logical step in manned space exploration. We will have an opportunity to determine in the future whether the station should be man-tended or permanently manned. That will have a significant impact on cost and on priorities.

It will also allow us to make a more considered decision on the potential of the station in areas of pharmaceuticals, metals, and electronic components. Spinoffs are hard to predict and engineering advances are not always immediately evident. But to dismiss this further reach to the stars because we cannot specify all outcomes is to deny our own imaginations and our own commitment to technological development.

As we move from a Federal research program which has had a strong emphasis on military applications, we must insure that our civilian efforts do not lag. The enormous technological applications required for the station will help us with that assurance.

But NASA is not just about the space station. Indeed, the space station has obscured discussion of many of NASA's other programs. Unmanned exploration, remote sensing, Earth sciences and applications, and aeronautical and other research have far-reaching implications for the future.

Much of what we know about our planet in the future will result from Earth Observing Systems [EOS] and related Earth science efforts. Unmanned probes will tell us still more about the universe. The Advanced Communications Technology Satellite [ACTS] experiments may open new horizons in communications technology.

And aeronautical research will help the U.S. aircraft industry maintain market share in an increasingly competitive global environment. In 1991, commercial aircraft sales exceeded $95 billion and contributed $30 billion to the balance of trade. The industry employed almost a million people. On the basis of projected growth and replacements in the upcoming years, commercial jet airplane deliveries are forecast to amount to $380 billion through the year 2000 and $857 billion through 2010. We need to be in the forefront of that market.

Finally, because it is an agency which can inspire many young Americans and because it is a mission-oriented agency which understands the importance of setting a goal and meeting it, NASA is in a unique position to make major contributions in education. It can attract students and teachers, motivate them, demonstrate the importance of math, science, and technology and help us become the competitive Nation and work force which we want to be in the years ahead. NASA has already done significant work both in teacher training and student education, but I believe that it is positioned to do more—and that it should do more.

For the National Science Foundation, the subcommittee has included $2.7 billion. I know that the amount could have been more. I know that there are major tensions in the scientific community. I know that researchers complain about the amount of time they spend in pursuit of research money and that young scientists complain of being unable to break into the system.

As a Senator from a Midwestern, rural State, I am acutely aware of the fact that in 1990 5 States received 53 percent of the R&D funds of the Federal Government and that 10 universities received 25 percent of all such funds. At a time when most students who seek an undergraduate degree do so in their home States, when we need to attract to careers in math, science, and engineering those who traditionally have not tended to pursue careers in those fields, when we need to improve the skills of our entire work force, and when we need to see more research translated into applications and products, I believe there are significant questions to be answered regarding future research and development policy. We need new policy—and we need for that policy to be an inclusive one.

As in past years, we have increased the funding for education and human resources. The needs in these areas are

great. We need to upgrade our teaching of math and science, and we need to help students achieve at a higher level in math, science, and engineering. But, again, we need to do so on a nationwide basis.

Although small in amount, the $1 million for the Critical Technologies Institute should help us move beyond the identification of important technologies—where we have made substantial progress—and begin to formulate the policies which will help our Nation secure them.

The $55 million provided for defense conversion engineering traineeships recognizes the expertise which currently exists in the miltary and which can be refocused to domestic needs. The National Science Foundation, it seems to me, has an important role to play in our defense conversion efforts and utilizing the considerable talents and expertise of those who have been connected with the military for the multitude of math, science, and engineering needs outside the defense sector should give NSF the opportunity to begin to fulfill that role.

Mr. SIMPSON. Mr. President, I would like to congratulate my colleagues on both sides of the aisle for their hard work and dedication to veterans' benefits and programs which they have so carefully and diligently preserved in this bill.

I would simply like to point out that this bill provides for a total of $34.5 billion for the Department of Veterans Affairs, including $17.9 billion in entitlement programs.

That is an increase of $1.2 billion over the current budget and $37 million over the budget request and House amount for medical care.

This amount includes increases for additional nurses and other direct-care staff; increases for post traumatic stress disorder treatment; increases for women veterans' programs and increases for homeless veterans' programs.

I say this to make a significant point. Under George Bush and this administration, the veterans of our land have received and continue to receive extremely fair, equitable, and much-deserved treatment and programs.

To say otherwise is unfair and certainly untrue. This year's VA budget request of $34.5 billion is the largest—out of 14 Cabinet level agency budget requests.

President Bush, Secretary Ed Derwinski, the Congress, and our Nation care a great deal about our Nation's veterans—and we always will.

I have also reviewed and I understand the concerns which the various veterans' service organizations have raised regarding several provisions in this bill and the belief that the committee-approved bill clearly violates the accepted procedural practice of not legislating in an appropriations measure.

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My specific concerns regard the income verification provision; the extended copayment provision; the "no bid plan" provision; and the Federal/State matching funds procedures provision.

I believe that these provisions are authorization proposals which are within the jurisdiction of the Senate Veterans' Affairs Committee—on which I serve and have chaired in the past.

In closing, let me simply reiterate—I feel this is a generous piece of legislation in terms of taking care of our deserving veterans and providing for other agencies, although, I do have some concerns with the provisions which I have mentioned earlier. Thank you, Mr. President.

REGARDING THE SOUTHWARK PLAZA HOUSING DEVELOPMENT IN PHILADELPHIA, PA

Mr. SPECTER. Mr. President, I am pleased to see that the managers' amendment to the Housing Reauthorization bill, S. 3031, contains language that would allow public housing authorities to use at their discretion, modernization funds for acquisition of replacement units. Such a provision will be particularly useful to the Philadelphia Housing Authority to redirect, as it deems necessary, modernization funds it has been allocated by the Department of Housing and Urban Development for the rehabilitation of the Southwark Plaza Housing Development in South Philadelphia.

Southwark is a combination of high-rise towers and low-rise housing units. The development has suffered much physical deterioration and the design has encouraged crime. The surrounding neighborhood is one where property values have increased consistently over the last few years. It is a community of brownstone homes and urban boutiques occupied by a mix of young professionals and well-established seniors who have lived in the area for years.

Back in April of this year, I had the opportunity to meet with Southwark residents and neighbors, HUD Regional Administrator Michael Smerconish and HUD Assistant Secretary Joseph Schiff, among others, to discuss the future of Southwark. A number of concerns were raised relative to the viability of the high-rises, safety, and the utility of redirecting the funds for the high-rises to low-rise, scatter-site units. HUD officials, however, expressed their inability to redirect such funds without congressional authority.

Since that time, Mr. President, my staff has worked with Assistant Secretary Schiff's office and the majority and minority staff of the Housing Subcommittee to address HUD's concerns. I am heartened to see that the managers amendment contains language that would give housing authorities greater discretion in utilizing their modernization funds to improve their housing inventory consistent with the replacement housing requirements of the 1937 Housing Act.

To be sure, Mr. President, not unlike other public housing authorities, there are extreme pressures on the Philadelphia Housing Authority to provide safe, decent, and affordable housing for Philadelphia residents. I expect that this language, when enacted, will greatly facilitate the Authority and HUD's ability to provide such housing and to address in a mutually acceptable fashion the relevant concerns of Southwark residents and its neighbors.

COSMOSPHERE, HUTCHINSON, KS

Mr. DOLE. Mr. President, every one of NASA's visitor and education centers—from Cape Kennedy to the Johnson Space Center—is located on the edge of our country far from the heartland. The center of our Nation has only one facility bringing the excitement of space to middle America and that facility is the Cosmosphere in Hutchinson, KS. Every year the Cosmosphere provides science enrichment workshops, teacher in-service training, and special seminars and lectures to over 50,000 students and teachers. This is on top of the 350,000 people from every State in the country that visit the Cosmosphere annually.

The Cosmosphere, which was built just 11 years ago, is bursting at the seams. Thousands of students and teachers must be turned away each year because of lack of space. Hundreds of invaluable artifacts from our Nation's space program remain in storage awaiting additional exhibit space. In response to this crisis, the Cosmosphere is planning an ambitious $13-million expansion to add 60,000 square feet to its current 40,000 square feet.

The HUD/VA Subcommittee generously provided $2 million to expand the Cosmosphere's capacity for informal science education activities. If there is an opportunity in conference, I would like the subcommittee to consider adding an extra $2 million to the project. I know it will be tough to find additional funds within the subcommittee's tight allocation, but I hope the Senator will do what she can to fund this important investment in the education of our young people.

Ms. MIKULSKI. I have heard about the Cosmosphere from both the Republican leader and my distinguished colleague on the subcommittee, the senior Senator from Utah. First-rate science education opportunities need to be more accessible to our young people. The Cosmosphere in Hutchinson, KS should be a model for other institutions all across the country to follow.

It will be tough, but I will do my best to locate additional funds for the Cosmosphere in the House and Senate conference on the VA/HUD appropriations bill.

Mr. DOLE. I would like to thank the distinguished chair of the VA/HUD Subcommittee for her strong support of the Cosmosphere. If she has any free

time after November, I would like to invite her to Hutchinson for a tour of the Cosmosphere.

EPA'S VOLUNTARY CLIMATE PROTECTION PROGRAMS

Mr. WIRTH. Mr. President, I rise to engage in a brief colloquy with my friend, the distinguished chair of the VA, HUD, Independent Agencies Appropriations Subcommittee, Senator MIKULSKI, regarding EPA's voluntary climate protection programs. Led by Green Lights, these programs are at the core of this Nation's effort to reduce greenhouse gas emissions and increase our energy efficiency.

These programs have already established an impressive track record of success in fostering voluntary partnership between EPA and businesses to profitably reduce greenhouse gas emissions. The administration has stated its intention to achieve the emission reductions called for under the Climate Change Convention signed recently in Rio primarily through voluntary programs such as Green Lights. Because of these new obligations, EPA has a crucial need for additional funding, without which these programs will be unable to contribute their full potential to our effort to reduce emissions and save energy.

Senator MIKULSKI shares my concern with this situation and my view of the importance of this effort. She has graciously offered her assistance in addressing this situation when the VA, HUD appropriations bill reaches conference with the House. I thank her for her help and would again like to recognize the outstanding job she has done in resolving the many difficult issues involved with the VA, HUD appropriations bill.

Ms. MIKULSKI. I thank the Senator for his kind words and echo his concern with U.S. efforts to reduce greenhouse gas emissions. The Green Lights programs are a terrific effort by EPA and industry, in voluntary partnership, to reduce emissions, save energy, and save money. I look forward to working with the Senator from Colorado on this problem and seeing what might be done in conference with the House.

VA REGIONAL CENTER, JACKSON, MS

Mr. COCHRAN. Mr. President, I appreciate the efforts of the two managers of this bill. As a member of the Appropriations Committee, I fully understand how difficult it can be to bring forth a bill, within the funding constraints, which addresses all of the various concerns of all Senators. I would like to take this opportunity to discuss one item not in our bill, the VA Regional Center in Jackson, MS. The President's budget contained $10.3 million for the construction of this office, and funding is included in the House bill. My colleague from Mississippi, TRENT LOTT, and I have discussed this item with members of the committee, but I would like to take this opportunity to raise the issue here on the floor. We are not going to offer an amendment today, but we need to address one facet of the request, and ask for the consideration of the subcommittee chairman. This center will be located on land which has been conveyed by the State of Mississippi. If the request is included in the conference agreement, there will be no problem. If not, however, there could be a major problem, since the deed of conveyance has a reverter clause, which would revert title of the land to the State if construction has not begun before 1995. In view of this time sensitivity, Senator LOTT and I would sincerely appreciate it if the floor manager will give this item her attention during the conference with the House.

Ms. MIKULSKI. I appreciate the need for the construction of this center, and I thank the senior Senator from Mississippi for letting me know of the time factor. While I cannot commit to a final action during conference, I will give this my personal attention, and will keep his statement in mind.

Mr. COCHRAN. That is all I can ask at this time, and I thank the subcommittee chairman for her courtesy. Thank you, Mr. President.

RURAL COMMUNITY ASSISTANCE PROGRAMS

Mr. BUMPERS. Mr. President, I would like to engage the distinguished chairwoman of the VA/HUD/Independent Agencies Subcommittee in a colloquy about the Rural Community Assistance Programs [RCAP's]. These regional organizations provide technical assistance to rural communities in meeting the mandates of the Safe Drinking Water Act and in improving the access of small communities to State revolving funds.

In my State, the community resources group, which is located in Springdale, provides invaluable assistance to approximately 20 rural communities that encounter difficulty in meeting Federal drinking and waste water mandates and gaining access to funding. Most of the systems which are out of compliance with Federal water standards are located in rural communities. The RCAP Program is an important resource to small and rural communities everywhere.

I understand that the House of Representatives voted to earmark $1 million for the RCAP's in fiscal year 1993. In this body, the Appropriations Committee struck the RCAP funding. However, the committee report accompanying the bill noted the worthiness of the program, stating: "The committee will give every consideration to providing funding for this program when it meets with the other body in conference on the bill."

It is my hope that when the conference committee meets that the distinguished chair of the subcommittee will work to ensure that the RCAP's are funded at no less than the House level.

Ms. MIKULSKI. I share the concern of the Senator from Arkansas about the water problems of rural communities. The RCAP program is an important resource for my State as well. In Maryland, the RCAP field office works with approximately 15 communities each year. The Senator has my assurance that we will do our best to ensure that funding for the RCAP Program does not fall below the House level.

Mr. BUMPERS. I thank the Senator.

UPLIFT, INC.

Mr. SANFORD. I would like to discuss with the distinguished Senator from Maryland the possibility of changing the report language referencing UPLIFT, Inc., of North Carolina.

Ms. MIKULSKI. I would be happy to discuss this with the Senator from North Carolina.

Mr. SANFORD. I was very pleased to see that the Senate has included $300,000 for UPLIFT, Inc., of North Carolina under the HUD special purpose grants. UPLIFT, Inc., is a nonprofit corporation that works with disadvantaged children and low income families to improve their chances for a healthy and promising future. With a special emphasis on families with young children, UPLIFT focuses on the whole family unit to cultivate the capacity of family members to take control of their own lives. UPLIFT's experience to date has been exclusively with residents of public housing communities.

UPLIFT is planning to expand to several communities throughout North Carolina in the coming years and the funding the Senate has made available will allow the expansions to take place. The Senate report was very explicit in naming the communities in North Carolina where UPLIFT is likely to expand, however, I would like to replace that language with less specific language, allowing UPLIFT to expand to those and other communities as may be possible.

I hope that the Senator from Maryland will accept the following language:

$300,000 for the expansion of UPLIFT, Inc. and for the development of statewide activities and services for at-risk children and families in North Carolina.

Ms. MIKULSKI. I think the Senator from North Carolina's request is very reasonable and one that the committee will be able to accommodate. I also want to add that the committee is very pleased to learn of the accomplishments of UPLIFT, Inc., and commend their efforts in the fight against poverty.

Mr. SANFORD. I am very grateful to the Senator from Maryland, and thank her for her support of this worthy project.

PIMA COUNTY REGIONAL WATER QUALITY RESEARCH FACILITY

Mr. DECONCINI. Mr. President, I would like to raise a matter with the

distinguished floor manager. As she knows, I requested funding for a water quality research facility to be located in Pima County, AZ, which would perform critical basic research into water quality issues affecting the arid Southwest. As I have previously stated, States in the arid West are being required to meet surface water standards to satisfy requirements of the Clean Water Act which are unreasonable under the climatic and environmental conditions of the arid West. The existing standards for compliance were formulated based upon research into conditions and species which are normal for wetter, Eastern areas of the country.

As a result, municipalities and States face the real possibility of spending billions of dollars to construct or improve wastewater treatment facilities to upgrade effluent quality and to treat stormwater discharges to otherwise dry stream beds. In some instances, these discharges have created beneficial riparian habitat which would not exist otherwise.

Unfortunately, there is no body of adequate data upon which regional specific water quality standards can be based. The Environmental Protection Agency has acknowledged the need to conduct scientific research in order to develop appropriate criteria documents for the arid West. A regional water quality research facility using appropriate techniques and based upon local species and conditions would remedy this lack of information.

Ms. MIKULSKI. Will the Senator yield?

Mr. DECONCINI. I will certainly yield to the distinguished floor manager.

Ms. MIKULSKI. The Senator from Arizona made a compelling case before the subcommittee and the committee for creation of this regional water quality research facility to focus upon the arid West. However, as the Senator from Arizona knows, because of the budget constraints under which the committee is operating this year, we simply were not able to include the funding for this research center.

Mr. DECONCINI. I thank the floor manager. I would, however, like to point out the special efforts of Pima County to involve the EPA, other States and municipalities, and universities in their effort to ensure that the research would meet the statutory requirements for water quality criteria documents. The requested funding would have allowed Pima County authorities to begin construction of the facility next to an existing wastewater treatment site. Pima County would contribute land, laboratory facilities and extensive in-kind professional services toward completion of the project.

The total cost to construct this facility is estimated to be $22.5 million, with $5 million required for the first year start up costs. By comparison, it is estimated that to just improve existing waste water treatment facilities in Pima County alone to meet the EPA's "fishable/swimmable" standards could cost $119 million. Nogales, AZ needs $100 million. Neither figure includes anticipated costs to implement new nonpoint source requirements for treating storm water runoff.

The proposed Pima County research facility has received enthusiastic support from a variety of groups and organizations including the Western Governors' Association, municipalities and agencies throughout the West and professional organizations such as the Association of Metropolitan Sewage Agencies and the Association of Flood and Stormwater Management Agencies. This project has also received favorable interest of the International Boundary and Water Commission because of its potential for helping to resolve international water quality problems between the United States and Mexico.

Ms. MIKULSKI. Again, the Senator from Arizona raises compelling points. I understand the importance of this issue. I can tell the Senator that if he raises the issue with the committee again next year, we shall give it every consideration.

Mr. DECONCINI. I thank the distinguished floor manager. She can be sure that I will again raise this important project with the committee next year. However, I hope that in the meantime, the Environmental Protection Agency will continue to work with the interested local authorities and other parties to develop this project and to be responsive to the needs for special water quality standards for unique geographic areas such as the arid West.

ENVIRONMENTAL MONITORING AND ASSESSMENT PROGRAM

Mr. CHAFEE. I would like to engage the distinguished managers of the bill in a short colloquy. In particular I would like to focus on appropriations for the Environmental Protection Agency's Environmental Monitoring and Assessment Program [EMAP]. The Committee on Appropriations has expressed general support for this program, which monitors and assesses the status and trends of ecosystems to identify emerging environmental problems.

The information provided by this program is vital if we are to gauge the health of our environment, and identify environmental problems before they reach the critical stage.

It is my understanding that of the funds committed to EMAP, EPA plans to devote $500,000 to the testing of environmental indicators for coastal waters. The University of Rhode Island's Graduate School in Oceanography is uniquely equipped to test such indicators in its Marine Ecosystem Research Laboratory. This laboratory is actually a system of tanks which allows researchers to simulate the effects of pollution on coastal waters.

After discussions both with EPA and the University of Rhode Island, it is my belief that EPA should utilize the facilities and expertise at URI's Graduate School of Oceanography to conduct testing of coastal environmental indicators.

Ms. MIKULSKI. I thank the Senator from Rhode Island for his interest in the EMAP program of EPA. Indeed this program is essential if we are to have reliable, timely information regarding the health and well-being of our environment. The testing of environmental indicators is an important element of the EMAP program and, based on the information from the Senator from Rhode Island, I would agree that the University of Rhode Island offers an ideal program for testing such indicators. I would encourage EPA to give every consideration to utilizing URI for this purpose.

Mr. GARN. I also would like to thank the Senator from Rhode Island for expressing his interest in the EMAP Program. EPA should give serious consideration to using the existing facilities and expertise at the University of Rhode Island for testing and developing coastal environmental indicators.

Mr. CHAFEE. I thank the distinguished managers of the bill for their consideration of this matter.

EDDYSTONE HOMELESS VETERANS CENTER

Mr. LEVIN. I would like to thank Senator MIKULSKI for including funding in the fiscal year 1993 VA-HUD appropriations bill for the renovation of the Eddystone Homeless Veterans Center in Detroit, Michigan. The Eddystone facility will be a multistep transitional housing program serving Detroit's homeless veterans population. The funding is desperately needed to ready and renovate the buildings for these services.

A program such as Eddystone is deserving of funding and support. There are an estimated 20,000 homeless people currently in the Detroit area. Of these, between 5,000 and 7,000 are former service men and women. Few of these homeless individuals have any access to needed services.

I appreciate the inclusion of funding for Eddystone, and would ask the Senator that these funds be maintained in conference.

Ms. MIKULSKI. I understand the Senator's interest in this renovation project, and will do my best to uphold the Senate's position in conference.

ADVANCED SOLID ROCKET MOTOR

Mr. HOLLINGS. Mr. President, I commend the Senator from Maryland [Ms. MIKULSKI] for the manner in which she has used the limited funds allocated to her subcommittee to continue many important programs in this bill. She has done a masterful job balancing

the competing demands that come under the jurisdiction of the VA/HUD/Independent Agencies Subcommittee.

One program which I believe is of particular importance to NASA and the U.S.-manned space program is the Advanced Solid Rocket Motor [ASRM] Program. The ASRM is intended to provide a more reliable and robust booster that will enhance greatly space shuttle launch safety. However, I am disappointed that only $50 million has been provided for the ASRM program in the Senate bill for the coming fiscal year.

As the distinguished Subcommittee Chairman knows, I believe that the ASRM is an essential component of the U.S. space program. This program grew out of the *Challenger* disaster and quickly won the support of an overwhelming number of experts who agreed that we needed another source for supplying solid rocket boosters.

The ASRM is a vital safety element for our fleet of space shuttles. Scheduled to begin flying in 1997, the ASRM eliminates thousands of parts and failure modes that exist in the current booster. NASA estimates that the ASRM will eliminate or reduce Criticality I failure modes, those which would result in the loss of the space shuttle mission and crew, by about 26 percent, failure causes by 30 percent, and failure points by 54 percent over the Redesigned Solid Rocket Motor. In addition, the new design will reduce the number of potential hot gas leak paths by 88 percent.

Perhaps the most important innovation is the "thrust bucket," which will be built into the internal shape of the propellant. By allowing the ASRM's in effect, to throttle down during maximum dynamic pressure, the space shuttle main engines will not have to throttle. That alone will eliminate 175 failure modes for the shuttle during launch.

Mr. President, with a larger diameter, lighter rocket case, and 100,000 pounds more propellant, maximum thrust will increase to 3.5 million pounds, and burning will last 10 seconds longer than the Redesigned Solid Rocket Motor. As a result, the ASRM promises 12,000 pounds additional payload capacity, or an increase in performance of 18 percent. Given the fact that NASA estimates that there is a 1-in-78 chance of losing the space shuttle during launch, it is our responsibility to provide for every possible means of enhancing safety.

Madam Chairman, without question, you have been a leader in preserving and strengthening our civil space program. I know you appreciate the importance of the ASRM to NASA and the U.S. space program. In that regard, I ask for your help and support.

As the Senator knows, I have indicated my interest in offering an amendment on the Senate floor today to shift funds into the ASRM Program, to ensure that adequate funds are included in the Senate bill for this critical program. However, I want to work with my friend and colleague on the Appropriations Committee on this important matter. Are there any assurances that the distinguished bill manager can give the Senate regarding the ASRM Program and how she thinks the program will fare in confernce with the House?

Ms. MIKULSKI. I thank the Senator from South Carolina for his kind coments, as well as the leadership to our Nation's space program which he has provided as chairman of the Commerce, Science, and Transportation Committee. He and I have worked together on a great many initiatives, and I value his judgment on this important program.

As the Senator knows, it is impossible for me to guarantee a specific funding level for any program, including the ASRM, when this bill emerges from conference with the House. However, I share his interest in strenthening launch safety for the space shuttle and our Nation's astronauts.

I have discussed the importance of this program with the Senator and a number of our Senate colleagues, and I can assure each that I will do what I can in conference to preserve and strengthen the ASRM Program.

In that regard, however, I am convinced that this program must be scrubbed thoroughly to reduce the program's overall cost. The committee report accompanying this bill expresses the need for a comprehensive review by NASA of the ASRM Program that includes a number of criteria, including the need to cap total program costs, to evaluate the possible conversion of this program into a Government-owned, Government-operated venture, and to reduce contractor overhead rates, minimizing redundant systems engineering and integration activities, and eliminating unnecessary management tasks, among others.

Mr. HOLLINGS. I thank the distinguished Senator for her comments and her desire to see this program continued. I appreciate the difficult situation that she faces with this bill, and I welcome her candor and support. I certainly share her desire to make this type of program more efficient and cost-effective.

Ms. MIKULSKI. I welcome the Senator's support for our efforts to improve the management of this program. I firmly believe that changes are needed to make this a program that will survive future budget battles.

I can only add that, as my friend from South Carolina knows, there is great interest in this program among our colleagues on the House Appropriations Committee. As such, it is my sincere belief that, if it is at all possible, the ASRM Program will be a part of our final bill. Let me add, however, that, while I understand that my colleague from South Carolina does not share my view of space station funding, from my perspective an agreement on the ASRM Program hinges on the willingness of the House conferees to agree to a higher funding level for space station than was in the House-passed bill.

Mr. HOLLINGS. I thank my colleague for her comments.

EPA RESEARCH LABORATORIES AMENDMENT

Mr. WELLSTONE. Mr. President, I rise to enter into a colloquy with my distinguished colleague from Maryland, Senator MIKULSKI, regarding the amendment which has been adopted regarding EPA research facilities. As the Senator knows, the decision by the EPA to terminate the research support contract with the AScI Corporation has abruptly halted much of the research at the Duluth Research Laboratory. Not only has this undermined most of the fresh water related research being conducted by the EPA, but it has also meant serious disruption to the lives of some 70 families. Leaving aside the issues in dispute between EPA and the AScI Corp., it is the intention of Senator DURENBERGER and myself that this amendment would, given the determinations specified, provide the agency with the administrative flexibility to hire as Federal employees the scientists needed to continue the Duluth laboratory's research. Does my colleague agree with this interpretation?

Ms. MIKULSKI. Yes; my colleague is correct. This amendment would allow the EPA flexibility to hire Federal employees instead of contracting for research support at its research laboratories, given the determination and limitations specified. I understand the provisions of the amendment to be directed at those research facilities which are being affected by contract difficulties, such as the Duluth lab. While it does not direct the agency to employ this authority to resolve the disruption of research at the Duluth facility, it would certainly be a priority for them to address. However, I would like to underscore that if the agency decided to hire Federal employees it would do so through the normal competitive hiring process.

Mr. DURENBERGER. The Duluth situation has compelled Senator WELLSTONE and me to propose this amendment because of the turmoil it has caused for the former employees of the AScI corporation, individuals who had no particular involvement in the problems which caused EPA to terminate the contract. While we both recognize that these individuals would have to compete in the normal Federal hiring process if the authority provided by the amendment is exercised, what would the Chair's expectations be about an agency decision in this in-

stance? How soon would she expect EPA to decide whether to issue a new contract or to proceed to hire directly?

Ms. MIKULSKI. I would strongly urge the EPA to make an expeditious decision about this matter. Having spoken with my colleagues from Minnesota about the Duluth situation, I share their concern for the many people involved. They are unfortunate victims of this contracting problem. I have joined in supporting this amendment in part to help provide an avenue of recourse for those affected by EPA's laboratory contracting problems. I would hope that the EPA could make a decision about the Duluth facility which would allow them either to begin hiring Federal employees soon after the beginning of the fiscal year or to complete action on a new research support contract in the first few months of 1993. Of course, some combination of these two courses of action is also possible.

Mr. DURENBERGER. I thank my distinguished colleague from Maryland for her support of this amendment. It is an important step forward for the researchers at EPA's Duluth research laboratory, and all of EPA's research facilities.

Mr. WELLSTONE. I also thank my colleague from Maryland for her support as well as her understanding and sympathy for the families who have become casualties of EPA's contracting problems.

NEIGHBORHOOD DEVELOPMENT DEMONSTRATION PROGRAM

Mr. LEAHY. Mr. President, I would like to address our distinguished colleague from Maryland, who has done such a fine job of managing this bill. My purpose is to ask the Senator's consideration of HUD's Neighborhood Development Demonstration Program [NDDP], which has been funded for several years at the level of $2 million, but which this year is included in neither the House nor the Senate bill.

As I believe the Senator knows from firsthand experience with neighborhood-based groups in Baltimore, the NDDP has been a productive, cost-effective program for dozens of urban and rural communities. What I want to stress is that the NDDP allows local nonprofit groups to develop a variety of projects using modest Federal grants to attract substantial private investments. Over the years, depending on the financial health of their communities, NDDP grantees have leveraged anywhere from one to four private dollars for each Federal grant dollar.

We are talking about viable, experienced groups with strong local roots who work hard to empower and assist low and moderate income people. Among the many and varied products of this flexible program and the private funds it attracts are small neighborhood shopping centers, day care centers, office centers for social service agencies, business incubators, and affordable housing complexes.

As a member of the VA-HUD subcommittee, I am well aware of the limits of our resources and admire the job that the Senator from Maryland has done in stretching what we have. But because of the NDDP's proven record of leveraging substantial private funds to develop socially beneficial projects, I would ask the Senator to do her best in conference with the House to find funds for it in the bill.

Ms. MIKULSKI. Mr. President, I appreciate the Senator's concern. I am indeed directly familiar with the work of NDDP grantees, and the strong incentive that the program creates for private contributors to worthy projects. As the Senator knows, the subcommittee has had to make many tough decisions this year because of the severe limits on our allocation. That largely explains the exclusion of the NDDP from this bill—not a lack of merit. The conference will be difficult, but I will be mindful of the Senator's support and do all I can on this matter.

Mr. LEAHY. Mr. President, I cannot ask for more, and look forward to working with the Senator from Maryland in conference.

VETERANS PROGRAMS

Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs and one who is dedicated to ensuring that we meet our solemn obligations to our Nation's veterans, I have some very serious concerns about certain provisions in this bill.

In fact, I had been planning to raise points of order against Appropriations Committee amendments to the bill that I believe constitute legislation on an appropriations measure in violation of paragraph 2 of Senate rule XVI.

Mr. President, I will not raise these points of order because I am not sure they would be sustained and because, if they were sustained, we might not have any bill at all, forcing VA to operate under a continuing resolution that could prove very harmful.

After describing some of my concerns, I will engage in a colloquy with the distinguished floor manager of the bill, Senator MIKULSKI, regarding these issues.

Mr. President, much of my concern involves items in the bill that would extend and expand provisions from the Veterans' Affairs Committee's portion of the Omnibus Budget Reconciliation Act of 1990 [OBRA '90].

Two of these extensions have been earmarked for a long time by the Senate and House Veterans' Affairs Committees as offsets for legislation to reform VA's system of compensation for survivors of veterans who die in the service or from service-connected conditions, a program known as dependency and indemnity compensation [DIC].

The extensions are of expiring OBRA '90 provisions that require VA to verify eligibility for VA needs-based pension using tax and Social Security income information and to reduce the amount of pension VA pays to veterans in Medicaid-eligible nursing homes. Both of these provisions originated from years of oversight work by our committee, including several GAO studies that members of our committee requested.

Mr. President, our committee has worked on DIC reform for well over a year. In our March 4, 1992, report to the Budget Committee, we clearly identified both of these provisions as the offsets for DIC reform.

The DIC reform bill I introduced on March 5, 1992, S. 2323, was derived from a proposal to Congress from a remarkable coalition of veterans organizations—including the American Legion, AMVETS, the Blinded Veterans of America, the Disabled American Veterans, the Paralyzed Veterans of America, the Veterans of Foreign Wars, and the Non-Commissioned Officers Association. The version of S. 2323 that our committee ordered reported on June 24 is one of the major legislative priorities for all of these organizations.

I understand that the House will pass its version of the legislation on Monday.

Mr. President, with the two extensions no longer available as offsets, DIC reform would be dead for this year.

Mr. President, other provisions in the bill actually would be harmful or unfair—in themselves—to veterans and should not be enacted.

One would extend the $2 copayment VA charges for outpatient medications. Another provision would extend the fees VA charges for nursing-home and hospital care and outpatient visits of veterans who have no service-connected disabilities and whose incomes exceed the low-income standards for free VA care.

A simple extension of this provision in authorizing legislation would not be objectionable, but to my great disappointment, the committee amendment goes well beyond a simple extension of this provision. For the first time ever, it would require many service-disabled veterans to pay these fees for all nonservice-connected care—just like nondisabled veterans. Veterans with permanent, service-connected disabilities rated as high as 40-percent disabling would be required to pay deductibles and copayments for VA care in many cases. Many of these veterans cannot obtain health insurance because of their service-connected disabilities.

Mr. President, another legislative provision in the bill would have grave consequences for the VA-guaranteed home-loan program.

The Senate and House Veterans' Affairs Committees consistently and strongly have opposed Reagan and Bush administration attempts to modify the statutory no-bid formula, which

VA uses to decide whether to acquire and resell a foreclosed VA-guaranteed property or simply pay the guaranty and leave the house with the lender, action known as a no-bid.

A provision in the pending measure would double VA no-bids, forcing lenders to shoulder a larger share of the cost of this veterans benefit.

No-bids already are a major factor discouraging lenders from making VA-guaranteed loans, which fell from 13 percent of the mortgage market in fiscal year 1984, when the current formula was enacted, to under 3 percent in fiscal year 1991. If no-bids are doubled, many more lenders will drop out of the VA program and veterans will have a much harder time finding one willing to make a VA-guaranteed loan.

Mr. President, this provision would affect both mortgage loans made in fiscal year 1993 and those that were made long ago, even while Members of Congress, including House Veterans' Affairs Committee Chairman SONNY MONTGOMERY and I, were resisting the sdministration's no-bid changes and thus assuring lenders that those changes would not be enacted. It seems very unfair to apply such a major, retroactive change to mortgages that lenders agreed to provide under the assumption that the no-bid formula would not be modified in this way.

Although the modification would not apply to loans made after fiscal year 1993, the retroactive application of this provision would make it unrealistic to expect lenders to believe Congress would not, once again, impose a similar retroactive provision in the future. They won't believe that—and this provision could have a permanent, chilling effect on the availability of VA-guaranteed home loans.

Mr. President, having expressed my concerns, I have decided that it would not be advisable to raise points of order against these provisions.

First, as my colleagues are aware, these points of order might not be sustained, under a recent precedent.

Second, it is important that the Senate pass this bill and begin a conference with the House.

Senator MIKULSKI has advised me that, if these savings provisions were stricken, the entire framework of the bill as reported would fall apart, making Senate passage very uncertain.

Mr. President, if Congress fails to enact a VA-HUD appropriations bill, VA and the other departments and agencies funded under the bill presumably would have to operate under a continuing resolution and that could be very harmful to VA medical care and other programs.

Mr. President, I would like to ask the very able floor manager of the bill, Senator MIKULSKI, if I have described correctly the situation we face with this bill?

Ms. MIKULSKI. Mr. President, the distinguished chairman of the Veterans' Affairs Committee is correct.

As my colleagues know, the failure to break down the walls in order to allow use of some defense savings for domestic discretionary programs forced our subcommittee to stay within an allocation that is inadequate for the many vital programs funded under the bill.

Mr. President, I can assure Senator CRANSTON and the rest of my colleagues that I have no intention of impeding important efforts to reform the compensation program for veterans' survivors.

Unfortunately, the severe limits imposed by our allocation forced us to explore every conceivable alternative. I certainly am not happy about the extremely difficult position in which my subcommittee found itself and the lengths to which we had to go to put together reasonably adequate funding for such important programs as VA medical care.

At this point, however, if the $582 million in savings from the provisions Senator CRANSTON just described were eliminated from the bill, it would be virtually impossible for us to make the necessary corresponding outlay cuts and hold together a bill that could win Senate approval.

Mr. President, let me say that I respect Chairman CRANSTON longstanding commitment to our Nation's veterans and value his views on these matters. I will consult with Senator CRANSTON with regard to the conference outcome on these provisions and I will make every effort to address his concerns in the conference report.

I would like to take a moment to explain what we have done in this bill to address veterans' needs, within the very tight limits that we confronted.

The VA-HUD Subcommittee faced an extraordinarily difficult time in trying to craft a bill which met the compelling and wideranging needs of those served by the agencies and programs under the subcommittee's jurisdiction.

The subcommittee's 602(b) allocation was $1.4 billion below the President's budget request in outlays, so competition for funds was more intense than ever before.

In putting the bill together, the subcommittee's top priority was to fund the President's request for VA medical care. I am proud that we were able to squeeze an additional $37 million above the President's request for medical care.

Unfortunately, other agencies took big hits: the space agency was cut $840 below the request and $163 million below the enacted budget. EPA's salaries and expenses budget was cut $94 million below the request. The National Science Foundation was cut almost $300 million below the request. The amount recommended for the Federal Emergency Management Agency's operating programs is $33 million below the enacted budget. Clearly, other agencies did not fare as well due to the budget constraints faced by the subcommittee.

Let me give you an overview of how the budget for VA helps meet the needs of the Nation's veterans. The amount recommended for VA medical care—$14.7 billion—will provide 24 million outpatient visits for veterans. It will enable 1.1 million veterans to receive inpatient treatment. For posttraumatic stress disorder treatment, $45 million is included to provide counseling for approximately 20,000 veterans. Also provided is more than $44 million for homeless assistance, to help provide counseling, shelter, and training for vets who are trying to get back on their feet. Funding is provided to continue quality assurance initiatives—to ensure all VA hospitals meet the highest standards of care.

I also want to point out that the bill increases funds for the Veterans Benefits Administration, providing $17 million over the request, to ensure that VA has the staff and training it needs to reduce the backlog of claims, so vets who file claims can get a quick and fair response.

Finally, I want to add that the committee-reported bill increases funds for the National Cemetery System to $73 million—$3 million more than the request. This will enable VA to eliminate the backlog of equipment needs in the cemetery system, to ensure that veterans cemeteries are maintained in a dignified manner.

Mr. CRANSTON. Mr. President, I understand the extraordinary limitations under which the Appropriations Subcommittee and the full committee had to operate. There are too many deserving programs and not enough money to fund them. The allocation for the VA-HUD Subcommittee clearly was inadequate.

Mr. President, I also wish to acknowledge the tremendous efforts of the distinguished chair of the VA-HUD Subcommittee, Senator MIKULSKI, on behalf of veterans' programs during the years since she took over the chair of the subcommittee. She has proven to be a very strong supporter of veterans' programs. Her record in that respect is another reason why I finally decided to withhold making points of order against the bill.

MAINE SECTION 23/8 HOUSING PROJECTS

Mr. MITCHELL. Last year my colleague from Maine and I offered an amendment to the fiscal year 1992 VA/HUD appropriations bill addressing a problem in Maine regarding section 23/8 assisted housing projects. That language, ultimately retained in conference and enacted into law read:

> For those projects in the State of Maine, the owners of which have converted their Section 23 leased housing contracts to section 8, the subsidy provided shall be for a five year extension of such projects' current housing assistance payments contracts.

The language was written by technical assistance staff at HUD and we were told at about this time last year that this language would extend the current terms and conditions of the contracts for these projects.

Last week our offices were informed that the terms and conditions of the contracts for these projects would be changed. In fact, rent levels for some of these projects would be reduced.

The projects in question were granted a special waiver from HUD in 1977 and were treated according to their original HUD HAP contract as if they were section 8 new construction projects. Last week our offices learned that the projects were to be extended as if they were section 8 existing projects, not new construction. This changes the base upon which annual adjustments are made and reduces the contract rents, which may affect the viability of some of the projects.

Mr. COHEN. As my colleague from Maine has said, we had thought that we had taken care of this problem last year. We had thought that language drafted by technical assistance employees at HUD would then be carried through by program personnel at HUD. We are dismayed and frustrated that this is not the case today.

According to the HAP contracts originally approved by HUD in 1977, the terms and conditions are closely tied to the section 8 new construction rules which were in place at the time. These projects are not part of the section 8 existing housing program, which HUD has not been willing to acknowledge despite the efforts Senator MITCHELL and I made last year.

It is one matter for HUD to oppose congressional action. It is quite another matter for HUD to intentionally do what it may have wanted to do last year absent the legislation we enacted.

Ms. MIKULSKI. I agree with my colleagues from Maine. I remember the discussions we had last year about the Maine section 23/8 projects and I fully understand and share the frustration of enacting legislation only to have a Federal agency do what it wants anyway, regardless of statutory instruction.

There is no doubt within this body about the intent of last year's provision. It is my understanding that the section 23/8 conversion projects in question are similar to and should be treated as if they were section 8 new construction projects. To the extent that section 8 new construction project contracts are being renewed at 110 percent of existing rents, then this should be the treatment of these section 23/8 projects as well.

The section 23/8 projects have never operated under the rules of the section 8 existing program and it is wrong to change the terms and conditions of such contracts in midstream. I assure you that during the Senate-House conference on H.R. 5679, we will work out some language that extends the contracts on these projects in the manner in which we originally intended.

REFINANCING OF TAX-EXEMPT BONDS

Mr. DIXON. Mr. President, I rise to express my sincere gratitude to Senator MIKULSKI for her efforts in resolving a concern which I brought to her attention about a provision in the VA/HUD appropriations bill, H.R. 5679. My concern was over the financial adjustment factor for low-income housing which involves savings from the refinancing of tax-exempt bonds. This matter was called to my attention by Vince Lane, chairman of the board of commissioners of the Chicago Housing Authority [CHA].

Mr. President, at this time, I would like to enter into a colloquy on what is commonly known as the financial adjustment factor—or FAF—provision with my esteemed colleague, the Senator from Maryland [Ms. MIKULSKI], who so ably chairs the subcommittee.

As Senators are aware, amendments to the McKinney Homeless Act were approved by this body earlier this year, and signed into law by the President in April. One of those amendments provided that beginning January 1, 1992, local governments or local housing finance agencies would be authorized to retain 50 percent of the savings resulting from refinancings of tax-exempt bonds used for low-income housing. State housing agencies have benefited from this same ability to retain 50 percent of the savings from FAF refinancings since 1989. However, in order to make this change effective, the VA/HUD appropriations bill had to be amended to conform with the authorizing language.

It is in that regard that I ask the distinguished chairwoman if it is her understanding that the amendment which is included in the manager's amendment to resolve my concern would allow local housing finance agencies to receive 50 percent of any savings from refinancing section 8 housing developments by removing the discrepancy in the dates between the McKinney homeless authorization bill and the Appropriations Committee proposal relating to recaptured budget authority or cash for FAF refinancings?

Ms. MIKULSKI. Yes, the Senator is correct. The amendment conforms the appropriations language to the authorizing language provided for in the McKinney Homeless Act. This means that local governments or local housing finance agencies that participated in FAF refinancings beginning January 1, 1992, will be able to recoup 50 percent of any savings resulting from those refinancings.

Mr. DIXON. I thank my distinguished colleague for her positive response. By tracking the McKinney Act language, real money will be available to low-income housing programs this year because the savings that are recouped from FAF refinancings must be applied to other low-income housing activities. Many local housing agencies are taking advantage of our current low interest rates to refinance bonds that were issued in the early 1980's, when rates were extremely high. Chicago Housing Authority, for example, began refinancing its 1982 bonds in July 1992, which should result in a total savings of $37 million over 10 years.

Again, I want to thank the Senator from Maryland for making sure that our low-income housing programs are provided with every available means of assistance.

LANDSAT

Mr. EXON. Mr. President, the University of Nebraska at Lincoln has some of the Nation's finest geography, weather, environmental and agricultural science programs in the Nation. Such courses of study rely heavily on satellite information. This scholarship in turn is vital to Nebraska's and America's rural and agricultural communities.

There is a serious crisis brewing with the availability, coverage, and cost of satellite data used by educational institutions such as the University of Nebraska as the Landsat 5 and 6 satellites near the end of their useful lives. The Senate Commerce Committee, on which I serve, has been wrestling with this problem for quite some time and I am concerned about the funding approach to Landsat 7.

I understand that this year's budget is very tight, however, I would appreciate knowing the subcommittee chair's view on the hopes for full funding of Landsat 7. Does the subcommittee chair view the Landsat 7 as an important priority?

Ms. MIKULSKI. I share the Senator from Nebraska's view that the Landsat 7 program is very important to many parts of the Nation, including my home State of Maryland.

Mr. EXON. Is it the intention of the subcommittee chair to work in conference to secure sufficient funding for the Landsat 7 program to avoid gaps in data coverage when the current Landsat 5 and 6 reach the end of their useful lives?

Ms. MIKULSKI. It is vitally important that gaps in data coverage be avoided and it is my intention to seek sufficient funding in conference for Landsat 7 to expeditiously deploy this important satellite, subject to the size of our final 602(b) allocation.

Mr. EXON. I thank the Senator from Maryland. I look forward to working with the Senator to assure that educational institutions such as the University of Nebraska at Lincoln secure full, fair, and affordable access to much needed satellite information. Thank you, Mr. President.

FEDERAL RESEARCH FACILITY, LIMESTONE, ME

Mr. MITCHELL. The State of Maine currently is one of only four States na-

tionwide in which no Federal research and development laboratory is located. Yet, Maine possesses several excellent assets which could make it a suitable host for a Federal R&D facility.

The Maine Science and Technology Commission has sought to map opportunities for Maine's future. In December 1991, the commission released "A Survey of Select Research and Development Strengths in Maine," and in January 1992, "A Science and Technology Vision for Maine." The Commission also soon will issue recommendations to the Governor of Maine and the Maine State Legislature in a report "Planning for Prosperity: Maine's Science and Technology Plan," and through the Federal Government's experimental program to stimulate competitive research [EPSCoR], will soon report to the Department of Energy and the Environmental Protection Agency on the State's strongest areas for scientific and technological research and development.

I know the subcommittee has been interested in looking at ways to control air pollution emissions and improve our utilization of alternative sources of energy. Biomass is a source of energy that can provide needed energy with fewer adverse effects than traditional fossil fuels. Maine derives more of its energy from wood than does any other State. Northern Maine is a leader in using wood as an energy source, having increased its use 150 percent over the last 10 years. Finding alternative energy sources is an important national goal and will require significant Federal investment in research and development. Northern Maine has a number of attributes that make it a particularly attractive site for this type of research, which could be undertaken by both the Department of Energy and the Environmental Protection Agency.

In addition, northern Maine also provides a unique opportunity for developing cleanup technologies and conducting training programs for hazardous wastes and petroleum products removal. I hope that the Environmental Protection Agency also will explore the potential for cleanup training and research as part of a Federal facility in Maine. I also wish to note that northern Maine has been the location for the National Aeronautics and Space Administration's flights conducting ozone depletion research. It offers a strategic location, which NASA also should consider for a potential Federal facility.

Mr. COHEN. What my colleague from Maine has said is true, and I want the record to reflect some of the specific merits of an area in northern Maine. Limestone, ME, especially offers significant potential for Federal research and development or training activities.

It has many modern facilities constructed in the 1980's by the Federal Government, including dormitories and a hospital. Its 13,000 acres and two runways offer capacity both for flexible, multi-purpose activities, as well as expansion. Northern Maine's geographic location also offers potential advantages, including proximity to forest and agricultural lands, the North Atlantic, and Great Circle routes over the Arctic. It has been the site of the closest military base in the United States to Europe and the former Soviet Union. As conditions in Eastern Europe now change, Limestone's facilities may offer a location for international, collaborative research and development projects. Limestone's facilities are a potentially irreplaceable asset; the Federal Government should not abandon their many unique features and opportunities for the future.

Mr. MITCHELL. The senior Senator has touched upon some of the many assets at this location, which has been recognized by organizations in the State as an excellent location for further Federal study. In July 1992, the Environmental Protection Agency agreed to explore possibilities for a Federal facility in Limestone. In conjunction with Maine Science and Technology Commission, the Loring Readjustment Committee on Sept. 2, 1992, approved conceptual proposals for priority selection of Federal research and development facilities for the Limestone area.

Ms. MIKULSKI. I agree with the distinguished Majority Leader and the senior Senator from Maine, and I want to assure you that I will work with the Senators from Maine and with the relevant Federal agencies under my committee's jurisdiction to have the feasibility studies completed in a timely manner and the approved conceptual proposals fully explored.

The committee will work with them to ensure that the Environmental Protection Agency, in consultation with the Department of Energy and appropriate local and State authorities, conducts a thorough study on the feasibility of establishing an energy research facility in Limestone, ME. In addition, the Environmental Protection Agency, in consultation with the appropriate Federal, State and local entities, should also explore the possibility of developing a hazardous waste training and research facility at Limestone, ME. NASA also should consider it as a potential location for a permanent facility.

I want to assure my colleagues from Maine that the Committee will support EPA's and NASA'a leadership in working with the Maine Science and Technology Commission, the Loring Readjustment Commission, and other appropriate Maine institutions, such as the Maine State Planning Office, the Maine Department of Economic and Community Development, and the University of Maine, to develop these proposals.

Mr. MITCHELL. Speaking for Senator COHEN and myself, I want to say we sincerely appreciate the chairwoman's willingness to work with us as we pursue the possibility of locating a Federal research facility in Limestone, ME, and we thank her for her attention to this matter.

HOPE VI GRANT TECHWOOD/CLARK HOWELL

Mr. FOWLER. Mr. President, I would like to commend the distinguished Senator from Maryland on her dedication and persistence on the pending 1993 VA-HUD appropriations bill. The VA-HUD Subcommittee has recognized that for the sake of the public housing program nationally, and more immediately, for the sake of residents living in unacceptable conditions, these severely distressed developments must be given increased attention and resources. Many of the public housing developments in this country are in severe need of funding for physical redesign and rehabilitation, as well as critical support for empowerment of residents in public housing. The HOPE VI initiative is designed to offer that needed assistance.

In Atlanta, the Techwood/Clark Howell public housing development, which is the oldest public housing development in this country, is in need of funding under a program such as HOPE VI. This program recognizes that rehabilitation and revitalization is important to the continued existence of distressed public housing in our urban communities. The program also advocates that such rehabilitation must be in partnership with the residents and demand a community service component in them.

I have received a request from the Planning Committee of Techwood/Clark Howell, which represents the residents of this public housing development, the mayor of the city of Atlanta, and the Atlanta Housing Authority [AHA], asking for my assistance in their efforts to improve this community for the purposes of public housing. It appears that HOPE VI is one program through which an ambitious project to revitalize/rehabilitate Techwood/Clark-Howell can be realized.

I would like to direct an inquiry to my distinguished colleague, the chairwoman of the VA-HUD Appropriations Subcommittee. Does the Senator agree that the Techwood/Clark-Howell public housing development is an ideal candidate for this potential funding source?

Ms. MIKULSKI. Programs encouraging empowerment of residents in severely distressed public housing are vitally important to our urban communities, and HOPE VI is an initiative by which we can begin to address the needs of residents of public housing. It is intended to provide funds for the rehabilitation and revitalization of developments such as the Techwood/

Clark-Howell public housing complex. I think it would be an ideal candidate for the HOPE VI competitive grant program.

Mr. FOWLER. I thank the chairman for her response. I would also like to note that the Atlanta Housing Authority and the residents of public housing anticipate at this juncture that 114 units will be lost as part of the disposition of the four and one-half acres for Olympic housing and perhaps another 150 units may be eliminated as a part of the effort to reduce density in this public housing development. However, I have been assured that after redevelopment Techwood/Clark-Howell will continue to be a public housing complex and such development will be in the sole interest of the residents of Techwood/Clark-Howell.

I am pleased that this project qualifies for HOPE VI and encourage Secretary of Housing and Urban Development to consider their application strongly.

SOUTH VALLEY WASTEWATER SYSTEM

Mr. BINGAMAN. This country has a growing problem in hundreds of communities with inadequate water and waste water systems. This problem is perhaps no more evident than in the South Valley of Albuquerque, which has severe water and wastewater infrastructure deficiencies. Most of the 4,100 households in the South Valley have on-site water wells and septic tanks. They are not hooked up to a municipal system for tap water or sewage treatment. These individual septic tanks can easily leach into the water table, introducing dangerous levels of nitrate and contaminating the drinking water. This summer, Gov. Bruce King called in the National Guard to provide clean drinking water in the South Valley when the Pajarito Elementary School was shut down for several days.

The 12,000 people who live in South Valley have fallen through the cracks. The community is too large to qualify for rural water grants, but too small to shoulder high per household hook-up charges. The South Valley residents are ineligible, for one reason or another, to qualify for existing programs that could alleviate their unsafe water conditions.

As a result of this situation, I asked that the subcommittee consider appropriating an additional $2 million to EPA's Construction Grants Program for infrastructure in the South Valley. Federal, State, and local cost-sharing would enable the South Valley to serve as a demonstration area for intergovernmental solutions to the problems of unincorporated areas. Unfortunately, the VA/HUD/Independent Agencies bill does not include funding to address this problem. At this time, I request that the conferees consider providing $2 million for this project. I thank the distinguished chairwoman for her consideration of the problems of the South Valley. I look forward to working with my colleagues in addressing the Nation's unclean water problems, and I hope the Senate will pay particular attention to this issue when we undertake reauthorization of the Clean Water Act.

Mr. DOMENICI. My colleague from New Mexico has described the extremely serious problem in the South Valley area near Albuquerque, Action is desperately needed to address the serious health risks associated with contaminated water in the South Valley. For that reason, on July 1, I requested that the distinguished chairwoman and ranking Republican member of the subcommittee include in their bill at least $2 million through the Environmental Protection Agency as startup funding to assist the residents of the South Valley in addressing this serious situation.

In my discussions with the distinguished chairwoman prior to final committee consideration of the bill, she sympathized with the dilemma we are facing in helping the South Valley. However, the subcommittee was necessarily unable to single out specific projects for funding within the existing program. Because of emergency nature of the South Valley situation, I sincerely regret that we cannot address this issue today through an amendment, but I am most appreciative for the willingness of the chairwoman to again consider this matter in conference with the House. I stand ready to assist in that effort, for I believe it is crucial that we find a solution to the wastewater problems plaguing the South Valley.

Ms. MIKULSKI. I agree with the Senators from New Mexico that the Nation has a challenging task ahead in meeting the water quality and wastewater pollution problems they have outlined. I will give this issue every consideration when the House and Senate take up the VA/HUD fiscal year 1993 appropriations bill in conference.

GEMINI 8-METER TELESCOPE

Mr. INOUYE. Mr. President, I wish to thank the distinguished chairperson of the VA-HUD-Independent Agencies Subcommittee for the excellent job she has done in putting together a well balanced appropriations bill under the most difficult of circumstances. I wish to address one major project, the Gemini 8-meter telescopes, within the appropriation for the National Science Foundation. The Foundation first proposed funding for Gemini in fiscal year 1991 and $4 million was appropriated on the understanding that half of the costs of construction and operation of the two 8-meter telescopes would be met by foreign partners. Funds in the amount of $16 million were appropriated for fiscal year 1992. The Senate VA-HUD-Independent Agencies Subcommittee report recommends an appropriation of $17 million for Gemini in fiscal year 1993 and this amount is included in the bill. However, the House VA-HUD-Independent Agencies Subcommittee report reiterates the need for the Foundation to complete arrangements for 50 percent foreign partner participation in Gemini before conference on the fiscal year 1993 bill is completed and directs the Foundation to withhold funds from Gemini and three other large science facility projects until the Foundation and the National Science Board have reconsidered the priority, structure and funding options of all four projects.

I wish to commend the Foundation on having made so much progress toward securing full subscription of the specified 50 percent foreign participation. With the execution of a tripartite memorandum of understanding between the National Science Foundation of the United States of America, the Science and Engineering Research Council of the United Kingdom and the National Research Council of Canada, and with a firm commitment for 5 percent from Chile, 45 percent of the required 50 percent of the project is now assured. I am informed that the scientific advisory apparatus in Australia has strongly recommended 5-percent participation by Australia and that by September 30, the government will commit in principle and authorize negotiations with the Foundation. I further wish to note that the Gemini project underwent extensive peer review within the Foundation and that construction of the Gemini infrared optimized 8-meter telescope on Mauna Kea, Hawaii was judged the Nation's highest priority for a major ground-based telescope facility by the National Academy of Sciences decade review for astronomy in the 1990's.

Given the overwhelming peer review support for the Gemini telescopes, the apparently assured full subscription of the mandated 50 percent by foreign partner participation and the appropriation by the Senate of the full amount of $17 million included in the administration request, I would ask that the House-Senate conferees consider removing the Gemini telescopes from the National Science Foundation-National Science Board project review requirement, lifting the associated withholding of Gemini project funds, and specifying to the Foundation the intent of the Congress to proceed immediately and expeditiously with the Gemini project.

Ms. MIKULSKI. I thank the distinguished Senator from Hawaii for his kind remarks and am cognizant of the interest he has in seeing that this project move forward without delay. He has my assurance that I will do my best to fund this project in conference with the House. We will also consider what the appropriate requirements related to the timing of an international commitment to a 50-percent cost shar-

ing with the United States should be at that time.

CENTER FOR PACIFIC RIM STUDIES

Mr. CRANSTON. I want to commend my good friend and chair of the Subcommittee on HUD, VA and Independent Agencies Appropriations for her excellent work in meeting a number of competing priorities in the measure before us.

I want to express my concern about one initiative which, to date, has not secured Federal support—the Center for Pacific Rim Studies in San Francisco. This center will bring together the academic and business communities in the Bay area to promote and expand international economic opportunities throughout the Pacific rim. The center will provide a clearinghouse of information on Pacific rim trade practices, training opportunities for business and academic leaders, and academic training and practical experience for students of international affairs.

The project will involve extensive renovations of the historic Lone Mountain campus of the University of San Francisco to meet current earthquake, fire and safety codes and to create accessible space for business conferences, international data links, teaching, research, and conference facilities.

This project is an appropriate candidate for a special purpose grant because of it will create jobs in the troubled Bay area economy for both the short term—through construction and renovation work—and the long term—through improved international trade competitiveness.

I hope that the Senator from Maryland will make every attempt to secure appropriate Federal assistance for this project as this bill moves forward.

Ms. MIKULSKI. I want to thank my friend, Senator CRANSTON, for his comments. I am indeed aware of the many merits of this project, having heard from community leaders and elected officials in California, members of the House, as well as interested parties in the Senate. I want to assure you that while this is a very tight funding year, I will make every effort as the HUD Appropriations bill moves forward in the Senate and in conference with the House to secure assistance to allow this project to move forward and ground to be broken this year provided that the chairman of the subcommittee in the other body includes it on their project list for conference.

Mr. CRANSTON. I deeply appreciate Senator MIKULSKI's commitment to making every effort to help this initiative move forward. I want to stress that this project receives broad support from the mayor of San Francisco, corporate leaders in the community and academic and civic leaders throughout the region. I believe this proposal will help to improve today's trade opportunities and prepare the next generation of American business leaders to compete in the international marketplace.

I thank the Senator for her assistance on this matter.

TOXIC RELEASE INVENTORY DATA

Mr. BYRD. Mr. President, it is my understanding that the Environmental Protection Agency has considered the establishment of university-sponsored centers for pollution prevention information and analysis of toxic release inventory data now being collected.

More specifically, it is my understanding that the EPA, to determine whether such centers would be effective, and within the resources available in the bill, will conduct a modest, focused pilot project in the amount of $100,000 in fiscal year 1993 to determine the efficiency and effectiveness of a decentralized pollution prevention and toxic release inventory initiative. The functions of the pilot project will include the development of facility profiles based on inventory reports and outreach activities designed to develop and distribute informational materials.

The EPA has indicated that a reasonable pilot project could be defined and undertaken by a locally based organization regarding most aspects of these two activities, including the measurement of results to determine the efficiency and effectiveness of such an effort.

It is my further understanding that the project will be undertaken at the University of Charleston, building on the strengths and capabilities of the National Institute of Chemical Studies, which is located there.

I wonder if the distinguished floor manager would comment on my understanding of this matter.

Ms. MIKULSKI. The understanding of the distinguished President Pro Tempore and chairman of the Committee on Appropriations is absolutely correct. This is a matter that the EPA has been working on for some time under the guidance of the committee and I encourage the administrator of the EPA to redouble his efforts to move this project along.

Mr. GARN. I wish to associate myself with the remarks of the distinguished subcommittee chairman.

FIFRA AMENDMENTS

Mr. BOND. Is it the understanding of the Senator from Utah that current statute under the Federal Insecticide, Fungicide and Rodenticide Act [FIFRA] prohibits the administrator of the Environmental Protection Agency [EPA] from levying any fees upon registrants seeking registration or experimental use permits?

Mr. GARN. Yes, the FIFRA amendments enacted in 1988 (section 4(i)(6)) provides that the "EPA may not levy any other fees for the registration of pesticides until September 30, 1997."

Mr. BOND. It is my understanding that there is a provision in H.R. 5679 that authorizes the collection of those funds that are currently prohibited, even though this issue has not been debated at any length in the Senate and, in fact, was rejected on two occasions in the House of Representatives under their consideration of H.R. 5679. Consequently, as I understand that the Senate Committee on Agriculture, Nutrition, and Forestry intends to reauthorize FIFRA in 1993, and others feel that this provision should be reviewed and given consideration at that time.

Mr. GARN. As the Senator from Missouri has pointed out, there does seem to be legitimate concern as to whether these user fees should be addressed in the pending bill, and therefore I feel that the Senate conferees should take these concerns into full consideration during conference with the House.

INTENT OF HUD SPECIAL GRANT

Mr. JOHNSTON. Mr. President, I rise to discuss an important issue with my distinguished colleagues, the chair of the appropriations subcommittee Senator MIKULSKI, and the ranking minority member, Senator GARN, regarding funds contained in the report accompanying H.R. 5679, the HUD, VA, and independent agencies appropriations bill for the Center for Research and Development of Functional Skills in New Orleans, LA.

Ms. MIKULSKI. I would be glad to discuss the funds contained in the report for the center.

Mr. GARN. I would be pleased to discuss this issue with the senior Senator from Louisiana.

Mr. JOHNSTON. I would first like to thank my colleagues on the subcommittee particularly Chairwoman MIKULSKI and the ranking member, Senator GARN, for including $5,000,000 for the continuation of funds for the center which is provided within HUD special purpose grants. As the report states, these funds are intended "for the continuation of activities in the city of New Orleans, LA, to provide job training, education, and functional skills to at-risk residents of public housing." As earlier referred to, this project was initiated through funds appropriated in fiscal year 1992 in the Appropriations Act (at p. 48, S. Rpt. 102-107 and p. 19; H. Rpt. 102-226) as part of a dramatic joint private/Federal effort led by Loyola University in New Orleans to provide a national model for training adults in literacy skills. The fiscal year 1992 report provided these funds for development of a center, which is part of a $25 million effort, with $15 million being provided through private and university resources. I would like to clarify, with my colleagues of the subcommittee, the subcommittee's intent, although not specifically mentioned by name in the report, that these funds be used by Loyola University in its effort to provide a Federal component to establish a "Center for Research and Development of Functional Skills" at Loyola

University including, but not exclusively, for job training, education, and functional skills.

Ms. MIKULSKI. It was our intent that the funds provided in the bill currently before the Senate, as well as the funds appropriated in the fiscal year 1992 appropriations bill, be used for the establishment of the center at Loyola University. The funds are desired for not only research and development of functional skills once the center is constructed, but also costs associated with site design and preparation as well as construction. I believe the Center for Research and Development of Functional Skills will be a very successful venture which shall stand as a national model dealing with the linkage between employment and business growth on the one hand, and the level of functional literacy of a portion of the labor force, on the other. It is vital to the success of this program that the fiscal year 1992 appropriated funds, and any funds appropriated in the fiscal year 1993 bill, be provided to Loyola University.

Mr. GARN. I appreciate the chief proponent of this proposal, Senator JOHNSTON, for bringing this matter to our attention. I certainly concur with the statement of Senator MIKULSKI, and emphasize the need for this program and support its development at Loyola University.

Mr. JOHNSTON. I would like to thank my colleagues who believe, as I do, that the funding we appropriate for efforts such as this, which promotes literacy and the other skills people need in order to enter the workforce, is one of the soundest investments that the Federal Government can make. The long-term dividends, for all of society, far outweigh the costs of programs like this.

However, I am concerned with the administrative delays this project has experienced from the Department of Housing and Urban Development with regard to its fiscal year 1992 grant and believe HUD is acting directly contrary to congressional intent.

Ms. MIKULSKI. The Senator from Louisiana has mentioned a particularly concerning trend I have noticed with HUD administering the special project grants. I would like to point his attention to language that was included in the committee report on page 53 which addressed this problem. The language states that "the committee expects the Department to administer these grants, upon the submission of a proper application, in a timely and expeditious fashion." The language further states that "since these projects are incorporated into the law, the committee expects the funds for them to be administered for the purpose for which they were intended." As the application filed with HUD for the fiscal year 1992 funds appropriated were intended to be provided to the center for research and development of functional skills is consistent with congressional intent, I hope that these funds are immediately made available and the project does not experience similar delays in receiving its fiscal year 1993 appropriations. I assure you that if further clarification is necessary we will address these concerns during conference.

Mr. JOHNSTON. Once again, I thank my colleagues for their support of this program, and I yield the floor.

NATIONAL CENTER FOR VEHICLE EMISSIONS AND SAFETY AND THE NATIONAL HIGH-ALTITUDE, HEAVY-DUTY, RESEARCH AND TECHNOLOGY ASSESSMENT CENTER

Mr. WIRTH. Mr. President, I rise to engage my good friend, the chair of the VA, HUD and Independent Agencies Appropriations Subcommittee in a brief colloquy to discuss the future of two research efforts underway in my home State of Colorado. But first, let me acknowledge my understanding of the very demanding circumstances that the chair faces in this year of very tight budgetary constraints. She has done a difficult job well, and let me assure her that I am well aware of the tough nature of the issues she must face while moving this bill forward.

THE NATIONAL CENTER FOR VEHICLE EMISSIONS AND SAFETY

As I said, I would like to briefly discuss two national research efforts now underway in Colorado that directly support the goals of the Clean Air Act Amendments of 1990. The first of these is the National Center for Vehicle Emissions and Safety [NCVECS] at Colorado State University, established by the Environmental Protection Agency in 1976. It is the only university-based center dedicated to research and training activities related to passenger vehicle emissions and has been officially designated to serve as the research facility authorized by section 224(e)(3) of the Clean Air Act amendments.

The center is equipped with a laboratory capable of conducting Federal test procedure testing on light-duty vehicles. This lab is used for research and testing activities including the evaluation of compressed natural gas [CNG] and liquified petroleum gas [LPG] retrofit kits, research on the effects of diesel emissions at high-altitude, on the performance of after-market emissions components, the effects on tampering on emissions equipment, and other emissions-related research. Additionally, the center has conducted the EPA's national tampering survey since 1984. All of these research efforts are essential to the success of future efforts to clean up the air in our cities under the Clean Air Act Amendment of 1990.

The center has an established reputation for leadership and commitment to the improvement of air quality through research and training. The unique combination of the center's personnel, the university's resources, and access to advanced facilities and equipment provide a solid foundation for the continued application of research and training efforts to the international community concerned with air quality.

NCVECS is seeking external funding from the EPA in the amount of $1.5 million for facilities renovation and equipment to enable it to carry out new research activities and technical training. Unfortunately, this funding was not included in the Senate, VA, HUD appropriations bill.

THE NATIONAL HIGH-ALTITUDE, HEAVY-DUTY, RESEARCH AND TECHNOLOGY ASSESSMENT CENTER

The second program I would like to mention is operated by the National High-Altitude, Heavy-Duty, Research and Technology Assessment Center—also known as the National High-Altitude Center—located at the Colorado School of Mines in Golden, CO. Last year, the center received $500,000 to begin operations, a critical first step. To fully realize the potential of the Assessment Center, and to meet the national objectives of the Clean Air Amendments of 1990, an additional $1.5 million is needed for fiscal year 1993. The National High-Altitude Center has raised several times the required Federal contribution from research contracts and other private sources to help meet the operational costs of the facility.

The Environmental Protection Agency [EPA] has officially designated the Colorado School of Mines to serve as the national research center called for by section 224(e)(2) of the Clean Air Amendments of 1990. The goal of this national center is to assist the Federal Government with research investigations for engine improvements, abatement devices including catalysts and traps, and alternative fuels emissions testing for the heavy-duty engines used in trucks, buses, construction equipment, and nonroad vehicles.

The Senate, VA, HUD appropriation bill currently contains zero funding for the center. I note that the House has included $500,000 for the National High-Altitude Center and I hope that the Senate conferees will be able to accept the House position. If this situation is not addressed, vital work on the unique air pollution problems caused by high altitude will not be accomplished and taxpayer funds expended last year will be wasted. This is a multiple year project. If funds are not available this year, the investment made last year will be lost.

I say to my good friend, chair of the VA, HUD, and Independent Agencies Appropriation Subcommittee that I am grateful for her continued interest in these programs of national significance and given the current budget situation, I especially appreciate her willingness to review the merits of these funding

requests and see if something is possible when this bill gets to conference with the House of Representatives.

Ms. MIKULSKI. I thank the Senator from Colorado for his understanding of the budgetary situation that has constrained funding for many worthwhile programs. I am aware of the good work going on at NCVECS, and at the High-Altitude Research Center at the Colorado School of Mines. And I say to my friend from Colorado that I will do my best to address this situation in conference with the House.

CENTER FOR ADVANCED TECHNOLOGIES

Mr. RIEGLE. Mr. President, I wish to commend the work of the Senator from Maryland as Chairperson of the VA-HUD and Independent Agencies Appropriations Subcommittee. At a time when our cities are in crisis, you have developed a package that provides resources so desperately needed by our urban and rural communities.

I would like to express my concern about one key initiative which, to date, has not received Federal support—the Center for Advanced Technologies in Detroit.

Detroit provides a poignant example of what has happened in urban areas hard hit by the changing global economy. Detroit's economic base has been eroded over the past three decades as manufacturing processes have become more routinized, allowing firms to move their operations to other countries with less skilled work forces. As a result, unemployment in Detroit is high and job opportunities for skilled workers have all but disappeared. Minority and disadvantaged young adults have little or no job opportunities available. Thus, poverty and its accompanying social ills are commonplace.

The Center for Advanced Technologies [CAT] is a bright spot. It is Detroit's future as it works to provide meaningful career opportunities for disadvantaged young adults and assist our Nation in making the economic transition.

CAT is a national demonstration of the content, resources, and methodology needed to educate advanced manufacturing technician-engineers at world-class levels. Computer-integrated, flexible manufacturing equipment and systems are not only technology-intensive—they are skill intensive. As part of a competitive manufacturing team, today's technologist-engineer must know how to: build, operate maintain, diagnose and repair complex electro-mechanical machinery; modify it for new applications; and appreciate and adopt continuously changing technologies. To perform these tasks requires skills and a theoretical foundation across a range of scientific and engineering disciplines.

CAT is an unprecedented partnership between Federal, State and local governments, corporations, private foundations, universities and technical institutes. The center's 180,000 square foot shop-laboratory with more than $50 million of state-of-the-art equipment; its 6-year curriculum of hands-on technical training and interdisciplinary engineering instruction; its learning methodology focused on the creation of real products; and its targeted enrollment of black youths are all major innovations of national significance.

CAT is developed and operated by Focus: HOPE, one of the Nation's most capable nonprofit organizations at forming industry, education, and Government partnerships for industrial renewal.

The Center for Advanced Technologies is in its last phase of development and it needs an appropriation of $3 million for fiscal 1993 to be used to renovate a plant-office building. In this facility, young persons enrolled in CAT's training programs will take both technical and academic coursework. The facility will also be used to educate visitors on the work of CAT—in particular—by school children who will be introduced to the world of computer-aided manufacturing technology. The total project cost for this renovation is $19.4 million. The remainder of renovation costs will be provided by the Department of Commerce, the Department of Defense, the State of Michigan, and private foundations.

I ask that, as the bill moves into conference, that the Senator dedicate funding to allow Focus: HOPE to complete its work on the Center for Advanced Technologies.

Ms. MIKULSKI. I commend my colleague for his efforts to support the innovative programs of the Center for Advanced Technologies. It is my understanding that Congressman TRAXLER, who chairs the House VA-HUD Appropriations Subcommittee is also interested in seeing this project obtain funding. Although resources are very scarce this year, if Mr. TRAXLER requests an appropriation for the project in conference, I will consider an appropriation to help Focus: HOPE complete its work.

Mr. RIEGLE. I sincerely appreciate the chairperson's efforts to ensure that this very important project can move forward. The Center for Advanced Technologies is an investment in the city of Detroit, in young disadvantaged adults who deserve the opportunity to become productive members of our society, and in our national economy.

I thank the Senator for her assistance on this matter.

STAFF REDUCTIONS AT THE FEDERAL EMERGENCY MANAGEMENT AGENCY

Mr. WALLOP. Mr. President, it is my understanding that both the House and Senate VA-HUD and independent agencies appropriations bills contain language to reduce political appointments at the Federal Emergency Management Agency. The House bill eliminates 17 positions, while the Senate bill eliminates 10 positions. A major difference is that the Senate bill specifically eliminates the position of Deputy Director of FEMA.

Many allegations have been raised about this particular position. There is some controversy about the allegations. While a report on FEMA in the House has discussed some of the issues, the matter has not been reviewed by the appropriating subcommittee in the Senate.

It would be premature to eliminate a particular position without careful review of the issues. While I do not object to reducing the Federal work force, I even encourage it, I do not believe it is the role of Congress to target specific jobs and individuals. I would hope that the language in the bill designating the deletion of the Deputy Director be dropped. If positions are to be eliminated, it should be the role of the Agency's Director. Would the Senator from Maryland, the chairperson of the appropriating subcommittee, agree with this position.

Ms. MIKULSKI. I can assure the Senator from Wyoming that we will take his views into account, as well as any comments or information from the administration on this matter, as we prepare for a conference with the House. I would hope that we could arrive at a satisfactory resolution of this issue.

JACK KENT COOKE STADIUM

Mr. ADAMS. Mr. President, I note that the bill proposes to strike section 520 of the House passed bill which seeks to require a Federal environmental impact statement prior to any consideration or approval of the proposed construction of the proposed Jack Kent Cooke Stadium at Potomac Yard. On its face the House requirement is reasonable and justified, given the proximity to the Potomac River and the scale of the proposed development.

I would further note that I believe, as a former Secretary of Transportation, that the Federal Aviation Administration is going to have major concern about this proposed facility. It is going to have to study this plan very carefully. There are height concerns, line-of-sight concerns for the air traffic controllers and electronic concerns to name just a few.

Since the House action published reports have noted the chronic pollution problem of the site, including petroleum and chemical discharges into the Potomac River. These published reports refer to documents of the Virginia State Water Control Board and the Department of Waste Management. Those documents reportedly show that at least four spills of oil or chemicals have occurred since 1981. These spills range from 300 to 20,000 gallons.

In addition, they reportedly show that over 2 million gallons of tainted water per day is discharged into the Potomac River and its 4-mile run trib-

utary from Potomac Yard. This water is tainted with arsenic, lead, silver and benzene. Further, the ground water at the rail yard contains arsenic levels 1 million times the acceptable level established by the Federal EPA, its has PCB's 440 times EPA's acceptable level and the ground is so soaked with diesel fuel that a 7-foot thick pool rests on top of the water table.

Since 1987, according to these published reports, inspectors have found oil coating vegetation downstream and 2 inches of grease coating one of three holding ponds at the yard. It is also reported that metals and other toxins have been found in pond discharges. Also according to these published reports, the Virginia Water Control Board staff is recommending that the rail yard be required to monitor the effect of arsenic, lead and other toxic substances on fish and other river life in the Potomac.

Mr. President, in light of these published reports, based on the water control board's document and State records, it would appear that an EIS is an absolute necessity for any development on this site.

Mr. President, I note that the report to accompany the bill before us states that the committee recommends striking this section without prejudice to the provision, and I would ask the Senator from Maryland if that is her intention and that she will take a careful look at the merits of the amendment when this bill reaches conference with the House.

Ms. MIKULSKI. Mr. President, the Senator from Washington has raised a number of potentially serious environmental concerns that have recently come to light.

In light of this new information, I would say to the Senator that in conference I will carefully review the House provision and the arguments made by the distinguished chairman of the District of Columbia Subcommittee in support of it before making a decision on it in conference.

Mr. ADAMS. Mr. President, I appreciate the Senator from Maryland's assurances, and look forward to working with her on this matter as the bill progresses.

Mr. President, I yield the floor.

SPURRING ECONOMIC DEVELOPMENT IN MAINE

Mr. MITCHELL. Mr. President, my understanding is that this legislation includes funding for a number of economic development projects throughout the country. In my own State, there is great need for assistance to spur economic development. In fact, some areas of the State not only need to spur development, but also to retain it.

Such is the case with Aroostook County and the city of Presque Isle, ME. This area of the State has often been the end of the line with development. Unemployment is nearly 10 percent and recently a major manufacts closed its doors eliminating several hundred jobs.

I have an innovative economic development proposal that will enable Presque Isle to serve as the gateway to new opportunity for northern Maine farmers and manufacturers. My proposal combines job creation and retention activities, helps assist the city of Presque Isle with meeting national clean air standards, and will serve to attract businesses to northern Maine communities.

Ms. MIKULSKI. I am intrigued by the majority leader's description of this project. The pending legislation does include funding for economic development activities and I look forward to reviewing the leader's project in more detail.

Mr. MITCHELL. I thank the chairwoman for her consideration and I urge that funding for this proposal be given every consideration possible in conference.

FIFTY-SEVEN PERCENT CLOSING COST RULE

Mr. SEYMOUR. Senator MIKULSKI, I notice that the VA, HUD and Independent Agencies appropriations bill contains a FHA provision that is very important to my constituents. However, the bill does not provide for the rescission of the closing cost rule that HUD implemented last July. This HUD rule limits at 57 percent the amount of closing costs that can be financed in a FHA single-family mortgage.

As my friend from Maryland knows, the Federal Housing Administration is aimed at providing mortgage credit on terms which borrowers can afford. FHA was designed to be affordable. In 1990, Congress adopted changes to the FHA program in an effort to strengthen the program. These changes, which were designed to ensure the stability of the FHA fund, provided for a new premium structure and loan-to-value ratios. Given the large number of potential homeowners nationwide that would be affected by these policies, I appreciate and understand how difficult those deliberations were.

It is important to note that the Congress never agreed to limit financeable closing costs to 57 percent. We have therefore a situation where HUD has implemented an onerous regulation that is hurting California homebuyers, and homebuyers in every other State, including Maryland. HUD cannot be allowed to continue enforcing this regulation.

Ms. MIKULSKI. I understand the concerns that Senator SEYMOUR has raised. As he indicates, our subcommittee did include a provision in the bill to increase the FHA maximum mortgage loan limit. I too am a strong proponent of FHA and a very strong proponent of finding more efficient ways to get families into their own homes.

Mr. SEYMOUR. Mr. President, I want to thank Senator MIKULSKI for her leadership and support with regard to the loan limit increase. I understand a similar provision to raise the loan limit was included in the House-passed VA, HUD Independent Agencies appropriations bill. Yet the House bill goes one step further and provides for a rescission of the 57-percent closing cost rule.

Ms. MIKULSKI. Senator SEYMOUR is correct. The House bill rescinds the 57-percent closing cost rule. And like Senator SEYMOUR, I am certain that a number of families in my State would benefit from such a provision. In fact, I have heard over and over again from my constituents that the 57-percent regulation must be rescinded. I can assure Senator SEYMOUR that these concerns will not go unanswered when we meet with the House in conference on this bill.

Mr. SEYMOUR. The loan-to-value ratios that I spoke of earlier were enacted in response to the valid argument that greater borrower equity was critical to the stability of the FHA fund. However, some who oppose rescinding the 57-percent closing cost rule use the need for additional borrower equity to argue their case. That argument is critically flawed. Closing costs are the expenses incurred when transacting the purchase of a house: lawyers fees, title search, and others. None of which are a direct investment in the house. Congress managed to strike a balance between the safety and soundness needs of FHA and the needs of the borrowers that FHA was created to assist. I believe the 1990 National Affordable Housing Act did that, and it did so without placing a limit on financeable closing costs. It is time for Congress to reassert its authority and not allow HUD to continue to implement its will through rulemaking.

Ms. MIKULSKI. I am pleased to know of Senator SEYMOUR's support for the rescission of the closing cost rule and am very supportive of the FHA program and the service it provides Maryland homebuyers. Moreover, I am opposed to any regulation that may stifle the availability of FHA and prohibit American families from buying their own home.

Mr. SEYMOUR. In California, the FHA percentage of market has declined appreciably. FHA activity in San Diego County is down 11 percent. Activity is down 30 percent in the Sacramento County region. In Whittier, CA, the FHA market share has declined 10 percent since the 57-percent closing cost rule was enacted by HUD in July of 1991. Some would say that FHA usage is down because the entire economy was falling off during that time. However, these numbers represent actual market-share decline. FHA is quickly becoming a nonplayer in the housing market and a lot of Americans are finding that they can no longer proceed to purchase a home. While business for

private mortgage insurers was up 40 percent over this timeframe, FHA activity has declined considerably. Many potential homebuyers are being locked out of the market because they are unable to come up with the full array of closing costs. In the meantime, FHA is no longer attracting the cross-section of homebuyers it needs to ensure the safety and soundness of the single-family insurance fund.

Ms. MIKULSKI. I agree that something needs to be done to restore the viability of the FHA program as a vehicle for homeownership. I know that the administration is attempting to eradicate or delay the implementation of burdensome and restrictive regulations. The evidence seems to indicate that the 57-percent rule should warrant such action.

SAN FRANCISCO CENTER FOR PACIFIC RIM STUDIES

Mr. SEYMOUR. Mr. President, as Senator GARN knows, I am a strong supporter of the University of San Francisco's efforts to establish a Center for Pacific Rim Studies on their campus. The central focus for the San Francisco Center for Pacific Rim Studies will be the educational preparation of the next generation of American leaders.

This center will feature state-of-the-art technological resources designed to link the campus to San Francisco, the northern California region, and to our trading partners around the world. Moreover, this will house the San Francisco Center for Pacific Rim Studies and function as the central clearinghouse in northern California for information, research, and activities related to California and the economies of the Pacific rim. In this role, the center will be unique, serving diverse organizations across the public, private, and nonprofit sectors, and bring them together under a common umbrella with a shared focus on Pacific rim economic development, communication, and international diplomacy.

Mr. GARN. I am aware of the support of the Senator from California for the center and share his enthusiasm and support for the University of San Francisco's work in this area.

Mr. SEYMOUR. As my friend from Utah knows, in order to establish the center, the university must undertake the costly endeavor of renovating its Lone Mountain campus facility. While special purpose grant funds were not included in this bill for this purpose, I am hopeful that the Center for Pacific Rim Studies' needs can be revisited during conference, and I urge the Senator from Utah and all of my colleagues to give their strongest consideration to the university's request for Federal support.

Mr. GARN. The Senator makes an important point about the unique educational, research, and economic development services that the University of San Francisco Center for Pacific Rim Studies would provide. It is my hope, as well, that funding can be provided for the center, and I will work with my friend from California to accomplish this goal during our conference with the House.

SPECIAL PURPOSE GRANTS

Mr. SEYMOUR. Mr. President, I rise for the purposes of seeking clarification from the Republican manager, the distinguished Senator from Utah, regarding the special purpose grants in this bill. Under this account, approximately $127 million is provided for specific State and local projects.

Mr. GARN. The Senator is correct. The committee report lists a number of projects that would receive special purpose grants.

Mr. SEYMOUR. It is also my understanding that while the House-passed VA–HUD appropriations bill does not include a similar special purpose grants account it is anticipated that this issue will be subject to debate in conference, and other projects will be considered, as was the case last year.

Mr. GARN. That is my understanding, as well.

Mr. SEYMOUR. Since it appears, therefore, that the Congress will earmark special purpose grants this year, I want to express an additional concern about the funds included in the committee report. This year, the worst civil disturbances is U.S. history devastated Los Angeles. We all watched in horror as thousands of homes and businesses burned to the ground. The bill before us today is the main Federal vehicle for providing housing and community development assistance to urban communities. Given these circumstances, there is a compelling justification for a special purpose grant for riot-torn Los Angeles. Funds for the Los Angeles area would, among other things, provide new housing and leverage a significant amount of new credit for residents and businesses in the affected areas.

I hope that when this bill goes to conference the conferees from both bodies will be sensitive to the extraordinary needs and compelling justification that exist for special funding for Los Angeles this year. If any community in this country needs special purpose grants this year, it is certainly Los Angeles.

Mr. GARN. The Senator makes a very important point regarding the needs of Los Angeles this year. While our subcommittee was unable to accommodate all requests for special purpose grants, I too hope that the conferees can address this special need, and I will work with him to accomplish this goal.

Mr. SEYMOUR. I thank the Senator from Utah.

Mr. BIDEN. Mr. President, the fiscal year 1993 VA-HUD-Independent Agencies Appropriations bill includes $20.5 million for the construction of an outpatient clinical addition to the Elsmere VA hospital in Delaware.

This funding represents the culmination of a nearly 20-year battle to ensure that the veterans of Delaware have access to the top-quality health care that we as a nation promised them. And, it represents the culmination of 15 years of my own efforts to see the funding for the project provided.

Most VA hospital facilities—including the hospital at Elsmere—were built in the immediate post-World War II era. I need not dwell on the fact that the dynamics of health care in this country have changed dramatically since that time. Hospital stays are shorter and more patients are served on an outpatient basis. Several studies in the late 1980's showed that an improved access to outpatient services was one of the greatest needs for veterans health care.

The Veterans' Administration recognized that fact as early as 1973. That year, the VA submitted a report to Congress entitled, "Quality of Care" that proposed dozens of projects to meet the changing health care needs of veterans. An outpatient clinical addition at Elsmere was one of those projects. To date, over 90 percent of the goals and objectives as outlined in the VA's 1973 report have been met. One of the very few that has not is the Elsmere project.

The reason for this delay—and I have first hand experience with it since I began working to secure funding for this project back in the late 1970's—was unresolved bickering between the VA and the Office of Management and Budget. Year after year, the project remained mired in the budgetary process. The VA would recommend the project, but OMB would consistently refuse to accept it. As a result, today, the existing outpatient facilities at Elsmere operate at about 300 percent of design capacity. It is outdated, cramped, and inadequate.

A second consequence of the nearly two-decade delay in building the clinical addition has been higher construction costs. Two years ago, the total project cost was estimated at over $32 million. With such a high price tag, and with other construction priorities, the VA began to question the project.

In response, the Elsmere hospital administration worked in good faith with the VA to reduce the size of the addition while still ensuring that the needs of the increased numbers of veterans who are being served on an outpatient basis would be met.

I would like to commend the director of the Elsmere VA Hospital, Michael Phaup, and his staff for their hard and diligent work on this matter. The result was a $10 million reduction in the cost of the project. And, most importantly, for the first time, the VA and

OMB agreed on the need to provide funding for this important addition.

The administration included the Elsmere project funding in its fiscal year 1993 budget request, and thanks to the work of Senator MIKULSKI and Senator GARN—the chair and ranking member of the VA-HUD Appropriations Subcommittee—the funding is included in the legislation before us today. Senators MIKULSKI and GARN have shown their commitment to this project over the last several years, and on behalf of Delaware's veterans, I thank them for this project and their dedication to fulfilling the promises we made to all of America's veterans.

I must also recognize the Delaware veterans community—for their patience and their persistence. Patience in the face of 20 years of intransigence. Persistence in the face of seeming hopelessness. I commend the work of the Delaware veterans community on this project; their help—really, their drive—has been invaluable in making today's accomplishment possible.

Let me close by making clear what that accomplishment is. This bill provides a concrete commitment to funding the Elsmere project. It provides the VA—outright—with the funding needed for construction. The VA will not have to downsize another project to fund the Elsmere addition, and it does not rely on the goodwill of anyone to find the money at some undefined point in the future. It tells the VA that they will have the funding now and that they can begin construction as planned next year.

Veterans in Delaware and surrounding States have waited two decades for an outpatient clinical addition—an addition proposed by the VA almost a generation ago. By funding the Elsmere project today, we are making sure that another generation of our region's veterans will not be denied access to the best possible outpatient health care. By specifically providing the money for Elsmere in this appropriations bill, we are making sure that our region's veterans will have a promise fulfilled, not another promise deferred.

SPACE STATION "FREEDOM"

Mr. RIEGLE. Mr. President, I rise in support of space station *Freedom*. America must retain its world leadership in space exploration.

As a past chairman of the Science, Technology, and Space Subcommittee, I recognize that a nation that is to compete in the high-technology economy of the next century must be strong in the leading-edge technologies like those that have been and will be developed through our space program. Japan is spending more on space research than ever before. France and Germany also continue to invest a great deal in space. In these increasingly competitive times, the United States must lead the world in the kind of high-technology research and development that has been a key element of the space program.

Work on the space station has already yielded important benefits that are being used in other areas. For example, computer design skills that have been developed for the space station are being used in building airplanes. We can readily anticipate future benefits as well. The space station will facilitate important experiments in medical research. And we can expect space research will produce additional new technologies that will put us in a better position to compete in the world economy in a variety of areas.

Many of the benefits of our previous investments in space were not expected when the programs were offered initially. Some experts have estimated that every dollar invested in the space program has produced $6 of value in return.

I recognize the need to reduce wasteful government spending; our $400 billion budget deficit is unacceptable. However, I believe that the space station is a valuable investment in our future and I will support it.

Mr. President, I rise to express my support for H.R. 5679, the VA, HUD, and Independent Agencies appropriations bill of fiscal year 1993. This legislation contains funding for activities which are crucial to the well-being of the Nation, as well as the State of Michigan. I would also like to commend the chairwoman of the VA-HUD Subcommittee, Senator MIKULSKI, for her diligent work in putting together this complex bill.

I am concerned, however, over the section of the bill and the accompanying committee report which deal with funding for the construction of a clinical addition to the Ann Arbor Veterans Medical Center [VAMC]. Unlike the House-passed version of H.R. 5679, which contains $148.9 million for the Ann Arbor facility, the Senate committee-reported bill before us today provides no funding for the much-needed clinic, and it is accompanied by report language which unfairly and incorrectly criticizes the project. Specifically, on page 31 of the Senate VA-HUD Subcommittee's report accompanying H.R. 5679, the following commentary is offered:

> The Committee is aware that funds for construction of a clinical addition at Ann Arbor VAMC are not needed for several years. In addition, the Committee notes that the current project scope greatly exceeds projected needs.

Mr. President, I would like to respond to each of the committee's concerns as noted in its report language:

First, the assertion that funds for construction of the clinical addition project will not be needed for several years is simply incorrect. Operating under current conditions, the hospital staff, on a daily basis, face space and environment-related crises which have a direct impact on their ability to care for patients. Furthermore, because of the cramped conditions, the hospital risks disaccreditation of its laboratory by the College of American Pathologists which has urgently recommended that Ann Arbor VAMC find additional space for its laboratory service. These space-related problems would be alleviated by the clinical addition project.

Second, to argue, as the committee report does, that the scope of the clinical addition exceeds projected needs, ignores several critical facts. The main hospital building at the Ann Arbor VAMC was built in 1953, making it the oldest unrenovated 1950's vintage facility in the entire VA health care system. That this facility remains unrenovated seems inconsistent with its unique, tertiary mission. The Ann Arbor VAMC contains Michigan's only neurosurgery program, Michigan's only vascular surgery program dealing with aneurysms of the ascending, transverse, and descending thoracic aorta, and Michigan's only cardiac surgery program, as well as many other specialized surgical programs.

Problems caused by the unrenovated character of the hospital are exemplified by the difficulties experienced by the cardiac catheterization program. When a new cardiac catheterization suite was installed, its location proved to be inadequate because of insufficient floor-to-ceiling heights. In the end, the cardiac unit had to be moved to another location in the hospital. In addition, the system providing air-conditioning and ventilation is woefully incapable of meeting the high standards required by an antiseptic environment. While there is no direct evidence of high infection rates stemming from the lack of airflow, the possibility of infection resulting from the lack of air-conditioning is constantly on the minds of surgeons. By providing a new air-conditioning system, the clinical addition would resolve this serious problem.

Hospital space, furthermore, is entirely inadequate. Hallways are crowded and narrow, and are today used for numerous unintended purposes. Patient waiting areas are almost always located in heavily trafficked converted hallways, frequently compromising patient privacy. A small alcove hallway also serves as a central area for radiologists to read x rays.

Given the inadequate size and outdated nature of the Ann Arbor VAMC, it is difficult to understand how the committee reached the conclusion, stated in its report, that the "current project scope greatly exceeds projected needs."

Mr. President, over the past 2 years, Congress has provided $38.2 million for advance planing and design of the Ann Arbor VA Medical Center clinical addition, along with a parking garage. Now, funds to begin the actual con-

struction of the clinic are urgently needed.

While I strongly support many of the important programs funded by the bill before us, I believe it would be a serious mistake to deny funding for a project as critical as the Ann Arbor VA Medical Center's clinical addition. When H.R. 5679 is considered in conference, I would hope that the Senator from Maryland would reconsider her opposition to funding for the Ann Arbor project and support the inclusion of $148.9 million for this purpose in the final version of this bill.

COLUMBIA RIVER BASIN

Mr. HATFIELD. Recent endangered species listings and potential for listing additional salmon runs have greatly elevated the importance of protecting the valuable fisheries resources of the Columbia River Basin. In December 1991, the Northwest Power Planning Council adopted phase two of their amendments to the Columbia River Basin Fish and Wildlife Program under the Northwest Power Act.

In recognition of the importance of water quality to the basin's fish and wildlife, those amendments urged the Environmental Protection Agency and relevant parties to compile existing water quality information, determine additional information needs, and recommend a study plan to collect the needed information.

EPA took the lead in quickly developing a report summarizing the best professional judgment of relevant agencies and the tribes on the requested topics. The Columbia River Basin Water Quality Summary Report was submitted to the council on June 30, 1992. The report found that good water quality, including habitat, is critical to the success of fish and wildlife populations in the Columbia Basin. Furthermore, although there are many gaps in our current knowledge, temperature, sedimentation, and riparian habitat destruction are acknowledged problems affecting those resources. EPA's recommendations for future actions are consistent with the philosophy of the council in terms of emphasizing the need for a comprehensive watershed approach to solving fisheries problems and the participation by all relevant entities.

Ms. MIKULSKI. This Columbia River water quality effort appears to have great merit. What are the major recommendations of the report?

Mr. HATFIELD. The major priority recommendations developed and described in the report are as follows:

Establish a mechanism to facilitate multiagency coordination of existing and future activities relating to water quality, fish, and wildlife problems through an integrated whole-basin approach for the Columbia Basin. This should include coordinated data management and an annual public review process.

More thoroughly evaluate existing water quality information: compile and evaluate existing information; identify data gaps and priority problems; and recommend proposals to address those gaps and solve priority problems.

Implement a major demonstration project to solve temperature problems in the Grande Ronde subbasin. The pervasiveness of temperature problems throughout the Columbia Basin emphasizes the need to gain quickly experience in solving this problem in an important area such as the Grande Ronde.

As resources allow, initiate additional projects proposed in this report to fill significant gaps in our existing understanding of water quality problems in the basin. Several proposals are included which address important weaknesses in our knowledge of the system and which need not await the findings of the longer term basin study.

I believe that these recommendations form a strong approach to addressing the water quality issues with a high potential for affecting salmon and steelhead runs—as well as other fish and wildlife—in the Columbia Basin. If some funding were available initially, we understand that good progress could be made on the first three recommendations mentioned.

I understand that due to the timing of this report, the pace of appropriations, and the fiscal constraints, it will not be possible to add funding for this project in fiscal year 1993. It is my hope, however, that EPA will make every effort, within available funds, to begin this important work on the Columbia River in 1993 and continue this activity in 1994.

Ms. MIKULSKI. The Senator has made a good case for this activity, and I agree with him.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

Mr. WELLSTONE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from Arkansas [Mr. BUMPERS], and the Senator from Tennessee [Mr. GORE] are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware [Mr. BIDEN] would vote "yea."

Mr. SIMPSON. I announce that the Senator from North Carolina [Mr. HELMS] is necessarily absent.

The PRESIDING OFFICER (Mr. BRYAN). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 92, nays 3, as follows:

[Rollcall Vote No. 196 Leg.]

YEAS—92

Adams	Fowler	Mikulski
Akaka	Garn	Mitchell
Baucus	Glenn	Moynihan
Bentsen	Gorton	Murkowski
Bingaman	Graham	Nickles
Bond	Gramm	Nunn
Boren	Grassley	Packwood
Bradley	Harkin	Pell
Breaux	Hatch	Pressler
Brown	Hatfield	Pryor
Bryan	Heflin	Reid
Burns	Hollings	Riegle
Byrd	Inouye	Robb
Chafee	Jeffords	Rockefeller
Coats	Johnston	Rudman
Cochran	Kassebaum	Sanford
Cohen	Kasten	Sarbanes
Conrad	Kennedy	Sasser
Craig	Kerrey	Seymour
Cranston	Kerry	Shelby
D'Amato	Kohl	Simon
Danforth	Lautenberg	Simpson
Daschle	Leahy	Specter
DeConcini	Levin	Stevens
Dixon	Lieberman	Symms
Dodd	Lott	Thurmond
Dole	Lugar	Warner
Domenici	Mack	Wellstone
Durenberger	McCain	Wirth
Exon	McConnell	Wofford
Ford	Metzenbaum	

NAYS—3

Roth	Smith	Wallop

NOT VOTING—4

Biden	Gore
Bumpers	Helms

So the bill (H.R. 5679), as amended, was passed.

Mr. GARN. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I want to take a minute to note that this VA-HUD appropriations bill is the last appropriations bill our distinguished colleague, the senior Senator from Utah, will manage on the Senate floor.

Senator GARN has been a Navy pilot, a mayor of a major American city, an astronaut, and the chairman of the Banking Committee. The VA-HUD Subcommittee, which handles spending for programs relating to banking, veterans, science, space, and housing, has benefited tremendously from his depth of experience and knowledge.

The space program, in particular, has prospered under his leadership. Senator GARN has devoted much of time and energies in the Senate to improving the space agency, promoting space exploration, and inspiring the imagination of America's young people.

The Senate will miss JAKE's legislative skill, his leadership, and the valuable perspective he brings to this body.

The PRESIDING OFFICER (Mr. BRYAN). The majority leader is recognized.

Mr. MITCHELL. Mr. President, I join my colleague in paying tribute to Sen-

ator GARN. I think this bill, the process by which it was handled so promptly and efficiently, is itself evidence of the respect with which Senator GARN is held by members of the Senate on both sides of the aisle, and the cooperative relationship between he and the Senator from Maryland in handling this bill speaks volumes about Senator GARN'S contribution. I associate myself fully with the remarks of the distinguished Republican leader.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I want to congratulate the distinguished junior Senator from Maryland [Ms. MIKULSKI]. She is the chair of the VA-HUD Appropriations Subcommittee, and she is a superior chair. She is courageous. She is knowledgeable. She knows what is in the bill, and she is dedicated.

I want to compliment her counterpart, the ranking member, Senator GARN.

I compliment them both for their excellent work on the fiscal year 1993 VA-HUD and independent agencies appropriations bill.

I regret to see Senator GARN leave the Senate. He has been an excellent member of the Appropriations Committee. He has always accorded me the utmost courtesy and cooperation. There has never been any problem. He is very helpful. I, personally, will miss him on the committee.

Both of these Senators have worked tirelessly to guide their bill through the Senate in an expeditious manner, and they deserve an enormous amount of praise in managing this extremely difficult piece of legislation.

I also commend Senator MIKULSKI and Senator GARN for bringing the bill to the Senate within its 302(b) budget allocation, in both budget authority and outlays authority, and that scored by CBO.

Mr. President, on behalf of the Senate and the Nation, I thank these two fine Senators and the members of the subcommittee.

Mr. President, I yield the floor.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, I thank the chair of the full Appropriations Committee for his kind remarks.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona [Mr. DECONCINI] is recognized.

Mr. DECONCINI. Mr. President, I want to give my accolades and respect to the senior Senator from Utah who is on the floor the last time managing, as the ranking member, the appropriations bill. I worked with Senator GARN for the 16 years I have been here and he is indeed a Senator that you can approach on any subject matter. We have had disagreements on some issues of veterans funding, particularly when he was chairman of the subcommittee he is now ranking member of, and we even had a bet for a steak dinner, which I will remind him separately that that bet still needs to be paid off, and we can compromise that I am sure, as we have many other things.

But Senator GARN has dedicated himself to not only the State of Utah, but to this country, and to the appropriations process. He has been honest about it. He has been fair about it. And he has been tough. I think that he has dedicated himself in such a manner that will be remembered for a long period of time.

So I am pleased to join so many who have great respect for Senator GARN, and indeed to convey my feelings that he will be missed not only on the Appropriations Committee, but on the floor of the Senate when we reconvene in January.

Ms. MIKULSKI. Mr. President, I move that the Senate insist on its amendments to H.R. 5679 and request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Ms. MIKULSKI, Mr. LEAHY, Mr. JOHNSTON, Mr. LAUTENBERG, Mr. FOWLER, Mr. KERREY, Mr. BYRD, Mr. GARN, Mr. D'AMATO, Mr. NICKLES, Mr. GRAMM, Mr. BOND, and Mr. HATFIELD, conferees on the part of the Senate.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, FISCAL YEAR 1993

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to H.R. 5488, the Treasury-Postal Service appropriations bill.

The PRESIDING OFFICER. Is there objection? Without objection, that will be the order.

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 5488) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1993, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

H.R. 5488

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1993, and for other purposes, namely:

TITLE I

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; not to exceed $25,000 for official reception and representation expenses; not to exceed $235,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate; not less than **[$2,522,000]** *$3,546,000* and **[40]** *55* full-time equivalent positions for the Office of Foreign Assets Control; not to exceed **[$1,971,000]** *$1,879,000* to remain available until expended, for systems modernization requirements; not to exceed **[$320,000]** *$490,000*, to remain available until expended, for repairs and improvements to the Main Treasury Building and Annex; **[$68,238,000]** *$71,702,000*.

INTERNATIONAL AFFAIRS

For necessary expenses of the international affairs function of the Departmental Offices, including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; not to exceed $2,000,000 for official travel expenses; not to exceed $73,000 for official reception and representation expenses; not to exceed **[$942,000]** *$512,000*, to remain available until expended, for systems modernization requirements; **[$33,325,000]** *$33,492,000*.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, hire of passenger motor vehicles; not to exceed $2,000,000 for official travel expenses; not to exceed $100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury; **[$31,459,000, of which $1,300,000 shall remain available until expended for the Inspectors General Auditor Training Institute]** *$29,367,000*.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; not to exceed $4,000 for official reception and representation expenses; **[$19,087,000]** *$18,342,000*.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, as a bureau of the Department of the Treasury, including purchase (not to exceed fifty-two for police-type use) and hire of passenger motor vehicles; for expenses for student athletic and related activities; uniforms without regard to the general purchase price limitation for the current fiscal year; the conducting of and participating in firearms matches and pres-

entation of awards; for public awareness and enhancing community support of law enforcement training; not to exceed $7,000 for official reception and representation expenses; room and board for student interns; and services as authorized by 5 U.S.C. 3109: *Provided*, That the Center is authorized to accept gifts: *Provided further*, That notwithstanding any other provision of law, students attending training at any Federal Law Enforcement Training Center site shall reside in on-Center or Center-provided housing, insofar as available and in accordance with Center policy: *Provided further*, That funds appropriated in this account shall be available for State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation; training of private sector security officials on a space-available basis with reimbursement of actual costs to this appropriation; travel expenses of non-Federal personnel to attend State and local course development meetings at the Center: *Provided further*, That the Director of the Federal Law Enforcement Training Center shall annually present an award to be accompanied by a gift of intrinsic value to the outstanding student who graduated from a basic training program at the Center during the previous fiscal year, to be funded by donations received through the Center's gift authority: [*Provided further*, That the Federal Law Enforcement Training Center is authorized to provide short term medical services for students undergoing training at the Center; $41,236,000] *$48,538,000*.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For expansion of the Federal Law Enforcement Training Center, for acquisition of necessary additional real property and facilities, and for ongoing maintenance, facility improvements, and related expenses, [$10,886,000] *$12,301,000*, to remain available until expended.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, [$214,146,000] *$214,069,000*, of which not to exceed [$10,900,000] *$8,597,000*, shall remain available until expended for systems modernization initiatives.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco and Firearms, including purchase of not to exceed six hundred and fifty vehicles for police-type use for replacement only and hire of passenger motor vehicles; hire of aircraft; and services of expert witnesses at such rates as may be determined by the Director; for payment of per diem and/or subsistence allowances to employees where an assignment to the National Response Team during the investigation of a bombing or arson incident requires an employee to work 16 hours or more per day or to remain overnight at his or her post of duty; not to exceed $10,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement; provision of laboratory assistance to State and local agencies, with or without reimbursement; [$355,419,000] *$371,324,000*, of which [$19,000,000] *$25,000,000* shall be available solely for the enforcement of the Federal Alcohol Administration Act during fiscal year 1993 and, of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2); [of which $650,000 shall be available solely for improvement of information retrieval systems at the National Firearms Tracing Center;] and of which $1,000,000 shall be available for the equipping of any vessel, vehicle, equipment, or aircraft available for official use by a State or local law enforcement agency if the conveyance will be used in drug-related joint law enforcement operations with the Bureau of Alcohol, Tobacco and Firearms and for the payment of overtime salaries, travel, fuel, training, equipment, and other similar costs of State and local law enforcement officers that are incurred in joint operations with the Bureau of Alcohol, Tobacco and Firearms: *Provided*, That no funds appropriated herein shall be available for administrative expenses in connection with consolidating or centralizing within the Department of the Treasury the records of receipts and disposition of firearms maintained by Federal firearms licensees or for issuing or carrying out any provisions of the proposed rules of the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, on Firearms Regulations, as published in the Federal Register, volume 43, number 55, of March 21, 1978: *Provided further*, That none of the funds appropriated herein shall be available for explosive identification or detection tagging research, development, or implementation: *Provided further*, That not to exceed $300,000 shall be available for research and development of an explosive identification and detection device: *Provided further*, That this provision shall not preclude ATF from assisting the International Civil Aviation Organization in the development of a detection agent for explosives or from enforcing any legislation implementing the Convention on the Marking of Plastic and Sheet Explosives for the Purpose of Detection: *Provided further*, That funds made available under this Act shall be used to achieve a minimum level of [4,109] *4,304* full-time equivalent positions for fiscal year 1993, of which no fewer than [1,127] *1,440* full-time equivalent positions shall be allocated for the Armed Career Criminal Apprehension Program: *Provided further*, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further, That fees collected by the Secretary of the Treasury or his delegate pursuant to section 519 of this Act and estimated to total $5,000,000 in fiscal year 1993 shall be retained and used for the specific purpose of offsetting costs of the Compliance Alcohol Program, notwithstanding the provisions of section 3302(b) of title 31, United States Code: Provided further, That the sum herein appropriated shall be reduced as fees are collected pursuant to section 519 of this Act during fiscal year 1993 so as to result in a final fiscal year 1993 appropriation estimated at not more than $366,530,000.*

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Customs Service, including purchase of up to 1,000 motor vehicles of which 960 are for replacement only, including 990 for police-type use and commercial operations; hire of motor vehicles; not to exceed $20,000 for official reception and representation expenses; and awards of compensation to informers, as authorized by any Act enforced by the United States Customs Service; [$1,331,070,000] *$1,326,417,000*, of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Reconciliation Act of 1985, as amended (19 U.S.C. 58c(f)(3)), shall be derived from that Account; of the total, not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations, not to exceed $4,000,000, to remain available until expended, for research: *Provided*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That none of the funds made available by this Act shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of $30,000: *Provided further*, That the Commissioner or the Commissioner's designee may waive this limitation in individual cases in order to prevent excessive costs or to meet emergency requirements of the Service: *Provided further*, That the United States Customs Service shall hire and maintain an average of not less than [17,411] *$17,871* full-time equivalent positions in fiscal year 1993, of which a minimum level of 960 full-time equivalent positions shall be allocated to air interdiction activities of the United States Customs Service, and of which a minimum level of [10,480] *11,018* full-time equivalent positions shall be allocated to commercial operations activities: *Provided further*, That no funds appropriated by this Act may be used to reduce to single eight hour shifts at airports and that all current services as provided by the Customs Service shall continue through September 30, 1993: *Provided further, That not less than $1,000,000 shall be expended for additional part-time and temporary positions in the Honolulu Customs District.*

OPERATION AND MAINTENANCE, AIR AND MARINE INTERDICTION PROGRAMS

For expenses, not otherwise provided for, necessary for the [hire, lease, acquisition (transfer or acquisition from any other agency),] operation and maintenance of marine vessels, aircraft, and other related equipment of the Air and Marine Programs, *including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction programs, $83,242,000*[; $136,783,000, to remain available until expended]: *Provided*, That no aircraft or other related equipment shall be transferred to any other Federal agency, Department, or office outside of the Department of the Treasury during fiscal year 1993.

OPERATIONS AND MAINTENANCE, CUSTOMS P–3 DRUG INTERDICTION PROGRAM

For necessary expenses of operations, maintenance, modifications to, spare parts and related equipment for Customs P–3 surveillance aircraft for carrying-out defense-related drug interdiction purposes; $28,000,000.

AIR AND MARINE INTERDICTION PROGRAMS, PROCUREMENT

For the procurement, construction, and modification of aircraft and marine vessels, equipment, radar, spare parts, and accessories therefor of the air and marine interdiction programs; $21,174,000, to remain available until expended.

CUSTOMS FACILITIES, CONSTRUCTION, IMPROVEMENTS AND RELATED EXPENSES

For acquisition of necessary additional real property, facilities construction, improvements, and related expenses of the United States Customs Service, $4,600,000, to remain available until expended.

CUSTOMS FORFEITURE FUND

(LIMITATION ON AVAILABILITY OF DEPOSITS)

For necessary expenses of the Customs Forfeiture Fund, not to exceed $15,000,000, as

authorized by Public Law 100-690, as amended by Public Laws 101-382 and 101-508; to be derived from deposits in the Fund.

CUSTOMS SERVICES AT SMALL AIRPORTS

(TO BE DERIVED FROM FEES COLLECTED)

Such sums as may be necessary, not to exceed $1,500,000, for expenses for the provision of Customs services at certain small airports or other facilities when authorized by law and designated by the Secretary of the Treasury, including expenditures for the salary and expenses of individuals employed to provide such services, to be derived from fees collected by the Secretary of the Treasury pursuant to section 236 of Public Law 98-573 for each of these airports or other facilities when authorized by law and designated by the Secretary of the Treasury, and to remain available until expended.

UNITED STATES MINT

SALARIES AND EXPENSES

For necessary expenses of the United States Mint; [$52,450,000] *$53,551,000*, including amounts for purchase and maintenance of uniforms not to exceed $285 multiplied by the number of employees of the agency who are required by regulation or statute to wear a prescribed uniform in the performance of official duties; and of which [$2,085,000] *$1,635,000* shall remain available until expended for expansion and improvements.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States; [$189,000,000] *$194,643,000*.

PAYMENT OF GOVERNMENT LOSSES IN SHIPMENT

For necessary expenses for "Payment of Government Losses in shipment", $500,000, to remain available until expended.

INTERNAL REVENUE SERVICE

ADMINISTRATION AND MANAGEMENT

For necessary expenses of the Internal Revenue Service, not otherwise provided for; executive direction, management services, and internal audit and security; including purchase (not to exceed 125 for replacement only, for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; [$157,368,000] *$158,057,000*, of which not to exceed $25,000 for official reception and representation expenses; and of which not to exceed $500,000 shall remain available until expended for research.

PROCESSING TAX RETURNS AND ASSISTANCE

For necessary expenses of the Internal Revenue Service, not otherwise provided for; including processing tax returns; revenue accounting; statistics of income; providing assistance to taxpayers; hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; [$1,648,960,000] *$1,634,298,000*, of which [$3,100,000] *$3,500,000* shall be for the Tax Counseling for the Elderly Program, no amount of which shall be available for IRS administrative costs.

TAX LAW ENFORCEMENT

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; tax and enforcement litigation; technical rulings; examining employee plans and exempt organizations; investigation and enforcement activities; securing unfiled tax returns; collecting unpaid accounts; the purchase (not to exceed 451, for replacement only, for police-type use), and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner: *Provided*, That additional amounts above fiscal year 1992 levels for international tax enforcement shall be used for the establishment and operation of a task force comprised of senior Internal Revenue Service attorneys, accountants, and economists dedicated to enforcement activities related to United States subsidiaries of foreign-controlled corporations that are in non-compliance with the Internal Revenue Code: *Provided further*, That additional amounts above fiscal year 1992 levels for the information reporting program shall be used instead for the examination of the tax returns of high-income and high-asset taxpayers; [$3,835,192,000] *$3,835,501,000*, of which no less than $334,989,000 and 4,756 full-time equivalent positions shall be available for tax fraud investigations.

INFORMATION SYSTEMS

For necessary expenses for data processing and telecommunications support for Internal Revenue Service activities, including: returns processing and services; compliance and enforcement; program support; and tax systems modernization; and for the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; [$1,566,909,000] *$1,480,341,000*, of which not less than [$612,692,000] *$565,026,000* is for tax systems modernization, and of which not to exceed $60,000,000 shall remain available until expended for other systems development projects: *Provided*, That of the amounts provided for tax systems modernization not to exceed [$125,000,000] *$110,000,000* shall remain available until expended, of which up to $15,000,000 is for the establishment of a federally funded research and development center and may be utilized to conduct and evaluate market surveys, develop and evaluate requests for proposals, and assist with systems engineering, technical evaluations, and independent technical reviews in conjunction with tax systems modernization[: *Provided further*, That of the amounts authorized to remain available until expended, $11,100,000, shall not be obligated prior to September 30, 1993].

ADMINISTRATIVE PROVISION—INTERNAL REVENUE SERVICE

SECTION 1. Not to exceed [8] *4* per centum of any appropriation made available to the Internal Revenue Service for the current fiscal year by this Act may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the House and Senate Committees on Appropriations.

[SEC. 2. The Internal Revenue Service shall institute and maintain a training program to insure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with the taxpayers, and in cross-cultural relations.]

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase (not to exceed three hundred and forty-three vehicles for police-type use for replacement only and an additional seventy-five police-type vehicles) and hire of passenger motor vehicles; hire of aircraft; training and assistance requested by State and local governments, which may be provided without reimbursement; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; for payment of per diem and/or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee require an employee to work 16 hours per day or to remain overnight at his or her post of duty; the conducting of and participating in firearms matches; presentation of awards; and for travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act: *Provided*, That approval is obtained in advance from the House and Senate Committees on Appropriations; for repairs, alterations, and minor construction at the James J. Rowley Secret Service Training Center; for research and development; for making grants to conduct behavioral research in support of protective research and operations; not to exceed $12,500 for official reception and representation expenses; not to exceed $50,000 to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; for payment in advance for commercial accommodations as may be necessary to perform protective functions; and for uniforms without regard to the general purchase price limitation for the current fiscal year; [$470,372,000] *$467,938,000*, of which not to exceed $300,000 shall be made available for the protection at the one nongovernmental property designated by the President of the United States and $70,000 at the airport facility used for travel en route to or from such property under provisions of section 12 of the Presidential Protection Assistance Act of 1976 (18 U.S.C. 3056 note): *Provided further*, That fiscal year 1993 funds shall be available for Presidential protection assistance reimbursements claimed in fiscal year 1992.

DEPARTMENT OF THE TREASURY—GENERAL PROVISIONS

[SECTION 101. Of the funds appropriated in this or any other Act to the Internal Revenue Service, amounts attributable to efficiency savings for fiscal year 1993 as estimated by the Commissioner shall be withheld from obligation unless the estimated savings are not achieved: *Provided*, That 50 per centum of the actual efficiency savings shall lapse or be deposited into miscellaneous receipts of the Treasury with the exception of amounts in special or trust funds, which shall remain in such funds and be available in accordance with and to the extent permitted by law: *Provided further*, That notwithstanding any fiscal year limitations on the availability of appropriations, the remainder of the actual efficiency savings shall be made available in fiscal year 1994 for cash awards to IRS employees, as authorized by sections 4501-4505 of title 5, United States Code, and for future efficiency improvements to carry out those purposes authorized by law: *Provided further*, That none of the funds shall be made available for the program without the advance approval of the House and Senate Appropriations Committees.]

SEC. [102] *101*. Appropriations to the Treasury Department in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitation for vehicles purchased and used overseas for the current fiscal year;

entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. [103] *102.* None of the funds appropriated by this title shall be used in connection with the collection of any underpayment of any tax imposed by the Internal Revenue Code of 1954 unless the conduct of officers and employees of the Internal Revenue Service in connection with such collection complies with subsection (a) of section 805 (relating to communications in connection with debt collection), and section 806 (relating to harassment or abuse), of the Fair Debt Collection Practices Act (15 U.S.C. 1692).

SEC. [104] *103.* Not to exceed 2 per centum of any appropriations in this Act for the Department of the Treasury may be transferred between such appropriations. [No such] *Notwithstanding any authority to transfer funds between appropriations contained in this or any other Act, no* transfer may increase or decrease any appropriation in this Act by more than 2 per centum and any such proposed transfers shall be approved in advance by the Committees on Appropriations of the House and Senate.

SEC. [105] *104.* Notwithstanding any other provision of law, beginning October 1, 1992, and thereafter, the Financial Management Service (FMS) shall be reimbursed by the Internal Revenue Service (IRS) and the Department of Agriculture, National Finance Center (NFC), for the postage costs the FMS incurs to make check payments on behalf of the IRS and the NFC.

SEC. 105. The Internal Revenue Service shall establish line authority in the Criminal Investigation Division to the Assistant Commissioner for Criminal Investigation, no later than 90 days from the date of enactment of this Act.

SEC. 106. Notwithstanding any other provision of law, none of the funds appropriated by this or any other Act shall be used by the Secretary of the Treasury to direct bill a Treasury bureau for penalty mail costs incurred by another Treasury bureau.

This title may be cited as the "Treasury Department Appropriations Act, 1993".

TITLE II

POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsection (c) of section 2401 of title 39, United States Code; $200,000,000: *Provided,* That mail for overseas voting and mail for the blind shall continue to be free: *Provided further,* That six-day delivery and rural delivery of mail shall continue at not less than the 1983 level: *Provided further,* That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: *Provided further,* That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in the fiscal year ending on September 30, 1993.

PAYMENT TO THE POSTAL SERVICE FUND FOR NONFUNDED LIABILITIES

For payment to the Postal Service Fund for meeting the liabilities of the former Post Office Department to the Employees' Compensation Fund pursuant to 39 U.S.C. 2004, $38,614,000.

POSTAL SERVICE—GENERAL PROVISION

SECTION 201. (a) Except as provided in subsection (b), no change in the rate of postage for any class of mail may take effect, pursuant to section 3627 of title 39, United States Code, during fiscal year 1993.

(b) The rates for reduced rate third-class pieces other than letter shape may be increased pursuant to section 3627 of title 39, United States Code, so as to recover as nearly as possible, in fiscal year 1993, the difference between the sum requested for fiscal year 1993 in respect of mail under former sections 4452(b) and 4452(c) of such title as calculated under section 2401(c)(ii) of such title, and the sum that would have been requested for fiscal year 1993 in respect of such mail if clause (ii) of such section 2401(c) had not been enacted.

This title may be cited as the "Postal Service Appropriations Act, 1993".

TITLE III

EXECUTIVE OFFICE OF THE PRESIDENT

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102; $250,000: *Provided,* That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31 of the United States Code: *Provided further,* That none of the funds made available for official expenses shall be considered as taxable to the President.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration; [$24,328,000] *$24,438,000,* including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles.

THE WHITE HOUSE OFFICE

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; including subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); not to exceed $20,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President; [$34,885,000] *$36,281,000.*

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President; [$7,499,000] *$7,598,000,* to be expended and accounted for as provided by 3 U.S.C. 105, 109–110, 112–114.

OFFICIAL RESIDENCE OF THE VICE PRESIDENT

OPERATING EXPENSES

For the care, operation, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the official residence of the Vice President, the hire of passenger motor vehicles, and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate; [$324,000] *$337,000: Provided,* That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

SPECIAL ASSISTANCE TO THE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions, services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles; [$2,932,000] *$3,150,000.*

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021); [$3,345,000] *$3,508,000.*

OFFICE OF POLICY DEVELOPMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109, and 3 U.S.C. 107; [$3,701,000] *$3,842,000.*

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109; [$5,971,000] *$6,118,000.*

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109; [$51,934,000] *$54,011,000,* of which not to exceed $5,000,000, shall be available to carry out the provisions of 44 U.S.C. chapter 35: *Provided,* That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made except as otherwise provided by law: *Provided further,* That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): *Provided further,* That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committee on Appropriations or the Committee on Veterans' Affairs or their subcommittees: *Provided further,* That this proviso shall not apply to printed hearings released by the Committee on Appropriations or the Committee on Veterans' Affairs: *Provided further,* That none of the funds made available by this Act or any other Act shall be used to reduce the scope or publication frequency of statistical data relative to the operations and production of the alcoholic beverage and tobacco industries below fiscal year 1985 levels: *Provided further,* That none of the funds appropriated by this Act shall be available to the Office of Management and Budget for revising, curtailing or otherwise amending the administrative and/or regulatory methodology employed by the Bureau of Alcohol, Tobacco and Firearms to assure compliance with section 105, title 27 of the United States Code (Federal Alcohol Administration Act)

or with regulations, rulings or forms promulgated thereunder.

OFFICE OF FEDERAL PROCUREMENT POLICY

SALARIES AND EXPENSES

For expenses of the Office of Federal Procurement Policy, including services as authorized by 5 U.S.C. 3109; [$3,058,000] *$3,208,000.*

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to title I of Public Law 100-690; not to exceed $8,000 for official reception and representation expenses; for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement; [$66,348,000] *$103,348,000, of which no less than $900,000 and five full-time equivalent positions shall be available for the Counter-Drug Technology Assessment Center; and,* of which [$50,000,000] *$86,000,000* shall be available for drug control activities which are consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas *and* which shall be transferred to Federal agencies and departments within 90 days of enactment of this Act and shall be obligated by the end of fiscal year 1993[: *Provided further,* That notwithstanding any other provision of law, the Department of the Treasury and the Department of Justice are authorized to transfer funds to other Federal drug control agencies]*: Provided, That of the $86,000,000 made available, and not withstanding any other provision of law, the Office of National Drug Control Policy is authorized to transfer not less than $36,000,000 to State and local drug control entities for drug control activities which are consistent with the approved strategy for each High Intensity Drug Trafficking Area: Provided further, That in the case of the Southwest Border High Intensity Drug Trafficking Area, such funds shall be available for drug control activities which are consistent with the approved strategy and only for those activities approved by the Joint Command Group of Operation Alliance and the Assistant Secretary for Enforcement of the Department of the Treasury: Provided further, That the Office of National Drug Control Policy shall reduce by no less than 20 per centum, the number of non-career Senior Executive Service positions and Schedule "C" positions from the number of such positions on board as of September 30, 1992 by no later than September 30, 1993: Provided further, That none of the positions eliminated by the previous proviso shall be converted to career civil service or career Senior Executive Service positions: Provided further,* That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, for the purpose of aiding or facilitating the work of the Office.

COUNTER-DRUG TECHNOLOGY ASSESSMENT CENTER, RESEARCH AND DEVELOPMENT PROGRAM

(INCLUDING TRANSFERS)

For research and development activities of the Counter-Drug Technology Assessment Center, to undertake new counternarcotics research and development activities under the authority of the Department of Defense in carrying out its drug interdiction mission; $20,000,000, to remain available until expended to be derived by transfer from the Office of National Drug Control Policy Special Forfeiture Fund.

[SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities authorized by Public Law 100-690, $60,251,000, to be derived from deposits in the Special Forfeiture Fund; of which $2,150,000 shall be transferred to the Immigration and Naturalization Service for the purchase of helicopters and replacement vehicles; of which $3,000,000 shall be transferred to the United States Marshals Service for expenses and equipment related to the apprehension of Federal, State, and local fugitives wanted or involved in drug-related crimes; of which $2,000,000 shall be transferred to the Drug Enforcement Administration for replacement vehicles, firearms training equipment, and an El Paso Intelligence Center expansion study; of which $2,800,000 shall be transferred to the Financial Crimes Enforcement Network for software development; of which $5,600,000 shall be transferred to the United States Customs Service: *Provided,* That of this amount, $1,000,000 shall be for crate and container inspection equipment and $4,600,000, to remain available until expended, shall be for K-9 facility construction; of which $34,701,000 shall be transferred to the Alcohol, Drug Abuse, and Mental Health Administration: *Provided further,* That $4,700,000 of the $34,701,000 transferred to the Alcohol, Drug Abuse, and Mental Health Administration, shall be transferred to the San Francisco Department of Health: *Provided further,* That $14,701,000 of the $34,701,000 transferred to the Alcohol, Drug Abuse and Mental Health Administration shall be made available to the Office of Substance Abuse Prevention for Community Partnership grants, and: *Provided further,* That $20,000,000 shall be made available to the Office of Treatment Improvement for the drug treatment Capacity Expansion Program; and of which $10,000,000, to remain available until expended, shall be made available to the Counter-Drug Technology Assessment Center of the Office of National Drug Control Policy.]

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities authorized by Public Law 100-690, $82,542,000 to be derived from deposits in the Special Forfeiture Fund; of which $10,300,000 shall be transferred to the Immigration and Naturalization Service's "Salaries and expenses" account for the purchase of helicopters and replacement vehicles for the United States Border Patrol; of which $2,800,000 shall be transferred to the Financial Crimes Enforcement Network's "Salaries and expenses" account for software development; of which $5,741,000 to remain available until expended shall be transferred to the United States Customs Service's "Air and marine interdiction programs, procurement" account for the procurement of marine assets; of which $9,000,000 shall be transferred to the Federal Law Enforcement Training Center's, "Acquisition, construction, improvements and related expenses" account, to remain available until expended, of which $1,500,000 shall be available for architectural, engineering and design of a tactical firearms response range, and of which $7,500,000 shall be available for construction of a new dormitory; of which $34,701,000 shall be transferred to the Alcohol, Drug Abuse and Mental Health Administration, of which $14,701,000 shall be made available to the Office of Substance Abuse Prevention and of which $5,000,000 shall be made available for the residential treatment program for mothers and children, and of which $9,701,000 for Community Partnership grants, and of which $20,000,000 shall be made available to the Office of Treatment Improvement for the drug treatment Capacity Expansion Program; and of which $20,000,000 to remain available until expended shall be transferred to the Counter-Drug Technology Assessment Center's "Research and development program" and shall be available for transfer to other Federal agencies and departments.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year; [$800,000] *$1,000,000.*

[REDUCTION IN AMOUNTS UNDER TITLE

Notwithstanding any other provision of this Act, each amount appropriated or otherwise made available by this title that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 5.7 percent.]

This title may be cited as the "Executive Office Appropriations Act, 1993".

TITLE IV

INDEPENDENT AGENCIES

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

SALARIES AND EXPENSES

For necessary expenses of the Administrative Conference of the United States, established by the Administrative Conference Act, as amended (5 U.S.C. 571 et seq.), including not to exceed $1,000 for official reception and representation expenses; [$2,314,000] *$2,327,000.*

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Advisory Commission on Intergovernmental Relations Act of 1959, as amended (42 U.S.C. 4271-79); [$1,891,000] *$1,330,000,* and additional amounts, not to exceed $200,000, collected from the sale of publications shall be credited to and used for the purposes of this appropriation.

CITIZENS' COMMISSION ON PUBLIC SERVICE AND COMPENSATION

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of Section 225 of the Federal Salary Act of 1967, as amended by the Ethics Reform Act of 1989 (2 U.S.C. 351); $250,000, which shall remain available until September 30, 1994.

[COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For necessary expenses of the Committee for Purchase From People Who are Blind or Severely Disabled established by the Act of June 23, 1971, Public Law 92-28; $1,653,000.]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

SALARIES AND EXPENSES

For necessary expenses of the Committee for Purchase From the Blind and Other Severely Handicapped established by the Act of June 23, 1971, Public Law 92-28; $1,653,000.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended; [$20,531,000] *$21,031,000,* of which not to exceed $5,000 shall be available for reception and representation expenses.

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

(LIMITATIONS ON AVAILABILITY OF REVENUE)

For additional expenses necessary to carry out the purpose of the Fund established pursuant to section 210(f) of the Federal Prop-

erty and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), [$402,040,000] *$320,365,000* to be deposited into said Fund. The revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving Governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, taxes, and any other obligations for public buildings acquired by installment purchase and purchase contract, in the aggregate amount of [$4,820,209,000] *$4,703,808,000* of which (1) not to exceed [$684,952,000] *$670,377,000* shall remain available until expended for construction of additional projects at locations and at maximum construction improvement costs (including funds for sites and expenses) as follows:

[New Construction:

California:

San Francisco, U.S. Court of Appeals Annex, $4,400,000

San Francisco, Federal Office Building, $15,000,000

District of Columbia:

Army Corps of Engineers Headquarters Building, $50,000,000

Federal Bureau of Investigation Field Office, $57,690,000

Department of Justice—Offices, Boards and Divisions Building, $43,733,000

Secret Service Headquarters Building, $150,569,000

White House Remote Delivery and Vehicle Maintenance Facilities, $25,531,000

Florida:

Fort Myers, Federal Building and U.S. Courthouse, $27,600,000

Hollywood, Federal Building, $2,000,000

Tampa, U.S. Courthouse, $8,948,000

Georgia:

Atlanta, Centers for Disease Control, site acquisition and site improvements, $34,000,000

Atlanta, Centers for Disease Control, Laboratory, $60,000,000

Atlanta, Centers for Disease Control, $30,000,000

Indiana:

Hammond, Federal Building and United States Courthouse, $51,000,000

Missouri:

Kansas City, Federal Building—U.S. Courthouse, $5,721,000

Nevada:

Reno, Federal Building and U.S. Courthouse, $31,826,000

New Hampshire:

Concord, Federal Building and U.S. Courthouse Annex, $36,576,000

New Jersey:

Newark, Parking Facility, $15,000,000

New Mexico:

Albuquerque, Federal Building and U.S. Courthouse, $3,118,000

New York:

Long Island, Federal Building and U.S. Courthouse, $15,400,000

Oregon:

Portland, Bonneville Power Building, claim, $3,590,000

Texas:

Laredo, Federal Building-Courthouse, $3,000,000

Vermont:

Highgate Springs, Bo der Station, $250,000

Nonprospectus Construction Projects, $10,000,000:]

Construction:

Arizona:

Nogales, U.S. Border Patrol Sector headquarters, $3,000,000

Sun City West, Post Office, $1,100,000

Tucson, National Weather Service, U.S. Geological Survey, $5,500,000

California:

San Francisco, Court of Appeals, $4,400,000

Santa Ana, Federal Building and U.S. Courthouse, $5,000,000

District of Columbia:

U.S. Army Corps of Engineers, Headquarters, $100,000,000

Federal Bureau of Investigation, field office, $57,690,000

U.S. Secret Service, headquarters, $150,569,000

White House Remote Delivery and Vehicle Maintenance Facilities, $25,531,000,

Florida:

Fort Myers, Federal Building and U.S. Courthouse, $27,600,000

Tampa, U.S. Courthouse, $8,948,000

Georgia:

Albany, U.S. Courthouse, $11,170,000

Hawaii:

Hilo, Federal Building, $1,500,000

Illinois:

Chicago, Social Security Administration, District Office, $4,000,000

Massachusetts:

Boston, U.S. Courthouse, $39,000,000

Missouri:

Kansas City, Federal Building—U.S. Courthouse Annex, $5,721,000

Nevada:,

Reno, Federal Building—U.S. Courthouse, $37,489,000

New Hampshire:

Concord, Federal Building—U.S. Courthouse, $36,576,000

New Mexico:

Albuquerque, Federal Building—U.S. Courthouse, $3,118,000

New York:

Long Island, Federal Building—U.S. Courthouse, $5,200,000

North Dakota:

Fargo, Federal Building and U.S. Courthouse, $46,000,000

Oregon:

Portland, Bonneville Power building, claim, $3,590,000

Pennsylvania:

Philadelphia, Federal Building, $37,000,000

South Carolina:

Columbia, U.S. Courthouse annex, site acquisition, $4,019,000

Texas:

Laredo, Federal Building—U.S. Courthouse, $3,000,000

Vermont:

Highgate Springs, Border Station, $250,000

Washington:

Seattle, U.S. Courthouse, $23,406,000

West Virginia:

Beckley, Federal Building and U.S. Courthouse, $15,000,000

Nonprospectus construction projects, $5,000,000

[*Provided*, That of the funds provided for nonprospectus construction projects $5,000,000 shall remain available until expended for acquisition, lease, construction and equipping of a flexiplace work telecommuting center in southern Maryland, the Eastern Shore of Maryland and in northwestern Virginia and Virginia and may be used for establishment of two additional flexiplace work telecommuting centers: *Provided further*,] *Provided*, That each of the immediately foregoing limits of costs on new construction projects may be exceeded to the extent that savings are effected in other such projects, but by not to exceed 10 per centum: *Provided further*, That all funds for direct construction projects shall expire on September 30, 1994, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further, That with the $200,000,000 appropriated for Food and Drug Administration consolidation, site acquisition, planning and design in Public Law 102-141, the General Services Administration shall:*

(1) Make all necessary design modifications to plans and specifications for laboratory facilities required for the Food and Drug Administration's Center for Veterinary Medicine, known as "Module 2", and as expeditiously as possible, construct such facilities on existing acreage in Beltsville, Maryland, now controlled by the Food and Drug Administration;

(2) before September 30, 1992, acquire through direct purchase, at least 365 acres of buildable land in Montgomery County, Maryland, and at least 200 acres of buildable land in Prince George's County, Maryland, to accommodate the eventual consolidation of the Center for Biologics Evaluation and Research, the Center for Devices and Radiological Health, the Center for Drug Evaluation and Research, and an administrative headquarters in Montgomery County, and the Center for Food Safety and Applied Nutrition in Prince George's County; and

(3) use any funds remaining from the $200,000,000 to commence preparation of site development plans for the new properties and design of facilities for Food and Drug Administration programs to be housed thereon[: *Provided further*, That the Secretary of Commerce shall execute such permanent easements as may be necessary to fulfill an agreement between the Department of Commerce and the City of Boulder, Colorado, on the scope of development of the Department of Commerce property at 325 Broadway, Boulder, Colorado]: *Provided further, That the amount made available under this heading for the Department of Transportation, Headquarters, site, in Public Law 101-509, is hereby rescinded*: *Provided further*, That claims against the Government of less than $100,000 arising from direct construction projects, acquisitions of buildings and purchase contract projects pursuant to Public Law 92-313, be liquidated with prior notification to the Committees on Appropriations of the House and Senate to the extent savings are effected in other such projects; (2) not to exceed [$583,255,000] *$594,066,000* which shall remain available until expended, for repairs and alterations: *Provided further*, That funds in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount by project as follows, except each project may be increased by an amount not to exceed 10 per centum unless advance approval is obtained from the Committees on Appropriations of the House and Senate of a greater amount:

Repairs and Alterations:

California:

San Francisco, U.S. Court of Appeals Annex, $91,563,000

Colorado:

Lakewood, Denver Federal Center, Building 56, $4,378,000

Lakewood, Denver Federal Center, Building 67, $3,498,000

Lakewood, Denver Federal Center, Building 810, $9,975,000

Connecticut:

Hartford, A.A. Ribicoff Federal Building and Courthouse, $8,008,000

District of Columbia:

Agriculture Administration Building, $7,195,000

Frances Perkins Department of Labor Building, $8,500,000

Idaho:

Boise, Federal Building and Courthouse, $9,352,000

Louisiana:

New Orleans, Custom House, $5,716,000

Maryland:

Avondale, De LaSalle Building, $9,170,000

Baltimore, Customhouse, $11,878,000

Baltimore, George H. Fallon Federal Building, $21,301,000

Michigan:

Battle Creek, Federal Center, $26,197,000

Detroit, Federal Building and Courthouse, $6,976,000

New York:

New York, Jacob K. Javits Federal Building, (phase 1), $23,438,000

Oklahoma:

Oklahoma City, Federal Building and U.S. Courthouse, $10,366,000

Tulsa, Federal Building, $8,458,000

Rhode Island:

Providence, J. O. Pastore Federal Building and Post Office $5,233,000

Texas:

Austin, Homer Thornberry Judicial Center, $3,186,000

Houston, Custom House, $4,665,000

Utah:

Ogden, IRS Center, $4,884,000

Virginia:

Richmond, Federal Office Building, $24,000,000

Washington:

Seattle, Henry M. Jackson Federal Building, $5,329,000

[Capital Improvements of United States-Mexico Border Facilities, $13,500,000 as follows:

Texas:

El Paso, Bridge of the Americas, $3,000,000

Ysleta, $3,000,000

Ysleta, site acquisition and construction, $7,500,000]

Minor Repairs and Alterations, [$256,489,000] *$280,800,000*: *Provided*, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations of the House and Senate: *Provided further*, That all funds for repairs and alterations prospectus projects shall expire on September 30, 1994, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further*, That the amount provided above for Minor Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading "Repairs and Alterations"; (3) not to exceed $145,381,000 for installment acquisition payments including payments on purchase contracts; (4) not to exceed $1,898,691,000 for rental of space; (5) not to exceed [$1,170,000,000] *$1,073,363,000* for real property operations; (6) not to exceed $142,000,000 for program direction and centralized services; and (7) not to exceed [$195,930,000] *$179,930,000* for design and construction services which shall remain available until expended: *Provided further*, That for the purposes of this authorization, buildings constructed pursuant to the purchase contract authority of the Public Buildings Amendments of 1972 (40 U.S.C. 602a), buildings occupied pursuant to installment purchase contracts, and buildings under the control of another department or agency where alterations of such buildings are required in connection with the moving of such other department or agency from buildings then, or thereafter to be, under the control of the General Services Administration shall be considered to be federally owned buildings: *Provided further*, That none of the funds available to the General Services Administration, except for [San Francisco, California, Federal Office Building; District of Columbia, Department of Justice—Offices, Boards and Divisions Building; Hollywood, Florida, Federal Building; Atlanta, Georgia, Centers for Disease Control; Atlanta, Georgia, Centers for Disease Control site acquisition and site improvement; Atlanta, Georgia, Centers for Disease Control, Laboratory; Hammond, Indiana, Federal Building and United States Courthouse; Newark, New Jersey, Parking Facility; El Paso, Texas, Bridge of the Americas; Ysleta, Texas, Border Facilities; Ysleta, Texas, site acquisition and construction,] *the line-item construction and repairs and alterations projects in this Act* shall be available for expenses in connection with any construction, repair, alteration, and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses in connection with the development of a proposed prospectus: *Provided further*, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations of the House and Senate: *Provided further*, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)(6)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, as amended, shall be available from such revenues and collections: *Provided further*, That revenues and collections and any other sums accruing to this Fund during fiscal year 1993 excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)) in excess of [$4,820,209,000] *$4,703,808,000* shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

FEDERAL SUPPLY SERVICE

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, necessary for property management activities, utilization of excess and disposal of surplus personal property, rehabilitation of personal property, transportation management activities, transportation audits by in-house personnel, procurement, and other related supply management activities, including services as authorized by 5 U.S.C. 3109; [$56,070,000] *$56,217,000*.

FEDERAL PROPERTY RESOURCES SERVICE

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for carrying out the functions of the Administrator with respect to utilization of excess real property; the disposal of surplus real property, the utilization survey, deed compliance inspection, appraisal, environmental and cultural analysis, and land use planning functions pertaining to excess and surplus real property, including services as authorized by 5 U.S.C. 3109; $13,933,000, to be derived from proceeds from transfers of excess real property and disposal of surplus real property and related personal property, subject to the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-5).

GENERAL MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided, for Policy Direction, Board of Contract Appeals, and accounting, records management, and other support services incident to adjudication of Indian Tribal Claims by the United States Court of Claims, and services authorized by 5 U.S.C. 3109, [$31,155,000] *$34,747,000*, of which not to exceed $1,658,000 shall remain available until expended [for major equipment acquisitions and systems development projects]: *Provided*, That this appropriation shall be available for general administrative and staff support services, subject to reimbursement by the applicable organization or agencies pursuant to subsections (a) and (b) of section 1535 of title 31, United States Code: *Provided further*, That not less than $825,000 shall be available for personnel and associated costs in support of Congressional District and Senate State offices without reimbursement from these offices: *Provided further*, That not to exceed $5,000 shall be available for official reception and representation expenses.

INFORMATION RESOURCES MANAGEMENT SERVICE

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, necessary for carrying out Government-wide and internal responsibilities relating to automated data management, telecommunications, information resources management, and related activities, including services as authorized by 5 U.S.C. 3109; and for the Information Security Oversight Office established pursuant to Executive Order 12356; [$45,787,000] *$47,051,000*.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and services authorized by 5 U.S.C. 3109, $34,748,000: *Provided*, That not to exceed $10,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: *Provided further*, That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95-138; [$2,183,000] *$2,200,000*: *Provided*, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

[EXPENSES, PRESIDENTIAL TRANSITION

For expenses necessary to carry out the provisions of the Presidential Transition Act of 1963, as amended (3 U.S.C. 102, note), $5,000,000: *Provided*, That the availability of these funds shall be in accordance with sections 3(b) and 4 of the Act.]

GENERAL SERVICES ADMINISTRATION—GENERAL PROVISIONS

SECTION 1. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

SEC. 2. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 3. Not to exceed 2 per centum of funds made available in appropriations for operating expenses and salaries and expenses, during the current fiscal year, may be transferred between such appropriations for mandatory program requirements. Any transfers proposed shall be submitted promptly to the Committees on Appropriations of the House and Senate for approval.

SEC. 4. Funds in the Federal Buildings Fund made available for fiscal year 1993 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements. Any transfers proposed shall be submitted promptly to the Committees on Appropriations of the House and Senate for approval.

SEC. 5. (a) Notwithstanding any other provision of law, agencies are hereafter authorized to make rent payments to the General Services Administration for lease space relating to expansion needs of the agency and General Services Administration is authorized to use such funds, in addition to the amount received as New Obligational Authority in the Rental of Space activity of the Federal Buildings Fund. Such payments are to be at the commercial equivalent rates specified by section 201(j) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(j)) and are to be deposited into the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)).

(b) There are hereby appropriated, out of the Federal Buildings Fund, such sums as may be necessary to carry out the purpose of subsection (a).

SEC. 6. None of the funds appropriated by this Act may be obligated or expended in any way for the purpose of the sale, excessing, surplusing, or disposal of lands in the vicinity of Norfork Lake, Arkansas, administered by the Corps of Engineers, Department of the Army, without the specific approval of the Congress.

SEC. 7. None of the funds appropriated by this Act may be obligated or expended in any way for the purpose of the sale, excessing, surplusing, or disposal of lands in the vicinity of Bull Shoals Lake, Arkansas, administered by the Corps of Engineers, Department of the Army, without the specific approval of the Congress.

[SEC. 8. Notwithstanding the provisions of the Act of September 13, 1982 (Public Law 97-258, 31 U.S.C. 1345), any agency, department or instrumentality of the United States which provides or proposes to provide child care services for Federal employees may reimburse any Federal employee or any person employed to provide such services for travel, transportation and subsistence expenses incurred for training classes, conferences or other meetings in connection with the provision of such services: *Provided*, That any per diem allowance made pursuant to this section shall not exceed the rate specified in regulations prescribed pursuant to section 5707 of title 5, United States Code.]

SEC. 8. Notwithstanding any other provision of law, the Administrator of General Services is authorized, for purposes of acquiring the building in Chamblee, Georgia, approved under this heading in Public Law 101-136 (103 Stat. 798), to accept custody, control, accountability, and all other incidents of ownership over the approximately 8.65 acres of land and improvements comprising the 81st Army Reserves Training Center, located adjacent to the existing IRS Atlanta Service Center in Chamblee, Georgia, at no cost. In exchange for the above referenced property, the Administrator is authorized to acquire and furnish a replacement facility for the 81st Army Reserve Training Center which meets the mission requirements of that activity, and to relocate such activity to the replacement facility. Upon completion of the replacement facility, the Administrator shall transfer custody, control, accountability, and all other incidents of ownership of the replacement facility to the Department of Army. Funds available for the purpose of acquiring the building in Chamblee, Georgia, approved under this heading in Public Law 101-136 (103 Stat. 798), shall be available for the acquisition and furnishing of the replacement facility for the 81st Army Reserve Training Center, and for the relocation of that activity to the replacement facility.

[SEC. 9. The language providing authority to enter into an agreement for the lease-purchase of a building in San Francisco, California under the heading "Federal Buildings Fund Limitations on Availability of Revenue" in Public Law 100-202 (101 Stat. 1329-405) is amended as follows: delete "of approximately 430,000 office occupiable square feet" and insert "not to exceed 475,000 occupiable square feet": *Provided*, That the $15,000,000 made available in this Act in the Federal Buildings Fund for the San Francisco Federal Office Building may be used to fund this increase in square footage.

SEC. 10. (a) Notwithstanding any other provision of law, the Administrator of the General Services Administration, shall quitclaim without monetary compensation the property described in (b) to the Deganawidah-Quetzalcoatl University. In the event the Deganawidah-Quetzalcoatl University should lose its exemption from taxation under section 501(c)(3) of the Internal Revenue Code of 1986 or a comparable successor provision of Federal law, the property described in (b) shall automatically revert in ownership to the Federal Government.

(b) The real property situate in the County of Yolo, State of California, conveyed from Deganawidah-Quetzalcoatl University to the United States of America by certain Return Quitclaim Deed dated March 10, 1988, and recorded June 20, 1989, as Instrument No. 13383, in the official Records of Yolo County, California.]

SEC. 9. (a) Notwithstanding any other provision of law, the General Services Administration is authorized to accept funds from the Detroit International Bridge Company pursuant to a memorandum of agreement dated March 28, 1991, and to deposit such funds into the Fund established under section 210(f) of the Federal Property and Administrative Services Act and, further, is authorized to use such funds, in addition to all amounts received pursuant to Public Law 100-202 and Public Law 100-440 as new obligational authority in said Fund, in furtherance of the Ambassador Bridge Cargo Inspection Facility project in Detroit, Michigan.

(b) There are hereby appropriated out of said Fund without limitation as to fiscal year such sums as are received pursuant to subsection (a).

SEC. 10. (a) The Administrator of the General Services is authorized to construct a new courthouse in Fargo, North Dakota, which shall accommodate 125,000 square feet and necessary parking on a suitable site selected in consultation with the Federal Judiciary.

(b) The Administrator of the General Services, in consultation with the Federal Judiciary, is authorized to exchange the present Federal Building and Courthouse located in Fargo, North Dakota with the city of Fargo, North Dakota for the site selected pursuant to subsection (a) which shall be of equal or comparable value.

SEC. 11. Notwithstanding any other provision of law, the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), is hereafter authorized to receive any revenues, collections, or other income received during a fiscal year in the form of rebates, cash incentives or otherwise, related to energy savings or materials recycling efforts, all of which shall remain in the Fund until expended, and remain available for Federal energy management improvement programs, recycling programs, or employee programs as may be authorized by law or as may be deemed appropriate by the Administrator of General Services. The General Services Administration is authorized to use such funds, in addition to amounts received as New Obligational Authority, in such activity or activities of the Fund as may be necessary.

SEC. 12. The Administrator of General Services is authorized to proceed with alterations of space in the Jacob Weinberger Federal Building, San Diego, California, subject to the availability of funds.

SEC. 13. Notwithstanding any other provision of law, the Administrator of General Services is authorized to lease, under section 210(h) of the Federal Property and Administrative Services Act of 1949: Provided, That the lease described herein is determined to be an "operating lease" in accordance with the Budget Enforcement Act of 1990, Public Law 101-508, and the accompanying Conference Report, Report 101-964 (and the Administrator is not authorized to enter into any lease for the property described herein that is not an "operating lease" as so determined), for a term not to exceed 21 years a building in Atlanta, Georgia, not to exceed 1,400,000 net occupiable square feet plus deck parking for a minimum of 2,200 vehicles, to be constructed by any commercial or private entity, and leased directly from the Downtown Development Authority of the City of Atlanta, a political subdivision of the State of Georgia, and located in the City of Atlanta, Georgia, on a site bounded by Martin Luther King, Jr. Drive and Spring, Alabama, and Broad Streets, including adjacent properties as needed to accommodate the building, under such terms and conditions as the Administrator deems appropriate. These terms and conditions may include, if the Administrator deems that such provisions are in the best interest of the United States, an option allowing the United States to purchase the property and improvements at fair market value at any time or at the end of the lease term, and/or lease extension options, as negotiated in the lease agreement. The Administrator is authorized to extend the present leases of prospective project tenants, as necessary, prior to occupancy of the subject new facility.

SEC. 14. The Administrator of General Services shall immediately cease construction and archeological excavation on the pavilion portion of the Foley Square Federal Building until such time as a plan is submitted to the House and Senate Committees on Appropriations for prior approval. Such plan shall not result in the con-

tinued exhumation of skeletal remains from the "Negro Burial Ground" and shall be accompanied by a reprogramming of sufficient funds but not more than $3,000,000 to modify the pavilion foundation of the Foley Square Federal Building in New York, New York, prevent further deterioration of the "Negro Burial Ground," and contain appropriate measures to memorialize the burial site. The Administrator of General Services shall submit the plan to the House and Senate Committees on Appropriations within 60 days of the enactment of this Act. Nothing in this section shall prohibit the continued construction on the tower portion of the Foley Square Federal Building project.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with National Archives and Records Administration and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, and for the hire of passenger motor vehicles, [$163,045,000] *$167,045,000*, of which [$4,000,000] *$6,000,000* for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, shall remain available until expended.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, as amended by Public Law 100–598, and the Ethics Reform Act of 1989, Public Law 101–194, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses; [$8,265,000] *$8,365,000*: *Provided*, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants to attend an International Conference on Ethics shall be credited to and merged with this account, to be available for carrying out the Conference without further appropriation.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, medical examinations performed for veterans by private physicians on a fee basis, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, not to exceed $2,500 for official reception and representation expenses, and advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order 10422 of January 9, 1953, as amended: *Provided*, That notwithstanding 31 U.S.C. 3302, the Director is hereby authorized to accept gifts of goods and services, which shall be available only for hosting National Civil Service Appreciation Conferences, to be held in several locations throughout the United States in 1993. Goods and services provided in connection with the conference may include, but are not limited to, food and refreshments; rental of seminar rooms, banquet rooms, and facilities; and use of communications, printing and other equipment. Awards of minimal intrinsic value will be allowed. Gifts provided by an individual donor shall not exceed 50 percent of the total value of the gifts provided at each location; [$117,593,000] *$120,069,000, of which no less than $1,000,000 shall be made available for the establishment of health promotion and disease prevention programs for Federal employees*; and in addition [$87,032,000] *$83,039,000* for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of health benefits printing, for the retirement and insurance programs, of which $3,500,000 shall be transferred at such times as the Office of Personnel Management deems appropriate, and shall remain available until expended for the costs of automating the retirement recordkeeping systems, together with remaining amounts authorized in previous Acts for the recordkeeping systems: [*Provided further*, That $1,012,000 of the funds appropriated is available only for the establishment of a toll-free telephone line:] *Provided further*, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by section 8348(a)(1)(B) of title 5, U.S.C.: *Provided further*, That, except as may be consistent with regulations of the Office of Personnel Management prescribed pursuant to 5 U.S.C. 8902a(f)(1) and (i), no payment may be made from the Employees Health Benefits Fund to any physician, hospital, or other provider of health care services or supplies who is, at the time such services or supplies are provided to an individual covered under chapter 89 of title 5, United States Code, excluded, pursuant to section 1128 or 1128A of the Social Security Act (42 U.S.C. 1320a–7–1320a–7a), from participation in any program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.): *Provided further*, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order 9358 of July 1, 1943, or any successor unit of like purpose: *Provided further*, That the President's Commission on White House Fellows, established by Executive Order 11183 of October 3, 1964, may, during the fiscal year ending September 30, 1993, accept donations of money, property, and personal services in connection with the development of a publicity brochure to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission: *Provided further*, That the Director of the Office of Personnel Management may transfer from this appropriation an amount to be determined, but not to exceed [$270,000] *$616,000*, to the National Advisory Council on the Public Service as established by Public Law 101–363.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act, as amended, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles: [$4,528,000] *$4,227,000*; and in addition, not to exceed [$6,956,000] *$6,105,000* for administrative expenses to audit the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: *Provided*, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, $4,149,245,000, to remain available until expended.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, $12,433,000, to remain available until expended.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, not to exceed $6,900,000,000: *Provided*, That annuities authorized by the Act of May 29, 1944, as amended and the Act of August 19, 1950, as amended (33 U.S.C. 771–75), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and direct procurement of survey printing, [$24,850,000] *$24,398,000*, together with not to exceed $1,950,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95–454), and the Whistleblower Protection Act of 1989 (Public Law 101–12), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; [$7,949,000] *$7,962,000*.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, including hire of experts and consultants, hire of passenger motor vehicles, rental of conference rooms in the District of Columbia and elsewhere; [$21,637,000] *$21,657,000*: *Provided*, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in

the Government service, and compensation as authorized by 5 U.S.C. 3109.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109; [$32,435,000] *$33,500,000*: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge.

This title may be cited as the "Independent Agencies Appropriations Act, 1993".

TITLE V

GENERAL PROVISIONS

THIS ACT

SECTION 501. No part of any appropriation made available in this Act shall be used for the purchase or sale of real estate or for the purpose of establishing new offices inside or outside the District of Columbia: *Provided*, That this limitation shall not apply to programs which have been approved by the Congress and appropriations made therefor.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 504. No part of any appropriation contained in this Act shall be available for the procurement of, or for the payment of, the salary of any person engaged in the procurement of any hand or measuring tool(s) not produced in the United States or its possessions except to the extent that the Administrator of General Services or his designee shall determine that a satisfactory quality and sufficient quantity of hand or measuring tools produced in the United States or its possessions cannot be procured as and when needed from sources in the United States and its possessions, or except in accordance with procedures prescribed by section 6-104.4(b) of Armed Services Procurement Regulation dated January 1, 1969, as such regulation existed on June 15, 1970: *Provided*, That a factor of 75 per centum in lieu of 50 per centum shall be used for evaluating foreign source end products against a domestic source end product. This section shall be applicable to all solicitations for bids opened after its enactment.

SEC. 505. None of the funds made available to the General Services Administration pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949 shall be obligated or expended after the date of enactment of this Act for the procurement by contract of any service which, before such date, was performed by individuals in their capacity as employees of the General Services Administration in any position of guards, elevator operators, messengers, and custodians, except that such funds may be obligated or expended for the procurement by contract of the covered services with sheltered workshops employing the severely handicapped under Public Law 92-28.

SEC. 506. No funds appropriated in this Act shall be available for administrative expenses in connection with implementing or enforcing any provisions of the rule TD ATF-66 issued June 13, 1980, by the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms on labeling and advertising of wine, distilled spirits and malt beverages, except if the expenditure of such funds is necessary to comply with a final order of the Federal court system.

[SEC. 507. None of the funds appropriated in this Act may be used for administrative expenses to close the Federal Information Center of the General Services Administration located in Sacramento, California.]

SEC. [508] *507*. None of the funds made available by this Act for the Department of the Treasury may be used for the purpose of eliminating any existing requirement for sureties on customs bonds.

SEC. [509] *508*. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the 1930 Tariff Act.

SEC. [510] *509*. None of the funds made available by this Act shall be available for the purpose of transferring control over the Federal Law Enforcement Training Center located at Glynco, Georgia, Marana, Arizona, and Artesia, New Mexico, out of the Treasury Department.

SEC. [511] *510*. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. [512] *511*. No part of any appropriation contained in this Act shall be available for the payment of the salary of any officer or employee of the United States Postal Service, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any officer or employee of the United States Postal Service from having any direct oral or written communication or contact with any Member or committee of Congress in connection with any matter pertaining to the employment of such officer or employee or pertaining to the United States Postal Service in any way, irrespective of whether such communication or contact is at the initiative of such officer or employee or in response to the request or inquiry of such Member or committee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any officer or employee of the United States Postal Service, or attempts or threatens to commit any of the foregoing actions with respect to such officer or employee, by reason of any communication or contact of such officer or employee with any Member or committee of Congress as described in paragraph (1) of this subsection.

SEC. [513] *512*. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefit program which provides any benefits or coverage for abortions.

SEC. [514] *513*. The provision of section [513] *512* shall not apply where the life of the mother would be endangered if the fetus were carried to term.

[SEC. 515. The Administrator of General Services, under section 210(h) of the Federal Property and Administrative Services Act of 1949, as amended, may acquire, by means of a lease of up to thirty years duration, space for the United States Courts in Tacoma, Washington, at the site of Union Station, Tacoma, Washington.]

SEC. [516] *514*. Funds under this Act shall be available as authorized by sections 4501-4506 of title 5, United States Code, when the achievement involved is certified, or when an award for such achievement is otherwise payable, in accordance with such sections. Such funds may not be used for any purpose with respect to which the preceding sentence relates beyond fiscal year 1993.

SEC. [517] *515*. None of the funds appropriated or otherwise made available to the Department of the Treasury by this or any other Act shall be obligated or expended to contract out positions in, or downgrade the position classifications of, members of the United States Mint Police Force and the Bureau of Engraving and Printing Police Force, or for studying the feasibility of contracting out such positions.

SEC. [518] *516*. The Office of Personnel Management may, during the fiscal year ending September 30, 1993, accept donations of supplies, services, and equipment for the Federal Executive Institute, the Federal Quality Institute, and Executive Seminar Centers for the enhancement of the morale and educational experience of attendees.

SEC. [519] *517*. No part of any appropriation contained in this Act shall be available for the procurement of, or for the payment of, the salary of any person engaged in the procurement of stainless steel flatware not produced in the United States or its possessions, except to the extent that the Administrator of General Services or his designee shall determine that a satisfactory quality and sufficient quantity of stainless steel flatware produced in the United States or its possessions, cannot be procured as and when needed from sources in the United States or its possessions or except in accordance with procedures provided by section 6-104.4(b) of Armed Services Procurement Regulations, dated January 1, 1969. This section shall be applicable to all solicitations for bids issued after its enactment.

SEC. [520] *518*. The United States Secret Service may, during the fiscal year ending September 30, 1993, accept donations of money to off-set costs incurred while protecting former Presidents and spouses of former Presidents when the former President or spouse travels for the purpose of making an appearance or speech for a payment of money or any thing of value.

[SEC. 521. None of the funds made available by this Act may be used to withdraw the designation of the Virginia Inland Port at Front Royal, Virginia, as a United States Customs Service port of entry.]

SEC. 519. The Secretary of the Treasury or his delegate (hereinafter in this section referred to as the "Secretary") shall establish and hereafter administer a program requiring the payment of user fees for the processing of applications for certificates of label approval (or exemptions therefrom) required by the Act of August 29, 1935 as amended (the Federal Alcohol Administration Act (27 U.S.C., chapter 8)), and formula (and statement of process) reviews or laboratory tests and analyses performed under the authority of such Act and the Internal Revenue Code of 1986 (26 U.S.C.) and the regulations issued thereunder with respect to distilled spirits, wine, and beer or malt beverages. The Secretary is authorized to establish procedures to implement the user fee program and to establish rates for such fees, but in no event shall the fee be less than $50 for each application and $250 for

each formula (and statement of process) review or test and analysis. The fees provided for herein shall be effective for applications filed and for formula (and statement of process) reviews or tests and analysis initiated 90 days from the date of enactment of this Act Provided, That no fees authorized by this section shall apply to a wine producer with a production level of 250,000 gallons or less per calendar year.

SEC. [522] *520.* None of the funds made available to the Postal Service by this Act shall be used to transfer mail processing capabilities from the Las Cruces, New Mexico postal facility, and that every effort will be made by the Postal Service to recognize the rapid rate of population growth in Las Cruces and to automate the Las Cruces, New Mexico postal facility in order that mail processing can be expedited and handled in Las Cruces.

SEC. [523] *521.* None of the funds in this Act may be used to reduce the rank or rate of pay of a career appointee in the SES upon reassignment or transfer.

SEC. [524] *522.* No funds in this Act may be used to award a Federal agency lease in the Omaha, Nebraska—Council Bluffs, Iowa, geographical area, which does not meet the following criteria:

Any Federal agency which leases commercial space in the Omaha, Nebraska—Council Bluffs, Iowa, geographical area, when entering into new leases, shall give preference to space available meeting standard government lease criteria, provided the space also meets the occupying agency's mission requirement. The agency shall give priority consideration to space offered at the lowest cost per square foot within the geographical area, provided that the space under consideration also affords accessibility to the greatest number of members of the public served by the Federal agency, and to other factors set out in the applicable statutes and regulations.

SEC. 523. Such sums as may be necessary for fiscal year 1993 pay raises for programs funded by this Act shall be absorbed within the levels appropriated by this Act.

SEC. [525] *524.* No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service and has within ninety days after his release from such service or from hospitalization continuing after discharge for a period of not more than one year made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. [526] *525.* None of the funds made available to the United States Customs Service may be used to collect or impose any land border processing fee at ports of entry along the United States-Mexico border.

SEC. [527] *526.* Where appropriations in this Act are expendable for travel expenses of employees and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amount set forth therefor in the budget estimates submitted for the appropriations without the advance approval of the House and Senate Committees on Appropriations: *Provided,* That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Department of Veterans Affairs; to travel of the Office of Personnel Management in carrying out its observation responsibilities of the Voting Rights Act; or to payments to interagency motor pools where separately set forth in the budget schedules.

SEC. [528] *527.* Section 616 of the Act of December 22, 1987 (40 U.S.C. 490b) is amended—

(1) by amending subsection (a)(2) to read as follows:

"(2) such officer or agency determines that such space will be used to provide child care services to children of whom at least 50 percent have one parent or guardian who is employed by the Federal Government; and";

(2) by amending subsection (b)(3) to read as follows:

"(3) For the purpose of this subsection, the term 'services' includes the providing of lighting, heating, cooling, electricity, office furniture, office machines and equipment, classroom furnishings and equipment, kitchen appliances, playground equipment, telephone service (including installation of lines and equipment and other expenses associated with telephone services), and security systems (including installation and other expenses associated with security systems), including replacement equipment, as needed.";

(3) by redesignating subsection (b)(3), as amended by paragraph (2), as subsection (b)(4), and inserting after subsection (b)(2) the following:

"(3) If an agency has a child care facility in its space, or is a sponsoring agency for a child care facility in other Federal or leased space, the agency or the General Services Administration may pay accreditation fees, including renewal fees, for that center to be accredited by a nationally recognized early-childhood professional organization, and travel and per diem expenses for attendance by representatives of the center at the annual General Services Administration child care conference."; and

(4) by adding at the end the following:

"(c) Through the General Services Administration's licensing agreements, the Administrator of General Services shall provide guidance, assistance, and oversight to Federal agencies for the development of child care centers to promote the provision of economical and effective child care for Federal workers."

"(d) If a Federal agency has a child care facility in its space, or is a sponsoring agency for a child care facility in other Federal or leased space, the agency or the General Services Administration may enter into a consortium with one or more private entities under which such private entities would assist in defraying the costs associated with the salaries and benefits provided for any personnel providing services at such facility.".

SEC. [529] *528.* Section 532 of the Act of November 5, 1991 (104 Stat. 1470; Public Law 100-509), is amended—

(1) by inserting "(a)" immediately before the first sentence inside the quotation marks; and

(2) by adding before the close quotation marks at the end the following new subsection:

"(b) The Internal Revenue Service may use competitive procedures or procedures other than competitive procedures to procure the services of attorneys for use in litigating actions under the Internal Revenue Code to which a foreign-controlled corporation is a party. The Internal Revenue Service need not provide any written justification for the use of procedures other than competitive procedures when procuring attorney services for such cases and need not furnish for publication in the Commerce Business Daily or otherwise any notice of solicitation or synopsis with respect to such procurement.".

SEC. [530] *529.* (a) None of the funds made available by this Act may be used to implement, administer, enforce, or otherwise carry out any change in the terms or conditions governing benefits under chapter 89 of title 5, United States Code, if, or to the extent that, such change would—

(1) affect only enrollees (including covered dependents) in health benefits plans who are (or, on proper application, would be) eligible for benefits under title XVIII of the Social Security Act, or are within any subset of that class of individuals; and

(2) with respect to any enrollees described in paragraph (1)—

(A) eliminate, in whole or in part, the responsibility of any carriers to provide payment or reimbursement for that portion of nonparticipating Medicare providers' allowable charges which exceeds the Medicare payment for participating Medicare providers; or

(B) eliminate, in whole or in part, the waiver of deductibles, coinsurance, or copayments with respect to prescription drugs.

(b) The changes with respect to which subsection (a) applies include both of the changes which the Office of Personnel Management proposes, in its Carrier Letter 92-04, to effect administratively.

[CONVEYANCE OF LAND TO ANNE ARUNDEL COUNTY, MARYLAND

[SEC. 531. (a) CONVEYANCE OF LAND.—Notwithstanding any other provision of law, upon the release of possessory interests in the property described in subsection (c) that are held by any person other than the United States on the date of the enactment of this Act, the Administrator of General Services shall convey the property to Anne Arundel County, Maryland, by quitclaim deed and without monetary consideration.

[(b) TERMS AND CONDITIONS.—The deed of any conveyance under subsection (a)—

[(1) shall provide that the property shall be used and maintained for public park or public recreation purposes in perpetuity, and that in the event the property ceases to be used or maintained for such purpose, all or any portion of the property shall in its then existing condition, at the option of the United States, revert to the United States; and

[(2) may contain such additional terms, reservations, and conditions as may be determined by the Administrator to be necessary to safeguard the interests of the United States.

[(c) DESCRIPTION.—The real property referred to in subsection (a) is property located in the County of Anne Arundel, Maryland, which—

[(1) contains 35 acres, more or less, according to a description prepared by McCrone, Inc., in May 1985 without benefit of a field survey;

[(2) is all that lot of ground which, by quitclaim deed dated July 3, 1985, and recorded among the land records of Anne Arundel County, Maryland, at Liber 3947, folio 191, was granted and conveyed by the Board of Education of Anne Arundel County, Annapolis, Maryland, to the United States of America; and

[(3) is more particularly described as follows:

[Beginning for the same at a point located on the south side of Boundary Road, said beginning point being the same as that in a Quitclaim Deed from the United States of

America to the Board of Education of Anne Arundel County, Annapolis, Maryland, dated March 19, 1969, and recorded among the Land Records of Anne Arundel County in Liber 2252 page 200, and running from said beginning point so fixed and with the west and south lines of a 50-foot right-of-way south 39 degrees 41 minutes 01 seconds west 383.42 feet to a point and south 50 degrees 18 minutes 59 seconds east 50.0 feet to a point located in the right-of-way line of the Baltimore-Washington Parkway, thence with said right-of-way lines of said Parkway south 39 degrees 41 minutes 01 seconds west 27.0 feet to a point and south 43 degrees 29 minutes 51 seconds west 350.18 feet to a point, thence leaving said Parkway and running with part of the south outline of the whole tract south 89 degrees 46 minutes 32 seconds west 1,610.22 feet to a point, thence leaving said outline and running for a new line of division through the whole tract north 00 degrees 13 minutes 28 seconds west 786.38 feet to a point located in the south right-of-way line of Boundary Road, thence with the same north 89 degrees 46 minutes 32 seconds east 2,233.11 feet to the place of beginning.]

SEC. 530. Notwithstanding any other provision of law, beginning October 1, 1992 and thereafter, no funds made available to the Office of Personnel Management may be used to prepare, promulgate, or implement any rules or regulations relating to the Combined Federal Campaign unless such rules or regulations include a general designation option solely for international agencies: Provided, That such limitation on the use of funds shall not apply to any activities related to the 1992 Combined Federal Campaign.

SEC. [532] *531.* (a) IN GENERAL.—Subject to subsection (b), the Secretary of the Interior may transfer certain land located in the Shenandoah National Park and described in subsection (c) to the Secretary of the Treasury for use by the Secretary of the Treasury as a United States Customs Service Canine Enforcement Training Center.

(b) CONDITIONS OF TRANSFER.—

(1) PROTECTION OF THE PARK.—An agreement to transfer pursuant to subsection (a) shall include such provisions for the protection of Shenandoah National Park as the Secretary of the Interior considers necessary.

(2) CONSIDERATION.—A transfer made pursuant to subsection (a) shall be made without consideration or reimbursement.

(3) ABANDONMENT.—If the land referred to in subsection (a) is abandoned by the Secretary of the Treasury at any time, administrative jurisdiction of the land shall revert to the Department of the Interior.

(c) DESCRIPTION OF THE LAND.—The land referred to in subsection (a) is a plot of fenced land equaling 9.888 acres containing buildings, structures, fixtures, equipment, and other improvements affixed to or resting upon the land, and has the following legal description:

The tract of land located just west of Road No. 604 about one mile south of Front Royal, Warren County, Virginia, and bounded as follows:

Beginning at (1) a monument in the line of the land of Lawson just west of Road No. 604; thence with the land of Lawson, and then with a new division line through the land of Shenandoah National Park north 59 degrees 45 minutes 38 seconds west 506.05 feet to (2) a Concrete Monument set, said point being north 59 degrees 45 minutes 38 seconds west 9.26 feet from a monument to a corner to the land of Lawson; thence with another new division line through the land of Shenandoah National Park north 31 degrees 31 minutes 00 seconds east 1206.07 feet to (3) a Concrete Monument set in the line of the land of the United States Government; thence with the land of the United States Government for the following two courses: south 07 degrees 49 minutes 31 seconds east 203.98 feet to (4); thence south 09 degrees 10 minutes 06 seconds east 27.79 feet to (5) a corner between the land of the United States Government and the land of United States Customs Service Detector Dog Training Center; thence with 282.896 acre tract of land of United States Customs Service Detector Dog Training Center for the following six courses: south 10 degrees 38 minutes 32 seconds east 152.47 feet to (6); thence south 00 degrees 48 minutes 32 seconds west 127.52 feet to (7); thence south 08 degrees 24 minutes 46 seconds west 422.15 feet to (8); thence south 14 degrees 37 minutes 16 seconds west 106.47 feet to (9); thence south 27 degrees 13 minutes 28 seconds west 158.11 feet to (10); thence south 38 degrees 17 minutes 36 seconds west 146.44 feet to the point of beginning, containing 9.888 acres, more or less.

[SEC. 533. (a) CLOSED CAPTIONING REQUIREMENT FOR TELEVISION COMMERCIALS OF CANDIDATES WHO ARE ELIGIBLE TO RECEIVE AMOUNTS FROM THE PRESIDENTIAL ELECTION CAMPAIGN FUND.—Section 9003 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

["(e) CLOSED CAPTIONING REQUIREMENT.—No candidate for the office of President or Vice President may receive amounts from the Presidential Election Campaign Fund under this chapter or chapter 96 unless such candidate has certified that any television commercial prepared or distributed by the candidate will be prepared in a manner which ensures that the commercial contains or is accompanied by closed captioning of the oral content of the commercial to be broadcast in line 21 of the vertical blanking interval, or is capable of being viewed by deaf and hearing impaired individuals via any comparable successor technology to line 21 of the vertical blanking interval.".

[(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to amounts made available under chapter 95 or 96 of the Internal Revenue Code of 1986 more than thirty days after the date of the enactment of this Act.

[SEC. 534. (a) Section 1761(a) of title 18, United States Code, is amended—

[(1) by striking "$1,000" and inserting "$50,000"; and

[(2) by striking "one year" and inserting "two years".

[(b) Section 1762(b) of title 18, United States Code, is amended by striking "$1,000" and inserting "$50,000".

[SEC. 535. No part of any appropriation made available in this Act may be used to fund the Council on Competitiveness or any successor organization.]

SEC. 532. (a) AMENDMENT OF SECTION 3056 OF TITLE 18, UNITED STATES CODE.—Section 3056(a) of title 18, United States Code, is amended—

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

"(3) Former Presidents and their spouses, for a period of not more than 10 years from the date a former President leaves office. Protection may also be provided for children up to the age of 16 or ten years after the former President leaves office, whichever comes first. Except that—

(A) protection of a former President's spouse and children under the age of 16 in the spouse's custody shall be discontinued upon the remarriage of the spouse; and

(B) protection of any person under paragraph (3) may be discontinued or reinstated on a temporary basis after the period specified if the Secretary determines, on the basis of information received, that protection is warranted.";

(2) by striking paragraph (4);

(3) by redesignating paragraphs (5), (6), and (7) as paragraphs (4), (5), and (6), respectively; and

(4) in the matter following paragraph (6), as redesignated by paragraph (3), by striking "(7)" and inserting "(6)".

(b) APPLICATION OF AMENDMENT TO PERSONS CURRENTLY RECEIVING PROTECTION.—The amendment made by subsection (a) shall result in the discontinuation of protection of a person who is receiving protection as provided in subsection (a) on the date of enactment of this Act by no later than October 1, 1993.

SEC. 533. (a) Section 8902(k)(1) of 5 U.S.C. is amended to read as follows:

"(k)(1) When a contract under this chapter requires payment or reimbursement for services which may be performed by a clinical psychologist, optometrist, nurse midwife, nursing school administered clinic, or nurse practitioner/clinical specialist, licensed or certified as such under Federal or State law, as applicable, or by a qualified clinical social worker as defined in section 8901(11), an employee, annuitant, family member, former spouse, or person having continued coverage under section 8905a of this title covered by the contract shall be free to select, and shall have direct access to, such a clinical psychologist, qualified clinical social worker, optometrist, nurse midwife, nursing school administered clinic, or nurse practitioner/nurse clinical specialist without supervision or referral by another health practitioner and shall be entitled under the contract to have payment or reimbursement made to him or on his behalf for the services performed.".

(b) Section 8902(k)(2) of 5 U.S.C. is amended to read as follows:

"(2) The provisions of this subsection shall not apply to comprehensive medical plans as described in section 8903(4) of this title.".

(c) The amendments made by this section shall be effective with respect to contract years beginning after the date of enactment of this Act.

SEC. 534. None of the funds made available by this Act shall be used to plan, administer, or otherwise carry out a move of the Internal Revenue Service's Automated Collection Unit from the borough of Manhattan without prior approval of the House and Senate Appropriations Committee.

TITLE VI

GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SECTION 601. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

SEC. 602. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 1993 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

SEC. 603. Notwithstanding any other provision of law, a Federal employing agency shall make the deposit from existing appropriations into the Federal Employees Compensation Account of the Unemployment Trust Fund, as required by section 8509 of

title 5, United States Code, not later than thirty days after the Department of Labor has billed the agency for the amount to be deposited.

SEC. 604. Notwithstanding the provisions of the Act of September 13, 1982 (Public Law 97-258, 31 U.S.C. 1345), any agency, department or instrumentality of the United States which provides or proposes to provide child care services for Federal employees may reimburse any Federal employee or any person employed to provide such services for travel, transportation, and subsistence expenses incurred for training classes, conferences or other meetings in connection with the provision of such services: *Provided*, That any per diem allowance made pursuant to this section shall not exceed the rate specified in regulations prescribed pursuant to section 5707 of title 5, United States Code.

SEC. 605. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses and ambulances), is hereby fixed at $7,100 except station wagons for which the maximum shall be $8,100: *Provided*, That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: *Provided further*, That the limits set forth in this section may not be exceeded by more than five percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: *Provided further*, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101-549 over the cost of comparable conventionally fueled vehicles.

SEC. 606. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travels or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922-24.

SEC. 607. Unless otherwise specified during the current fiscal year no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person (1) is a citizen of the United States, (2) is a person in the service of the United States on the date of enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States, (3) is a person who owes allegiance to the United States, (4) is an alien from Cuba, Poland, South Vietnam, or the Baltic countries lawfully admitted to the United States for permanent residence, or (5) South Vietnamese, Cambodian, and Laotian refugees paroled in the United States after January 1, 1975, or (6) nationals of the People's Republic of China protected by Executive Order Number 12711 of April 11, 1990: *Provided*, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, the Republic of the Philippines or to nationals of those countries allied with the United States in the current defense effort, or to temporary employment of translators, or to temporary employment in the field service (not to exceed sixty days) as a result of emergencies.

SEC. 608. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (87 Stat. 216), or other applicable law.

SEC. 609. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 610. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

SEC. 611. Pursuant to section 1415 of the Act of July 15, 1952 (66 Stat. 662), foreign credits (including currencies) owed to or owned by the United States may be used by Federal agencies for any purpose for which appropriations are made for the current fiscal year (including the carrying out of Acts requiring or authorizing the use of such credits), only when reimbursement therefor is made to the Treasury from applicable appropriations of the agency concerned: *Provided*, That such credits received as exchanged allowances or proceeds of sales of personal property may be used in whole or part payment for acquisition of similar items, to the extent and in the manner authorized by law, without reimbursement to the Treasury.

SEC. 612. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards, commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 613. Funds made available by this or any other Act to the "Postal Service Fund" (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service and under the charge and control of the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318), and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318a, 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318c).

SEC. 614. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 615. No part of any appropriation contained in, or funds made available by, this or any other Act, shall be available for any agency to pay to the Administrator of the General Services Administration a higher rate per square foot for rental of space and services (established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended) than the rate per square foot established for the space and services by the General Services Administration for the fiscal year for which appropriations were granted.

SEC. 616. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for the fiscal years ending September 30, 1993, or September 30, 1994, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code, or any employee covered by section 5348 of that title—

(1) during the period from the date of expiration of the limitation imposed by section 616 of the Treasury, Postal Service, and General Government Appropriations Act, 1992, until the first day of the first applicable pay period that begins not less than ninety days after that date, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section 616; and

(2) during the period consisting of the remainder, if any, of fiscal year 1993, and that portion of fiscal year 1994, that precedes the normal effective date of the applicable wage survey adjustment that is to be effective in fiscal year 1994, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) of this subsection by more than the overall average percentage adjustment in the General Schedule during fiscal year 1993, under section 5303 of title 5, United States Code.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, may be paid during the periods for which subsection (a) of this section is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purpose of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule that was not in existence on September

30, 1992, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 1992, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) The provisions of this section shall apply with respect to pay for services performed by any affected employee on or after October 1, 1992.

(f) For the purpose of administering any provision of law, including section 8431 of title 5, United States Code, or any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit, that requires any deduction or contribution, or that imposes any requirement or limitation, on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section may be construed to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 617. None of the funds made available in this Act may be used to plan, implement, or administer (1) any reduction in the number of regions, districts or entry processing locations of the United States Customs Service; or (2) any consolidation or centralization of duty assessment or appraisement functions of any offices in the United States Customs Service.

SEC. 618. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations of the House and Senate. *For the purposes of this section the word "office" shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.*

SEC. 619. (a) Notwithstanding the provisions of sections 112 and 113 of title 3, United States Code, each Executive agency detailing any personnel shall submit a report on an annual basis in each fiscal year to the Senate and House Committees on Appropriations on all employees or members of the armed services detailed to Executive agencies, listing the grade, position, and offices of each person detailed and the agency to which each such person is detailed.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

(c) The exemptions in part (b) of this section are not intended to apply to information on the use of personnel detailed to or from the intelligence agencies which is currently being supplied to the Senate and House Intelligence and Appropriations Committees by the executive branch through budget justification materials and other reports.

(d) For the purposes of this section, the term "Executive agency" has the same meaning as defined under section 105 of title 5, United States Code (except that the provisions of section 104(2) of title 5, United States Code, shall not apply) and includes the White House Office, the Executive Residence, and any office, council, or organizational unit of the Executive Office of the President.

SEC. 620. No funds appropriated in this or any other Act for fiscal year 1993 may be used to implement or enforce the agreements in Standard Forms 312 and 4355 of the Government or any other nondisclosure policy, form or agreement if such policy, form or agreement does not contain the following provisions:

"These restrictions are consistent with and do not supersede conflict with or otherwise alter the employee obligations, rights or liabilities created by Executive Order 12356; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats): the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents), and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. section 783(b)). The definitions, requirements, obligations, rights, sanctions and liabilities created by said Executive Order and listed statutes are incorporated into this Agreement and are controlling.".

SEC. 621. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the House and Senate Committees on Appropriations.

[SEC. 622. (a) None of the funds appropriated by this or any other Act may be expended by any Federal agency to procure any product or service that is subject to the provisions of Public Law 89-306 and that will be available under the procurement by the Administrator of General Services known as "FTS2000" unless—

[(1) such product or service is procured by the Administrator of General Services as part of the procurement known as "FTS2000"; or

[(2) that agency establishes to the satisfaction of the Administrator of General Services that—

[(A) the agency's requirements for such procurement are unique and cannot be satisfied by property and service procured by the Administrator of General Services as part of the procurement known as "FTS2000"; and

[(B) the agency procurement, pursuant to such delegation, would be cost-effective and would not adversely affect the cost-effectiveness of the FTS2000 procurement.

[(b) After March 1, 1993, subsection (a) shall apply only if the Administrator of General Services has reported that the FTS 2000 procurement is producing prices that allow the government to satisfy its requirements for such procurement in the most cost-effective manner.]

SEC. [623] *622.* (a) No amount of any grant made by a Federal agency shall be used to finance the acquisition of goods or services (including construction services) unless the recipient of the grant agrees, as a condition for the receipt of such grant, to—

(1) specify in any announcement of the awarding of the contract for the procurement of the goods and services involved (including construction services) the amount of Federal funds that will be used to finance the acquisition; and

(2) express the amount announced pursuant to paragraph (1) as a percentage of the total costs of the planned acquisition.

(b) The requirements of subsection (a) shall not apply to a procurement for goods or services (including construction services) that has an aggregate value of less than $500,000.

SEC. [624] *623.* Notwithstanding section 1346 of title 31, United States Code, or section [611] *612* of this Act, funds made available for fiscal year 1993 by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order Numbered 12472 (April 3, 1984).

SEC. [625] *624.* Notwithstanding any provisions of this or any other Act, during the fiscal year ending September 30, 1993, any department, division, bureau, or office participating in the Federal Flexiplace Project may use funds appropriated by this or any other Act to install telephone lines, necessary equipment, and to pay monthly charges, in any private residence or private apartment: *Provided,* That the head of the department, division, bureau, or office certifies that adequate safeguards against private misuse exist, and that the service is necessary for direct support of the agency's mission.

SEC. [626] *625.* (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

ISSUANCE OF SKI AREA PERMITS ON NATIONAL FOREST SYSTEM LANDS

The Senate proceeded to consider the bill (S. 2606) to further clarify authorities and duties of the Secretary of Agriculture in issuing ski area permits on National Forest System lands, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. FINDINGS AND PURPOSES.

(a) The Congress finds and declares that—

(1) although ski areas occupy less than one-twentieth of 1 percent of national forest lands nationwide, in many rural areas of the United Sates, ski areas and investments by ski area permittees on national forest lands form the backbone of the local economy and preponderance of the employment base;

(2) ski area operations and their attendant communities provide revenues to the United States in the form of permit fees, income taxes, and other revenues which are extremely significant in proportion to the limited Federal acreage and Forest Service administration and contractual obligations required to support such operations;

(3) in addition to alpine skiing, many ski area permittees provide multiseason facilities and enhanced access to national forest lands which result in greater public use and enjoyment of such lands than would otherwise occur;

(4) unlike many other private sector users of Federal lands, ski areas in almost all cases finance, construct, maintain, and market all recreational facilities and improvements on such lands;

(5) many ski areas on Federal lands operate in a competitive environment which requires a continuing high level of capital investment to upgrade existing facilities and install new facilities to serve the public, including lifts, trails, snowmaking and trail grooming equipment, restaurants, and day care centers;

(6) despite an outward appearance of economic well-being resulting from an intensive capital infrastructure, many ski area operations are marginally profitable due to the competition and capital investments referenced in subparagraph (5), weather conditions, insurance premiums, the national economy, and other factors beyond their control;

(7) because of the aforementioned contribution of ski areas to the economy and rural communities and to the enhanced use and enjoyment of national forest lands, it is in the public interest for the United States, where consistent with national forest management objectives, to take actions with respect to such ski areas and associated communities as will assist their long-term economic health and stability; and

(8) the National Forest Ski Area Permit Act of 1986 has been of assistance to ski area operations on national forest lands by providing longer term tenure and stability to permittees, but further adjustments and policy direction are warranted to address problems related to permit fees and fee calculations and conflicts with certain mineral activities.

(b) In furtherance of the findings of subsection (a) of this section, it is the purpose of this Act to—

(1) legislate a ski area permit fee which returns fair market value to the United States and at the same time provides ski area permittees and the United States with a simplified, consistent, predictable, and equitable fee formula which is commensurate with long-term ski area, planning, financing and operation needs and which simplifies bookkeeping and other administrative burdens on ski area permittees and Forest Service personnel; and

(2) prevent future conflicts between ski area operations and mining and mineral leasing programs by withdrawing lands within ski area permit boundaries from the operation of the mining and mineral leasing laws.

SEC. 2. SKI AREA PERMIT FEE.

(a) The Secretary shall charge a fee for all ski area permits issued pursuant to the National Forest Ski Area Permit Act of 1986, the Act of March 4, 1915, and the Act of June 4, 1897, on National Forest System lands as set forth in subsection (b) of this section. The Secretary shall require that fees for all existing ski area permits issued pursuant to the Act of March 4, 1915, and the Act of June 4, 1897, be calculated as set forth in subsection (b) of this section.

(b)(1) The ski area permit fee (SAPF) to be charged shall be calculated by adding the permittee's gross revenues from lift ticket/year-round ski area use pass sales plus revenue from ski school operations (LT+SS) and multiplying such total by the slope transport feet percentage (STFP) on National Forest System land. Add to that amount gross year-round revenue from ancillary facilities (GRAF) physically located on national forest land, including all permittee or subpermittee lodging, food service, rental shops, parking and other ancillary operations, to determine the adjusted gross revenue (AGR) subject to the permit fee. Calculate the final fee by multiplying adjusted gross revenue by the following percentages for each revenue bracket and adding the total for each revenue bracket:

(i) 1.5 percent of all adjusted gross revenue below $3,000,000;

(ii) 2.5 percent for adjusted gross revenue between $3,000,000 and $15,000,000;

(iii) 2.75 percent for adjusted gross revenue between $15,000,000 and $50,000,000; and

(iv) 4.0 percent for the amount of adjusted gross revenue that exceeds $50,000,000.

Utilizing the abbreviations indicated in this subsection the ski area permit fee (SAPF) formula can be simply illustrated as:

$$\text{SAPF} = (\text{LT} + \text{SS STFP}) + \text{GRAF} = \text{AGR};$$
$$\text{AGR \% brackets}$$

(2) In cases where ski areas are only partially located on national forest lands, the slope transport feet percentage on national forest land referred to in subsection (b) of this section is hereby determined to most accurately reflect the percent of an alpine ski area permittee's total skier service capacity which is located on National Forest System land. It shall be calculated as generally described in the Forest Service Manual in effect as of January 1, 1992. Revenues from nordic ski operations shall be included or excluded from the fee calculation according to the percentage of trails physically located on national forest land.

(3) In order to insure that the fee legislated herein remains fair and equitable to both the United States and ski area permittees, the adjusted gross revenue figures for each revenue bracket in subparagraph (b)(1)(i)–(iv) shall be adjusted annually by the percent increase or decrease in the national Consumer Price Index for the preceding calendar year. No later than five years after the date of enactment of this Act and every ten years thereafter the Secretary shall submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Agriculture and Interior and Insular Affairs of the United States House of Representatives a report analyzing whether the ski area permit fee system legislated by this Act is returning a fair market value rental to the United States together with any recommendations the Secretary may have for modifications in the system.

(c) The fee set forth in subsection (b) shall be due on June 1 of each year and shall be paid or pre-paid by the permittee on a monthly, quarterly, annual or other schedule as determined appropriate by the Secretary in consultation with the permittee. It is the intention of Congress that unless mutually agreed otherwise by the Secretary and the permittee, the payment or prepayment schedule shall conform to the permittee's schedule in effect prior to enactment of this Act. To simplify bookkeeping and fee calculation burdens on the permittee and the Forest Service, the Secretary shall each year provide the permittee with a standardized form and worksheets (including annual fee calculation brackets and rates) to be utilized for fee calculation and submitted with the fee payment. Information provided on such forms shall be compiled by the Secretary annually and kept in the Office of the Chief, U.S. Forest Service.

(d) The ski area permit fee legislated herein shall become effective on June 1, 1993, and cover receipts retroactive to June 1, 1992: *Provided, however*, That if a permittee has paid fees for the period of June 1, 1992, to June 1, 1993, under the graduated rate fee system formula in effect prior to this Act, such fees shall be credited toward the new fee due on June 1, 1993. In order to insure increasing fee receipt levels to the United States during transition from the Graduated Rate Fee System formula to the formula of this Act, the fee paid by any individual permittee for the 1992–1993 permit year shall be either the fee paid for the preceding 1991–1992 base year or the fee calculated pursuant to this Act, whichever is higher. For the 1993–1994 permit year, the fee paid shall be either the fee paid for the 1991–1992 base year or the fee calculated pursuant to this Act, whichever is higher: *Provided, however*, That in the event individual permittee's adjusted gross revenue for either the 1992–1993 or 1993–1994 permit years falls more than 10 percent below the 1991–1992 base year, the fee paid shall then be the fee calculated pursuant to this Act.

(e) Under no circumstances shall revenue, or subpermittee revenue (other than lift ticket, area use pass, or ski school sales) obtained from operations physically located on nonnational forest land be included in the ski area permit fee calculation.

(f) To simplify bookkeeping and administrative burdens on ski area permittees and the Forest Service, as used in this section, the terms "revenue" and "sales" shall mean actual income from sales and shall not include sales of operating equipment, refunds, rent paid to the permittee by sublessees, sponsor contributions to special events or any amounts attributable to employee gratuities or employee lift tickets, discounts, or other goods or services (except for bartered goods and complimentary lift tickets) for which the permittee does not receive money.

(g) In cases where an area of national forest land is under a ski area permit but the permittee does not have revenue or sales qualifying for fee payment pursuant to subsection (a) of this section, the permittee

shall pay an annual minimum rental fee of $2 for each national forest acre under permit or a percentage of appraised land value, as determined appropriate by the Secretary.

SEC. 3. WITHDRAWALS.

SEC. 3. Subject to valid existing rights, all lands located within the boundaries of ski area permits issued prior to, on or after the date of enactment of this Act pursuant to authority of the Act of March 4, 1915, and the Act of June 4, 1897, or the National Forest Ski Area Permit Act of 1986 are hereby and henceforth automatically withdrawn from all forms of appropriation under the mining laws and from disposition under all laws pertaining to mineral and geothermal leasing and all amendments thereto. Such withdrawal shall continue for the full term of the permit and any modification, reissuance, or renewal thereof. Unless the Secretary requests otherwise of the Secretary of the Interior, such withdrawal shall be canceled automatically upon expiration or other termination of the permit and the land automatically restored to all appropriation not otherwise restricted under the public land laws.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time and passed.

IDAHO LAND EXCHANGE ACT

The Senate proceeded to consider the bill (S. 1893) to adjust the boundaries of the Targhee National Forest, to authorize a land exchange involving the Kaniksu National Forest, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be stricken are shown in italics.)

S. 1893

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Idaho Land Exchange Act of **[1991]** *1992*".

SEC. 2. TARGHEE NATIONAL FOREST BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—The boundaries of the Targhee National Forest are adjusted as generally depicted on the map entitled "Targhee National Forest Proposed Boundary Changes" and dated March 1, 1991.

(b) MAP AND LEGAL DESCRIPTION.—

(1) PUBLIC ACCESS.—The map described in subsection (a) and a legal description of the lands depicted on the map shall be on file and available for public inspection in the Regional Office of the Intermountain Region of the Forest Service.

(2) TECHNICAL CORRECTIONS.—The map and legal description shall have the same force and effect as if included in this Act, except that the Secretary of Agriculture (referred to in this Act as the "Secretary") may correct clerical and typographical errors.

(c) RULE OF CONSTRUCTION.—For the purpose of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), the boundaries of the Targhee National Forest, as adjusted by this Act, shall be considered to be the boundaries of the Forest as of January 1, 1965.

SEC. 3. CLARK FORK LAND EXCHANGE.

(a) FINDINGS.—Congress finds that, over the past 10 years—

(1) the University of Idaho has utilized the Clark Fork Ranger Station within the Kaniksu National Forest as the Clark Fork Field Campus, under a Granger-Thye permit; and

(2) the University of Idaho has made substantial improvements in order to maintain and utilize the buildings as a campus facility.

(b) LAND EXCHANGE.—

(1) CONVEYANCE BY THE SECRETARY.—

(A) IN GENERAL.—In exchange for the conveyance described in paragraph (2) and subject to easements that are considered necessary by the Secretary for public and administrative access and to valid existing rights, the Secretary shall convey to the State of Idaho, acting through the Regents of the University of Idaho, all right, title, and interest of the United States to Parcel A.

(B) PARCEL A.—As used in this section, the term "Parcel A" means the approximately 35.27 acres comprising the Clark Fork Ranger Station within the Kaniksu National Forest, as depicted on the map entitled "Clark Fork Land Exchange—Parcel A" and dated **[July 9]**, *July 1*, 1991.

(2) CONVEYANCE BY THE STATE OF IDAHO.—

(A) IN GENERAL.—In exchange for the conveyance described in paragraph (1) and subject to valid existing rights of record acceptable to the Secretary, the State of Idaho shall convey to the Secretary, by general warranty deed in accordance with Department of Justice title standards, all right, title, and interest to Parcel B.

(B) PARCEL B.—As used in this section, the term "Parcel B" means the approximately 40 acres depicted on the map entitled "Clark Fork Land Exchange—Parcel B" and dated **[July 9]**, *July 1*, 1991.

(3) MAPS AND LEGAL DESCRIPTIONS.—

(A) PUBLIC ACCESS.—The maps described in paragraphs (1)(B) and (2)(B) and the legal descriptions of the lands depicted on the maps shall be on file and available for public inspection in the Regional Office of the Northern Region of the Forest Service.

(B) TECHNICAL CORRECTIONS.—The maps and legal descriptions shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors.

(c) LAND VALUATION.—

(1) IN GENERAL.—Subject to paragraph (2), if the lands exchanged between the United States and the State of Idaho, as authorized by subsection (b), are not of equal value, the values shall be equalized in accordance with section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)).

(2) EXCEPTION.—The value of the improvements made by the University of Idaho on Parcel A under the Granger-Thye permit shall be excluded from consideration in a valuation conducted pursuant to paragraph (1).

(d) NATIONAL FOREST BOUNDARY ADJUSTMENT.—

(1) IN GENERAL.—Upon acquisition of Parcel B by the United States, the boundaries of the Kaniksu National Forest shall be adjusted to include Parcel B.

(2) RULE OF CONSTRUCTION.—For the purpose of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), the boundaries of the Kaniksu National Forest, as adjusted by this Act, shall be considered to be the boundaries of the Forest as of January 1, 1965.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1853

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Idaho Land Exchange Act of 1992".

SEC. 2. TARGHEE NATIONAL FOREST BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—The boundaries of the Targhee National Forest are adjusted as generally depicted on the map entitled "Targhee National Forest Proposed Boundary Changes" and dated March 1, 1991.

(b) MAP AND LEGAL DESCRIPTION.—

(1) PUBLIC ACCESS.—The map described in subsection (a) and a legal description of the lands depicted on the map shall be on file and available for public inspection in the Regional Office of the Intermountain Region of the Forest Service.

(2) TECHNICAL CORRECTIONS.—The map and legal description shall have the same force and effect as if included in this Act, except that the Secretary of Agriculture (referred to in this Act as the "Secretary") may correct clerical and typographical errors.

(c) RULE OF CONSTRUCTION.—For the purpose of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), the boundaries of the Targhee National Forest, as adjusted by this Act, shall be considered to be the boundaries of the Forest as of January 1, 1965.

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(1) CONVEYANCE BY THE SECRETARY.—

(A) IN GENERAL.—In exchange for the conveyance described in paragraph (2) and subject to easements that are considered necessary by the Secretary for public and administrative access and to valid existing rights, the Secretary shall convey to the State of Idaho, acting through the Regents of the University of Idaho, all right, title, and interest of the United States to Parcel A.

(B) PARCEL A.—As used in this section, the term "Parcel A" means the approximately 35.27 acres comprising the Clark Fork Ranger Station within the Kaniksu National Forest, as depicted on the map entitled "Clark Fork Land Exchange—Parcel A" and dated July 1, 1991.

(2) CONVEYANCE BY THE STATE OF IDAHO.—

(A) IN GENERAL.—In exchange for the conveyance described in paragraph (1) and subject to valid existing rights of record acceptable to the Secretary, the State of Idaho shall convey to the Secretary, by general warranty deed in accordance with Department of Justice title standards, all right, title, and interest to Parcel B.

(B) PARCEL B.—As used in this section, the term "Parcel B" means the approximately 40 acres depicted on the map entitled "Clark Fork Land Exchange—Parcel B" and dated July 1, 1991.

Mr. DOMENICI. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DECONCINI. Mr. President, I regret the Senator has to object to this request. I will be glad to listen to the reason why he does so if he cares to tell us.

Mr. DOMENICI. Mr. President, I have not had my opportunity to give my opening remarks, and I will shortly, but the minority leader on our side has asked on behalf of a number of Senators that the committee amendments, none of them, be adopted by unanimous consent.

I understand that somebody might want to offer an amendment—perhaps Senator SIMON—and I suggest that I am not here to try to prevent that. Clearly, we do not intend to have any votes tonight, and I think the Senator from Illinois knows that and he has an opportunity as soon as he gets the floor or when the chairman yields to offer his amendment to the bill and we will not have any objection to that if that is what he wants to do tonight. I hope he understands we will have a debate on it tomorrow when more Senators are here. But you can start that tonight if you like.

Mr. President, while I have the floor, let me just briefly give some opening remarks.

Mr. President, today we consider H.R. 5488, the fiscal year 1993 Treasury, Postal Service, and General Government Appropriations Act. This bill, as reported to the Senate, recommends total appropriations of $22.657 billion for the fiscal year beginning on October 1, 1992. This includes $10.104 billion for programs and activities of the U.S. Treasury Department; $239 million for payments to the U.S. Postal Service; $330 million for activities of the Executive Office of the President, including the Office of National Drug Control Policy; $11.186 billion for programs and activities under the Office of Personnel Management; $509 million in appropriations for the General Services Administration [GSA], along with authority for GSA to obligate $4.704 billion in Federal buildings fund revenues, and a total of approximately $290 million for the other related independent agencies funded under this bill.

Including congressional budget scorekeeping adjustments and prior year spending actions, the total discretionary spending recommended by this bill is $11.368 billion in budget authority and $12.026 billion in outlays. These amounts are consistent with the subcommittee's 602(b) discretionary spending allocations for fiscal year 1993.

To meet these fiscal year 1993 discretionary spending limitations, we could not approve the President's full funding request. For each account included in this bill, we have recommended the increased funding requested by the President to cover labor, workload, and other mandatory cost increases. Beyond that, however, we were unable to fund all program initiatives the President requested. We have made an effort to recommend those we believe to be of highest priority.

INTERNAL REVENUE SERVICE

For the Internal Revenue Service, this bill recommends a total fiscal year 1993 funding of $7.108 billion. This is an increase of $434 million above the fiscal year 1992 enacted level, but $131 million below the increase requested by the President. The amount recommended provides sufficient resources for the IRS to cover inflationary and labor cost increases, and to meet projected increases in workload requirements. It includes $183 million to continue implementation of the fiscal year 1991 resource compliance initiatives, as specified in the Omnibus Reconciliation Act of 1990.

In addition, it provides increased funds for a number of new program initiatives requested by the President. These include new IRS enforcement initiatives to collect more delinquent taxes and increase examinations of foreign corporations doing business in the United States, and increased funding for IRS criminal investigations. It also includes 70 percent of the increase requested for the IRS to maintain existing tax systems while, at the same time, investing in tax systems modernization. The committee has not approved $97 million of the $311 million increase requested for tax information systems. The President proposed this $97 million be made available for obligation on the last day of the fiscal year. Rather than provide these funds in that manner, we have deferred approval of that request until fiscal year 1994.

The result is that we have recommended $80.9 million of the $123.4 million increase requested by the President to maintain existing tax systems, and $133 million of the $187 million increase requested for new tax systems modernization investments.

As I have indicated in previous years, there is currently no greater priority in this bill than tax systems modernization. Our current tax systems are in a state of disrepair. They are antiquated and at breaking point. We now find ourselves in a situation where we must continue to invest to keep the old systems running while we work to get them replaced. The case for tax systems modernization is compelling. Our current systems are wornout, inefficient, and costly. They do not allow us to be responsive to the American taxpayer. The new system will enable the IRS to accommodate its growing workload. It will make pertinent information available to IRS employees so that taxpayers can get an immediate response or directly resolve problems they encounter. We are facing times of limited resources, but it is imperative we make the resources available in this and subsequent fiscal years to move forward with this most vital tax systems modernization initiative.

IRS CRIMINAL INVESTIGATIONS

I would like to make one last comment with respect to the Internal Revenue Service. There is a general Treasury Department provision included in this bill which mandates that the IRS establish line authority for its criminal investigation division within no later than 90 days from enactment of this act. I do not believe we should be telling the Treasury Department, more specifically, the IRS, how to manage itself on an appropriations bill. I respect the strong views of my good friend from Arizona on this issue. There are officials within the Treasury Department itself who believe, as he does, that a centralized organizational structure for criminal investigation would be more appropriate. The Commissioner of the IRS however, is strongly opposed to this. The Commissioner firmly believes that retention of the current structure enhances the ability of the IRS to enforce the tax laws and provides for more effective management and control of criminal investigation operations.

The Commissioner has indicated to me that IRS is currently in the process of implementing recommendations of a study group it chartered last year to review the organization and workload of its criminal investigation division. It is my hope that prior to going to conference on this bill, we can discuss this matter further with the Treasury Department and the IRS, learn more about the actions being taken by the IRS, and attempt to respond to the very legitimate needs of criminal investigations short of imposing an organizational structure on the IRS that it does not want.

U.S. CUSTOMS SERVICE

For the Customs Service, the committee has included funding for the trade fraud initiative requested by the President, and additional funding to enable Customs to increase its inspection staffing capabilities.

Mr. President, as we look ahead to the future under a North American Free-Trade Agreement, there has been a great deal of discussion about the infrastructure investments which will be required along our Nation's border with Mexico. In fiscal year 1988, prior to any discussion on a free-trade agreement, the chairman of this Appropriations Subcommittee, my good friend and colleague from Arizona, Senator DECONCINI, and I initiated a Southwest border facilities capital improvements initiative. Under this initiative, over a 4-year period, between fiscal years 1988 and 1991, $357 million was made available to repair, renovate, expand, and construct United States inspection facilities along our Nation's border with Mexico. Dramatic increases in eco-

nomic activity between the United States and Mexico may require additional investments in future years. In the near term, however, this Southwest border facilities capital improvements program has given us a head start by increasing our existing capacity to handle existing and increased trade across our border with Mexico. It is essential, however, that we properly staff and equip these facilities to allow their maximum utilization. Recognizing this, this bill recommends an increase of $21 million for the Customs Service to increase its staff capabilities along the Southwest border by an additional 300 inspector positions.

For the Customs Service, suffice it to say that we have done the best we can. It is difficult to fund everything requested. Those who are concerned about the disaster that occurred, that is Andrew, will understand that the Customs Service is going to be part of the fiscal year 1992 disaster supplemental because it suffered from some very significant damage to its drug interdiction facilities in Florida.

That funding will be accounted for in the supplemental the appropriations committee will consider tomorrow and will be declared an emergency both from the President's standpoint and Congress; as prescribed in the 5-year budget agreement.

LAW AND DRUG ENFORCEMENT

As in previous years, this bill continues to place priority on our Nation's commitment to the war on drugs and crime by adequately funding essential Treasury Department law enforcement functions and activities carried out by the Office of National Drug Control Policy. The bill rejects reductions proposed by the President and continues funding for the High Intensity Drug Trafficking Area Program and the research and development program of the Counter-Drug Technology Assessment Center at current levels. It provides an increase above the President's request to allow the Federal Law Enforcement Training Center to meet the basic training needs of its participating Federal agencies, and to expand its future training capacity. Increased funding is also provided to allow the Secret Service to expand its investigations of financial institution fraud and to enable the Bureau of Alcohol, Tobacco, and Firearms to increase its violent crime task force efforts throughout the Nation.

U.S. POSTAL SERVICE REVENUE FORGONE PAYMENT

I would like to point out to my colleagues that this bill retains the House bill position with respect to preferred rate mail subsidies. That is, an appropriation of $200 million for the revenue forgone payment to the Postal Service, along with language mandating that there be no increase in current rates for preferred rate mailers. This is not a responsible action. We simply could not come up with an alternative we believed this body would accept.

Let me explain our predicament. The Congress has established by law that certain categories of mail are authorized to pay lower mail rates than those charged to similar mailers. Each year, the Postal Service bills the Congress or general taxpayers for the difference between the lower rates these mailers pay and what it actually charges for processing and handling this type of mail. This difference, or revenue loss to the Postal Service, is to be paid through a general fund appropriation to the Postal Service. For fiscal year 1993, the Postal Service has submitted a bill of $482 million for the loss it will incur as a result of carrying certain categories of mail at preferred rates. The law indicates that if there is a shortfall in funds appropriated, that is, if we are unable to cover the full amount of the bill, the rates paid by subsidized mailers will be increased across the board to make up the difference.

The Postal Service has given us a bill of $482 million for fiscal year 1993. The President, on the other hand, has requested an appropriation to cover only $121 million of this amount. The President proposes that the difference be achieved through a package of program reforms savings $95 million and a $265 million shortfall in appropriations, triggering a rate increase across all subsidized mail categories.

Year after year, this leaves the Appropriations Committee in the same situation. Our spending limitations, or 602(b) discretionary spending allocations, assume only the amount requested by the President to meet this requirement. We cannot pay the full bill. In the past 2 years, we have tried to act responsibly. We have increased the appropriation recommended for the revenue forgone payment above the President's request by finding offsetting savings in appropriations for other programs and activities included in this bill. We have made up by difference by proposing modest program reforms. Although we have been successful, the reforms we have proposed have been done under protest, not only from the groups affected but from the House and Senate authorizing committees of jurisdiction.

Clearly, the Appropriations Committee should not be recommending program reforms. That is the job of the authorizing committee of jurisdiction. However, some oversight must be applied in this area. Over the years, this program has become an appropriated entitlement of rising cost to the American taxpayer. Over 400,000 groups are now receiving the benefits of mail subsidies. Faced with growing Federal budget deficits, it would seem prudent to pare this program back to those mailers most in need of its benefits.

What we are doing here is not responsible; it is a way of temporarily deflecting this issue for 1 year. Because we cannot pay the full bill, we are shoving the remaining costs on the Postal Service. We are funding this program at the maximum level we are able to afford this year—$200 million. This is still $282 million short of the full requirement. We are avoiding any protest from program beneficiaries by retaining House bill language which protects them from incurring any rate increases during the fiscal year. And, we are doing this at a time when the Postal Service is facing a projected $2 billion deficit. A new Postmaster General has now come on board and is trying to eliminate this deficit. We are adding to it and I fully understand his objections.

The Postal Service can try to recoup this loss by increasing its revenue forgone billing to us in a subsequent fiscal year. I doubt we will be able to pay it. In the meantime, the Postal Service will be forced to absorb this amount. It will become part of the deficit it is trying to erase through cost-saving actions. And, eventually, of course, it will be passed on to the regular mailers through rate increases.

Only program reform will avoid this.

Mr. President, in closing, just let me address briefly one issue. The bill, as recommended, deletes language included in the House-passed bill which would prohibit funding for the President's Council on Competitiveness or any successor organization. I understand there are those in this body who believe we should retain the House language. What is at stake here is not funding for this Council, but the right of the President to establish a Cabinet-level body to assist him in executing the duties of his office. I believe he has that right. As my colleagues know, if such language is included on this measure, the President's senior advisers will recommend a veto of this appropriations measure.

Obviously, I will be here with many to resist such changes and I am very pleased that the chairman is on our side on that, Chairman DECONCINI, and I thank him for that support.

Mr. President, finally, I would like to compliment the chairman, my good friend from Arizona, Senator DECONCINI, for all the time and effort he has spent in putting together the bill we are considering here today. This is never an easy process and I appreciate his hard work, and that of the staff, who he has already enumerated.

I believe we have done a reasonable job in balancing the competing needs of the vast array of programs and activities funded by this appropriations measure. I urge my colleagues to support this bill, as reported by the Appropriations Committee.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois [Mr. SIMON] is recognized.

AMENDMENT NO. 2968 TO THE FIRST COMMITTEE AMENDMENT

(Purpose: To prohibit certain political activities of certain Federal officers in the Officer of National Drug Control Policy)

Mr. SIMON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. SIMON] proposes an amendment numbered 2968 to the first committee amendment.

Mr. SIMON. Mr. President, I ask unanimous consent that reading of the amendment be dispenses with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the end of the amendment add the following: "*Provided*, That none of the funds appropriated or made available under this Act may be used for the payment of salaries and expenses for any Federal officer in the Office of National Drug Control Policy who is appointed by the President, by and with the advice and consent of the Senate, to take an active part in political management or in political campaigns as defined under section 7324(a) of title 5, United States Code".

Mr. SIMON. Mr. President, I do not intend to enter into debate here tonight, but I would, if the Senator from New Mexico and the Senator from Arizona would agree, I would be willing to establish a time limit on the amendment by unanimous consent tonight. I do not know what their inclination is on that.

Mr. DECONCINI. Will the Senator yield?

Mr. SIMON. I am pleased to yield to the Senator.

Mr. DECONCINI. What does the Senator have in mind?

Mr. SIMON. I am willing to make it 40 minutes, 20 minutes on each side, or 1 hour on each side, whatever my colleagues would prefer.

Mr. DECONCINI. Is the Senator talking about debating the amendment tonight or tomorrow?

Mr. SIMON. I am talking about debating it tomorrow, but I thought we could get unanimous consent tonight.

Mr. DECONCINI. From the standpoint of the chairman, I would very much like to enter into such an agreement, because I would like to get a vote tomorrow and get this bill going, and the way to do that is to get a time certain.

I do not know what the other side of the aisle wants to do, but I would enter into any reasonable time, an hour, an hour and a half, whatever we have to, if we could get that agreement.

I gather from the ranking minority member shaking his head, that there are not going to be any votes tonight.

I yield to the Senator from New Mexico.

Mr. DOMENICI. Mr. President, let me state the position of the minority on this. It is my hope that we will get on with this bill and get it passed as soon as possible. So what I am going to say is not intended to be dilatory, but rather that the Senator from Illinois knows that he has an amendment which is charged with some degree of politics, or at least some will say that it is; in fact, I assume the Senator will acknowledge that it is.

So I cannot enter into a time agreement tonight. We do appreciate the Senator offering it and getting this started quickly. I understand he offered it to the first committee amendment, is that right?

Mr. SIMON. That is correct.

Mr. DOMENICI. I would suggest since there will not be any votes tonight, because we obviously can prevent that, and I have been asked by the minority to do that—and I do not think there was serious objection actually in the majority leader, to be honest—I think we have to wait until morning.

In the meantime, we will talk with the Republican leader. I understand the Senator's desire. He has stated it here. My colleague from Illinois does not want a long debate if we can avoid it, and that may be what he wants. It may be that he chooses to have a longer one on this, but I will urge that we do it in a reasonable amount of time and be right with you in the morning to see what we can do.

Mr. SIMON. I thank my colleague from New Mexico. Let me just assure him, and the Senator from Arizona knows this, the position that I am taking right now is not a sudden preelection position. It is a position I have held from the start with the office of drug czar. That is an office that ought to be removed from politics. It is a position I take now. It is a position I am going to be taking in January, no matter who is President of the United States, come January.

But we will discuss this tomorrow.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Mr. President, I appreciate the ranking member and friend from New Mexico's situation tonight. I hope he will prevail on his policy committee and leadership to try to get a time agreement on this amendment from the majority side. We are prepared to enter into anything, 2, 3 hours, 1 hour—whatever my colleague wants. I think it would really be helpful, as the Senator from New Mexico said, to get this bill going and get a vote on it.

So I really would like to see us do that.

Mr. President, I know of no other amendments that are prepared to be offered tonight.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DECONCINI. 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.

MORNING BUSINESS

Mr. DECONCINI. Mr. President, I ask unanimous consent there be a period for morning business, with Senators permitted to speak therein.

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

THE LATE SENATOR QUENTIN N. BURDICK OF NORTH DAKOTA

Mr. DOMENICI. Mr. President, when we were discussing the previous environmental issue, and knowing of Senator Burdick's involvement in the matters of the Environment and Public Works Committee, I would have said then, but we did not have enough time, that believe it or not, way back when the country was about to have a hurricane named Agnes—I think a lot of people might remember Agnes. I was a Senator for about 3 years when Agnes came blowing into town. It did a lot of damage here, and did a lot of damage in New York. It came from the South, but it took a big swipe out of the Northeast. The Senator from New Mexico was a new Senator, Republican, on the Environment and Public Works Committee.

The good Senator, Quentin Burdick was on that committee, and what happened to us well before Agnes was that we were given a job that was at the low end of the totem pole. He was chairman and I was ranking member of the subcommittee called the Subcommittee on Disaster Relief. Believe it or not, that was my first assignment as a ranking member, and the two of us were, with that assignment, supposed to be seen and not heard for the next couple of years, but along came Agnes. So Senator Burdick, with his young Senator friend from New Mexico, had to go traveling around the country to assess the damage and the validity and propriety of the then existing U.S. Government laws on disaster relief.

So I got to know this Senator very well. The two of us got to travel, and I guess in those days, as now, Senators want to become visible. Well, we were supposed to be invisible, but we both had a good year of high visibility.

I must say I never worked with a man that was more humble, less ostentatious, less impressed with himself than the distinguished Senator Quentin Burdick, who is no longer with us. I have gotten to know his marvelous wife, Jocelyn and, frankly, I was very saddened to hear that he had died, and that occurred as an aftermath of a heart attack. I only wish he could have enjoyed his years a little more. I un-

derstand he very much wanted to be here right up until the end, so I assume he left us doing exactly what he loved to do—being a U.S. Senator.

TRIBUTE TO QUENTIN BURDICK

Mr. DECONCINI. Mr. President, along the same line of discussion regarding the senior Senator from North Dakota, Mr. Burdick I also want to express to his family, his friends, and certainly the people of North Dakota the sorrow and sadness I feel about his passing. Senator Burdick was a friend of both my wife and myself and many others here long before I came to this body, where I believe he served 32 years in total.

Senator Burdick has always had a special place with this Senator, because I followed him to the Judiciary Committee, and to the subcommittee he chaired, the Courts Subcommittee. I followed him to the Appropriations Committee. I have watched him over the years. He always took into consideration what he thought was best for the people, not just for the people of the State of North Dakota, but for the States of Arizona, Nevada, New Mexico, or any State. You could always talk to the chairman of the Environment and Public Works Committee and get a hearing, and get consideration.

The day before yesterday I spoke to his wife, Jocelyn, I told her that I hoped the family would do well and understand that nobody is immortal, and that Senator Burdick has left a legacy second to none.

I might note that in the bill we are going to take up this evening there is $46 million authorized for the construction of a new Federal Courthouse in Fargo, ND. That provision was included in the bill at the specific request of the Senator from North Dakota, Senator Burdick, just about 3 days before we recessed for the August recess. I spoke to him. He was up and about. He thanked me. He also thanked the ranking member—which I may have neglected to tell Senator DOMENICI of because we left so soon for the recess—that he appreciated it.

I understand that the Environment and Public Works Committee will authorize the Fargo, ND courthouse on a separate bill as well, and it will be named for Quentin Burdick, which is most appropriate indeed. So I look forward to proceeding with this bill. That alone is certainly justification to pass this bill in a very rapid manner.

SENATOR QUENTIN N. BURDICK

Mr. SIMON. Mr. President, I wish to join my colleagues in paying tribute to Senator Quentin Burdick. I wish I had served with him in the Senate back when he was at his most vigorous. But I did have the chance to, as a House Member, observe him then and to work with him here.

Senator DOMENICI said he was not ostentatious. That is as good a description of him as I can think of. He was a very low key, solid, substantial Member of the U.S. Senate, with a great sense of humor, I might add.

He enjoyed telling me of the days when he played football for the University of Minnesota and he would come down and play against the University of Chicago when they were a power in the Big 10 and against the University of Illinois. In a very real sense, he was that football player here in the Senate, fighting for what he believed was right for the people of North Dakota and the people of the Nation. It was an honor to have served here with him.

IN HONOR OF SENATOR QUENTIN BURDICK

Mr. SASSER. Mr. President, I wish to pay tribute today to Quentin Burdick, our friend and colleague from North Dakota who passed away Tuesday morning. His death is a great loss to the Senate, to North Dakota and to the Nation.

From his days as an all-American at the University of Minnesota blocking for Bronko Nagurski, to his recent illness, Quentin Burdick was a fighter. His early political setbacks—and there were many—only served to make him stronger and more determined. He almost singlehandedly shaped a new progressive political coalition in his State, becoming, in 1958, the first Democrat elected to Congress from North Dakota. After being elected to the Senate in a special election in 1960, Senator Burdick won reelection by ever greater margins, culminating in his 20 percentage point victory in 1988.

I had the privilege of serving on the Appropriations Committee with Senator Burdick, and I had an opportunity to see the same fighting spirit that has characterized his entire political career. As chairman of the Appropriations Subcommittee on Agriculture, Rural Development, and Related Agencies, he worked successfully to maintain adequate funding for agriculture and rural development programs important not only to North Dakota, but to my own State of Tennessee and the entire Nation.

In addition to his work on behalf of the Nation's farmers, Senator Burdick was a champion of public works and the environment. He joined the Public Works Committee in 1973, and soon after becoming chairman in 1987, he succeeded in enacting major highway and clean water legislation, and led the Senate in overriding Presidential vetoes of both measures. More recently, he led the fight to enact the Intermodal Surface Transportation Efficiency Act and amendments to the Clean Air Act. Those are only a few highlights of Quentin Burdick's long and distinguished Senate career.

Quentin Burdick was a fighter, Mr. President. He fought for his beliefs, for his State, and for his Nation. He accomplished much in a long and productive life. Today, I am proud to honor those accomplishments, his memory and our friendship.

IN MEMORIAM: SENATOR QUENTIN BURDICK

Mr. HOLLINGS. Mr. President, with the death of Senator Quentin Burdick, this institution has lost one of its most respected and beloved Members. I had the honor of serving with Senator Burdick for more than a quarter century, and I can tell you that he was a fighter for North Dakota right up to the end. Indeed, I am convinced that he ran for reelection 4 years ago at the age of 80 not for any reasons of personal gratification, but rather so he could continue to wield his power and seniority on behalf of the people of his State.

Senator Burdick's political roots ran deep in the populism of North Dakota's rambunctious Non-Partisan League, and throughout his career he championed the independent farmer, the small business person, and the people of rural and smalltown America. He was very much a North Dakotan, the embodiment of those qualities that Americans associate with the prairie and the frontier: hard work, rock-solid integrity, and skepticism toward the large, impersonal institutions of cities back east.

Mr. President, Quentin Burdick's career in this body was full of accomplishments. I had the honor of working closely with him on the Appropriations Committee, where his leadership of the Agriculture Subcommittee earned my admiration and respect. But perhaps his greatest contributions to the Nation came during his chairmanship of the Committee on Environment and Public Works. Most recently, the committee under his leadership wrote and passed the historic Clean Air Amendments of 1990 and the landmark Intermodal Surface Transportation Efficiency Act of 1991.

Mr. President, Quentin Burdick gave so much to this body, and contributed mightily to his Nation. He was a true gentleman, kind, yet as tough as they come. Through it all, he was one of the Senate's most trusted Members, and a wonderful friend. We will miss him very much.

TRIBUTE TO QUENTIN BURDICK

Mr. DURENBERGER. Mr. President, this is a fine day to celebrate the life of Quentin Burdick, and that is what he would want us to do. I wanted to make this little talk yesterday but did not find an opportunity in our business.

As most people know, my State is right next door to North Dakota, and I have a special love and respect for

Quentin Burdick, because I know the people he came from, and I have seen with my own eyes, for 14 years now, how well he represented them.

Every football fan in this country, and probably a lot abroad, know the name of the legendary Bronko Nagurski, who came from International Falls, MN, and played for the University of Minnesota and the Chicago Bears and a few others. Almost no one knows the fact that the person who opened the holes in the line which sprung Bronko Nagurski to daylight was none other than Quentin Burdick.

That, Mr. President, was the pattern of his life: joyfully working in the trenches to get the job done and leaving the fame to somebody else.

He and I often returned to Washington on the same Northwest Airlines flight. He always had his gray homburg hat with him and always took whatever seat assigned him in the airplane, always in coach. While the business folks from North Dakota that he was representing stretched out in first class, he was often stuck in a middle seat between the proverbial overlarge folks or the crying babies. But I do not think he ever minded it.

He loved his home near the Minnesota-North Dakota border and always participated in an annual parade in Detroit Lakes, MN, near that home. I remember doing that parade ride the first time, and I told him I usually walked the parade route. And he said very directly, "Get up in the car if you want anybody to know you're here." And I did.

Quentin was blessed with a wonderful family. His first wife died many years ago. Jocelyn, his widow, loved Quentin as much as any woman ever loved a man. Anybody who saw them together knew how thoroughly they enjoyed each other's company.

His children were in Washington a lot. If you saw Quentin in the dining room lunching with attractive women, they were not lobbyists, they were daughters.

Quentin's body had become less robust over the years—but never his spirit. He smiled a lot, and his voice always laughed. I will miss his voice and his laugh in this serious, self-important place.

Quentin, as a blocking back, knew the importance of quality staff. And the wonderful people he brought to this city, to the Environment and Public Works Committee and the subcommittee he chairs, helped us do our work, and it paid off for North Dakotans over and over.

Davis Strauss, in particular, his staff director at the Environment and Public Works Committee, made working with "The Chairman" a breeze. Together, they outdid most of us in constituent services. North Dakota is a big State, with a few people relatively speaking, but its infrastructure is in great shape and will be for years to come, thanks to their work.

Quentin Burdick, because of where he grew up and the family he had, had a wealth of inner goodness that enabled him to be a best friend to anybody who needed one.

Over a century ago, Alexis de Tocqueville wrote that the source of American greatness as a nation was our goodness as a people. We give thanks today for having lived and worked with a good man, Quentin Burdick, who made this a better Senate and a greater country.

EULOGY—QUENTIN BURDICK

Mr. JEFFORDS. Mr. President, it is with sadness that I rise today to honor Quentin Burdick. I have only served on the Environment and Public Works Committee for 4 years, during which time Quentin Burdick was chairman of the committee. Few people recognize the work that this committee does. There is a lot of heavy lifting on this committee, and as chairman of this committee Quentin Burdick has had a heavy task.

In his younger days, Quentin was a blocking back for Bronko Nagurski, clearing the way for this great running back. I am also told that in his football days, every time he touched the ball, he scored a touchdown. I think that pretty well describes his role as committee chairman. He cleared the way for the subcommittee chairman and every time he touched the ball, the team scored.

Senator Burdick ran for many offices before being elected to the House and then to the Senate. In spite of early setbacks, he perservered and was elected to the seat he held for over 30 years. Very few Senators have been as popular or enjoyed such longevity.

A lot has changed in the years our colleague was in this body. When he was elected to the Senate, he had to wait days for the election results to come in. Rather than wait for the results, however, he rushed back to Washington to vote on a veto override. Now, of course, winners are predicted before many Americans have ever voted.

During these years, we saw the enactment of major legislation involving civil rights, worker protection, environmental protection, education, health care, energy use, among many other issues. When he was elected, the papers at that time describe him as the peppy new Senator, the craggy faced lawyer with the New England names. Though in later years he may not have been as peppy, he was still as determined and dedicated to this institution. He worked on much of the major legislation that defines America today. We will miss his experience and wisdom. My deepest regrets to his family and friends.

IN SUPPORT OF THE UNDERCHARGE EQUITY ACT OF 1992

Mr. EXON. Mr. President, I rise in strong support of S. 1675, the Undercharge Equity Act of 1992. Over the past several years, the escalating undercharge crisis facing our Nation's trucking industry has eroded the competitiveness of carriers, shippers, and labor alike. The blizzard of legal claims against shippers based on the unfiled or allegedly unlawful past tariff rates of a number of major trucking companies now in bankruptcy has consumed tremendous institutional resources in both the public and the private sectors. So far, this sharp dispute burdening the courts and the Interstate Commerce Commission [ICC] has apparently yielded little recovery to out-of-work trucking company employees, underfunded pension funds, and other creditors seeking recovery of undercharge claims.

S. 1675, as amended, would establish a statutory procedure for resolving eligible undercharge disputes and will promote equitable settlement of such claims. I am pleased to have Senators KASTEN and BURNS as original cosponsors of this measure, and would note that, as chairman of the Surface Transportation Subcommittee, I have been working for some time to address this issue. Indeed, the subcommittee first held a hearing on this subject in July 1990, less than a month after the Supreme Court decision in Maislin Industries versus Primary Steel which invalidated the ICC's then-current policy holding undercharge claims to be an unreasonable practice under the Interstate Commerce Act. Following that hearing, I introduced S. 2933, in the 101st Congress, to resolve the undercharge issue. The Commerce Committee promptly reported this legislation to the full Senate, but Congress adjourned before voting on the matter despite my efforts to secure passage.

In the 102d Congress, I again introduced undercharge legislation, S. 1675, cosponsored by Senators KASTEN and BURNS. In September 1991, the Surface Transportation Subcommittee held a hearing on the economic regulation of the motor carrier industry, and the subcommittee heard further testimony on the growing extent of the undercharge problem and on various proposed legislative solutions in addition to S. 1675. After extended discussions among all affected parties, the Commerce Committee considered, at its executive session on June 16, 1992, an amendment in the nature of a substitute to S. 1675 and ordered the measure reported by voice vote, without objection.

As reported, S. 1675 would establish a statutory procedure for resolving disputes resulting from efforts by trustees for bankrupt motor carriers or nonhousehold goods forwarders to collect additional amounts for past transpor-

tation provided, in certain instances where the agreed upon rate or charge was not properly or timely filed in a tariff with the ICC as required under the Interstate Commerce Act. For less-than-truckload shipments, the bill adopts an average weighted discount statutory methodology, whereby shippers faced with undercharge collection claims may satisfy such claims by payment of the difference between the rate originally billed and collected for the shipments at issue and the otherwise applicable rate bureau or carrier rate reduced by the average tariff discount prevailing for that year as provided in the bill, unless the carrier's or forwarder's applicable rate was already discounted substantially—in which case the average discount is applied to the level of the carrier's undiscounted rate. By narrowing the amount in dispute, it is intended that the bill's claim resolution formula would encourage the parties to settle pending and potential future undercharge disputes.

The bill treats small shippers—defined as concerns meeting Small Business Administration criteria—specially, by permitting them to settle for 5 percent of the applicable undercharge, at the shipper's option, instead of resorting to the discount formula otherwise applicable. Truckload shippers other than small businesses would have a similar option, except that the applicable settlement amount for such shippers is 10 percent.

In addition, S. 1675 as reported, further provides that if a shipper or other person rejects the compromise amount due under the bill, that person may ask the ICC to determine the reasonableness of the rates sought for the past transportation at issue. The bill would require the ICC to consider the level of rates under which comparable shipments moved and were necessary for the transportation to occur, applicable revenues and costs of the bankrupt carrier, the operational characteristics of the transportation, as well as other factors such as backhaul, repositioning, and traffic balancing, hub or major lane operations, and competitive considerations, as part of this rate reasonableness determination.

As reported, S. 1675 would require all shippers or persons, except small businesses, seeking a rate reasonableness determination from the ICC to post a surety bond for up to 10 percent of the amount of the undercharge sought. The bill establishes a 2-year statute of limitations—reduced to 18 months 1 year after enactment—on the filing of undercharge claims and provides for the future sunset of the undercharge resolution procedure.

The undercharge litigation crisis admits of no easy solutions. It is a complicated issue now being fought out—expensively and unproductively—in the ICC and in the courts. S. 1675, the legislation before the Senate today, results from an extended dialog on this issue in the Commerce Committee, and represents a fair and equitable solution to this difficult problem. Let us put the undercharge disputes now raging behind us. I urge my colleagues to join me in working for swift passage of this important bill.

WILLIAM YOUNG MEMORIAL SERVICE

Mr. PELL. Mr. President, last night, I announced that an informal memorial service will be held on Friday for my long-time friend and legislative director William Young who died suddenly on Monday. The time of this memorial service will be at 10 a.m. and the place will be the Mansfield room, S-207 of the Capitol.

THE DETENTION OF SHEN TONG

Mr. KERRY. Mr. President, I would like to take just a couple of minutes to express my concern and outrage at the detention by Chinese authorities last week of three democratic activists, Shen Tong, Qian Li Yun, and Qi Da Feng. Shen Tong is chairman, and the other two are members of the democracy for China fund; all three are guilty of only two things: being for democracy, and having the courage to say so.

Shen Tong was one of the heroes of Tiananmen Square. Unlike many others, he was fortunate enough to escape to the United States. He attended Brandeis and more recently Boston University. His success here in the United States meant that he did not have to go back to China. He could have stayed here, in safety, waiting until it was truly safe to return. Or he could have gone back to China and played it safe by keeping his head down and his views to himself. He could have decided long ago to put his skills and education to work in pursuit of purely personal goals, to gain financial security and respect in some profession, whether in China or in the United States.

Instead, Shen Tong chose to go back to China. He chose to reestablish contacts with dissidents and advocates of political pluralism in his country. He made it clear that he would not be afraid to speak out. In an article prepared shortly before his arrest and later reprinted in the New York Times, he called upon his countrymen to work together in behalf of nonviolent change. He also called upon them to accept responsibility for their own rights and the rights of others. "Rights, like power," he wrote, "must be taken; they are never given."

We do not know very much, at this point, about the status of the three who have been detained. There is concern, given China's history, that Shen Tong may be treated with greater dignity than his compatriots, simply because he is better known internationally.

But I hope the leaders of China will not deceive themselves that they are deceiving us. We understand that these arrests are a sign of weakness and insecurity. We understand that they reflect the fundamental illegitimacy of an authoritarian regime. We understand that the forces of democratic change were not destroyed, but rather multiplied a hundredfold by the brutality of Tiananmen Square and that the next time a young Chinese stands up against a tank he or she will not do so alone.

The lesson of Poland, Hungary, Czechoslovakia, East Germany, Albania, the Baltics, and the former Soviet Union is that the thirst for freedom cannot be quenched even by decades of repression and denial.

On the same day last week that the Times printed the article by Shen Tong, there also appeared an article describing the torture of other prodemocracy prisoners in Lingyuan prison. The article describes the application of electric batons to head, neck, armpits, chest, belly and fingers; it describes beatings and endless work details and deprivation of food and water. It also describes the refusal of the prisoners to renounce their principles—for although their bodies have been broken, their spirits have not.

Make no mistake, freedom is coming to China. The process of historic change is underway. I pray that the arrest of Shen Tong will hasten that day, not because of his sacrifice, but because the international pressure this time will be so great and so sustained that that decrepit old regime in Beijing will have no choice but to back down. I pray that the pressure this time will be so great that even President Bush will understand the importance of taking a stand. I pray that the pressure will be so great that Shen Tong, Qian Li Yun, and Qi Da Feng are released safely and soon. I pray that the pressure will be so great that it will make it less likely, far less likely, that similar arrests will occur in the future and far more likely that other political prisoners will also be released. I pray, in short, that the pressure this time will be so great and so sustained that it will develop a momentum of its own, and that it will keep building and expanding until the world's largest dictatorship is transformed by the hands of the Chinese people into the world's most populous democracy. And I pray that this will happen peacefully and irreversibly and soon.

HURRICANE ANDREW'S AFTERMATH

Mr. HOLLINGS. Mr. President, the people of Florida and Louisiana now know the lesson that South Carolinians learned 4 years ago in the wake

of Hurricane Hugo. The lesson is that a major hurricane is not one disaster, but two: the natural disaster of the hurricane itself, and the unnatural disaster of Federal efforts to aid the victims.

In part this is explained by the sheer breadth and magnitude of the destruction wrought by Hugo and Andrew. When a force five hurricane collides with major population centers, the magnitude of the devastation and chaos is something you cannot truly grasp unless you have witnessed it firsthand.

My heart goes out to the people of Florida and Louisiana who have been traumatized by this latest killer storm. I and so many other South Carolinians know exactly what they have gone through. We too saw our houses battered or blown away. We too saw our forests and parks leveled. We too struggled to mend the torn social fabric in hundreds of our local communities.

Likewise, we too know that the pain and dislocation do not go away when the TV cameras and the national spotlight are diverted elsewhere. Rebuilding from a major hurricane is a task not of weeks or days, but of many years.

Mr. President, there is another similarity between Hugo and Andrew, and that is the spontaneous outpouring of humanitarian assistance from around the country. Once again, help for the victims has poured in from countless churches, service clubs, businesses, and individuals. In these voluntary relief efforts, I see not a thousand points of light, but many thousands of points of light.

And I am particularly proud of the special efforts by South Carolinians who remember the helping hand they received in 1989 and are determined to extend an equally generous helping hand to the victims of Andrew. This assistance is being offered by individuals, churches, and private organizations. I am also impressed by the extraordinary efforts made by Mayor Joe Riley and the governments of the city of Charleston and Charleston County to pass on their expertise in restoring services, organizing the cleanup, and facilitating reconstruction. Many Charleston officials, as well as elements of the Charleston police force and sheriff's office, have personally gone to Florida and Louisiana to aid the victimized communities and to share the hard lessons they learned in the wake of Hugo. Likewise, I would like to thank members of my own staff, battle hardened by Hugo, who have worked overtime to advise and guide their counterparts in the offices of Senators from Florida and Louisiana. Through these many and diverse efforts, South Carolinians are repaying their debt of gratitude for the extraordinary assistance we received in the wake of Hugo.

Mr. President, on a less pleasant note, I must point out that the performance of the Federal Emergency Management Agency in this latest crisis—despite the excellent work of many, many individual FEMA employees—has been riddled with deficiencies and delays. Looking back on FEMA's sorry performance after Hugo, I am reminded of the old expression that there is no education in the second kick of a mule. Or, in this case, there is no education in the second kick of a bureaucratic jackass.

As we learned in South Carolina 3 years ago, there are many dedicated and competent workers within FEMA. But FEMA's leadership and resources are inadequate. Indeed, this latest letdown by FEMA must serve as a loud warning to future presidents: Don't ever again use FEMA as a dumping ground for political appointees and campaign cronies. In FEMA there is one political appointee for every 300 regular civil service personnel, compared to one political appointee for every 3,000 employees at other agencies. This has got to change. FEMA is a critical agency, and it needs to be run in a rigorous, nonpolitical manner by professionals who know what they are doing.

Mr. President, we must also evaluate the larger question of whether FEMA is up to the job of managing disasters of the scale of Hurricane Andrew. In my opinion, it clearly is not. The time has come to abolish FEMA and fold its function into the Department of Defense. As Charleston Mayor Joe Riley has convincingly argued since 1989, the job of large-scale disaster relief would be more professionally handled within the Department of Defense, given its abundant manpower and enormous experience in large scale logistical operations. The fact is, once the order was belatedly given by the President, the Department of Defense did a superb job of mobilizing the full panoply of its human and material resources to aid the victims in Florida and Louisiana. My hat is off to them for the great job they have done and continue to do. The Pentagon has earned our respect and confidence—as it did 3 years ago after Hugo. It is time, now, to formally delegate to the Department of Defense responsibility for rapid response following natural disasters here in the United States.

NOMINATION OF EDWARD CARNES

Mr. WOFFORD. Mr. President, today we consider the nomination of Edward Carnes to the Eleventh Circuit Court of Appeals. For each nomination, my colleagues and I have the task of thoroughly assessing the record to determine whether the nominee meets the high standards we require of those who are the guardians of justice. The importance of this particular nomination cannot be understated. For many decades many of us struggled to make equal justice under the law and civil rights for all Americans a reality. The Eleventh circuit—Alabama, Georgia, and Florida—was at the center of much of that struggle. Today, the Eleventh circuit remains the court of last resort for many civil rights cases.

If we take no other lesson from the civil rights movement and this spring's events in Los Angeles, it should be that confidence in the fairness of the legal process is essential to maintaining respect for the law. And if fairness and equality are to be the cornerstones of our judicial system, then we must appoint judges who embody these principles. Unfortunately Mr. President, after reviewing the record, I am not satisfied with Mr. Carnes' commitment to these principles.

What the record indicates is that during Mr. Carnes' tenure as assistant attorney general for the State of Alabama, he defended a number of disturbing cases in which the prosecutor used the jury selection process in a racially discriminatory manner. In these cases, jury strikes were used against African-Americans to create all-white juries. These actions, and Mr. Carnes' support of these actions, were clearly at odds with the Supreme Court's decision in Batson versus Kentucky. They directly call into question Mr. Carnes' willingness to defend the established constitutional rights of individuals. Despite these facts, Mr. Carnes told the Senate Judiciary Committee that he believes that racial discrimination does not exist in Alabama's application of the death penalty. I am deeply troubled by such a contradiction between Mr. Carnes' actions and his rhetoric.

In addition, I am greatly concerned that a person who has spent his entire legal career narrowly focused on a single issue will not have the range of experience and constitutional expertise that we must demand from appeals court judges. We are not here today to call into question Mr. Carnes' skills and intelligence as a lawyer. By all accounts he is a bright and capable man as well as a zealous prosecutor. But we must demand more of those who are nominated to lifetime appointments to the Federal bench, particularly one who will replace Judge Frank Johnson, a respected leader in the enforcement of civil rights.

Although it is Mr. Carnes' nomination that we consider today, I can not relinquish my time without making a broader point on the issue of appointments to the Federal bench. In nearly 4 years, George Bush has made 32 nominations to the court of appeals. Only one of those nominees has been an African-American and that nominee was Clarence Thomas. In a recent column in the New York Times, Judge A. Leon Higginbotham of Philadelphia, one of our leading jurists, put forth the dis-

mal Bush record of appointing African-Americans to the Federal bench. He concluded that under President Bush "African-American judges have been turned into an endangered species, soon to become extinct."

Mr. President, our Federal judiciary must have the confidence of all the people of this Nation. The reaction to the verdict in the Rodney King case shows us what happens when that confidence is lost. In part, confidence comes from a feeling that the judiciary understands and reflects the pluralism and diversity of the people that come before it. Mr. Bush has failed in this regard. For the Senate to confirm, at this date, a man who has a record of excluding African-Americans from juries would only compound this failure. We should not take such a step, and I will oppose Mr. Carnes' nomination.

TRIBUTE TO MRS. ANNA BERMAN

Mr. LIEBERMAN. Mr. President, it is with great humility that I rise to pay tribute to an effusive constituent who is celebrating her 90th birthday this month.

Anna Berman moved to Hartford with her family in 1920 because her father accepted a job with the Hartford Times. Her father, John Woike, died in 1923, but Anna stayed in Hartford and worked as a legal secretary for two attorneys, Louis Rosenfeld and Jacob Berman. Anna married Jacob Berman in 1927 and they traveled to Europe for a 3-month honeymoon. Anna and Jacob produced four industrious children: Dr. Louise Berman, Judge John Berman, Rev. Wesley Berman, and Anne Nissen, who were all raised in West Hartford. She has eight grandchildren, two of whom she has outlived, and two great-grandchildren.

To all who know Anna, she is an energetic, enthusiastic inspiration. Her passion for knowledge, travel, and beauty enliven her. I understand the family is gathering for a birthday celebration on September 12 in West Hartford, although her actual birth date is not until September 24. I heartily extend my congratulations to Anna Berman for achieving 90 and commend her on the exemplary life she has lived.

PLIGHT OF HAITIAN REFUGEES

Mr. DECONCINI. Mr. President, once again I would like to address my concern about the unfair treatment of Haitian refugees. Almost a year ago, on September 30, 1991, the first democratically elected President of Haiti, Jean-Bertrand Aristide, was ousted in a coup by the military. Since that time, Haitians have become the innocent victims of continuous and random violence in their homeland.

Those Haitians who have fled their tiny island have been interdicted by the United States Coast Guard before reaching our shores. To date, about 38,000 Haitian boat people have sought refuge in the United States. More than 27,000 have been forcibly returned to Haiti and approximately 11,000 Haitians, who have been initially screened for asylum, face expulsion in the future.

When the administration chose to begin forcibly repatriating Haitians in November 1991, a legal battle over the treatment of Haitian refugees began in our Federal courts. On several occasions the courts have found that the United States is violating international law by forcibly returning Haitians back to a politically volatile situation. Unfortunately, the administration has been successful in its efforts not only to forcibly repatriate the Haitian boat people, but to return them without a screening process.

Most disturbing to me is the President's Executive order of May 24, 1992, which instructs the United States. Coast Guard to return Haitians picked up at sea directly to Haiti. This action, according to the administration, was in response to the large surge in Haitian boat people seeking to enter the United States and was necessary to protect the lives of the Haitians whose boats weren't equipped for the 600-mile sea journey. Haitians who fear persecution can now only go to our Embassy in Port-Au-Prince for refugee processing. The administration justifies this action by stating that our international legal obligations under the U.N. protocol relating to the status of refugees and the United Nations convention relating to the status of refugees do not extend to persons located outside the territory of the United States.

However, the convention and the protocol, which establish the basic norm of nonrefoulement, prohibits States from expelling or returning refugees to frontiers or territories where they would be threatened on account of race, religion, nationality, or membership of a particular social group or political opinion.

While it is true that Haiti is one of the most economically depressed countries in the world, there are many Haitians leaving to escape the repression of the military forces. It is no secret that anyone who is a supporter of the Aristide government is in jeopardy of political persecution. On December 31, 1991, Americas Watch, the National Coalition for Haitian Refugees and Physicians for Human Rights issued a report that states the following:

> In the period immediately following the coup, massacre and widespread killings were the order of the day. Since then, techniques have become more refined but similarly brutal. Selected assassinations, disappearances, severe beatings and political unrests continue. Entire neighborhoods, particularly in the poor and populous shantytowns of Port-au-Prince and across the countryside that voted for Aristide almost unanimously, have been targeted for particularly brutal and concentrated attacks. Common people are arrested merely for having photographs of President Aristide in their home or for the possession of pro-Aristide literature.

Last month Amnesty International issued a report entitled "Haiti: Human Rights Held to Ransom." The report focuses attention on the arbitrary killings and arrests of Haitians by the military which matches the repression that occurred in Haiti during the Duvalier family dictatorship. It also condemns the United States for ignoring such abuses and returning Haitians without a hearing to determine whether they are fleeing persecution.

According to a recent New York Times article, just after the United States Coast Guard returned 158 Haitians to Port-au-Prince on August 14, 1992, 154 of them were picked up by Haitian Police and taken to police headquarters to be questioned about their departure.

A few months ago, a well-known Haitian pastor came to my office to describe his particular plight. The pastor was arrested and beaten by the military for delivering a political sermon, and then put in front of a firing squad with seven other men. After witnessing five executions, the pastor realized he had gone to school with several of the executioners and begged to be let free. Fortunately, he was released and spent 18 days at sea seeking protection in the United States. If the adminstration's policy of returning Haitians without even a screening process had been in effect when the pastor fled Haiti, he might not be alive today to tell his story.

The administration's policy to continue its in-country refugee processing program as the only remedy for Haitian refugees minimizes the plight of victims of persecution. The indiscriminate forced repatriation of Haitians is not only deplorable, but in violation of international law.

Congress must act now to protect those Haitians who risk an uncertain fate if they are returned to Haiti. We should pass Senator KENNEDY's International Refugee Protection Act which ensures against the forced return of asylum-seekers to countries where they would have a well-founded fear of persecution. In the case of Haitians, the Coast Guard would have to pick up Haitians and provide them with some kind of screening process for refugee status.

In response to the tragic situation in Haiti and my belief in the United States moral and humanitarian responsibility to protect those Haitians who have sought refuge in this country, I introduced legislation to provide temporary protected status [TPS] for Haitians. TPS is meant to protect nationals from a designated state who do not fit the textbook definition of "refugee" or "asylee," but need temporary protection from armed conflict or other

extraordinary conditions that threaten their safety. In the past 2 years, the administration has granted TPS to nationals from Lebanon, Kuwait, Somalia, and most recently Bosnia. It is time that we extend the same protection to nationals from Haiti until peace is restored in that country.

Mr. President, I urge my colleagues to support this legislation to alleviate the plight of the Haitian refugees. It is unconscionable for us not to provide them safe haven. We cannot continue to ignore their struggle.

HAITIAN REFUGEES

Mr. KENNEDY. Mr. President, in September 1991, a year ago this month, Haiti's first democratic government was overthrown in a violent military coup. President Aristide was forced into exile, and the ensuing violence claimed the lives of hundreds of his fellow Haitians. Hundreds of thousands fled their homes in fear and went into hiding throughout the country. Almost 40,000 boarded rickety boats in search of asylum in the United States.

In the long, dark year that has followed, the hope of the Haitian people that their oppressive past at last had been laid to rest has begun to fade. The generals steadily tighten their grip over the country. They subject their opponents to arrest, torture, or death on almost a daily basis.

Sadly, the attention of the world community has been diverted by other international crises. And the Bush administration has swept the exodus of boat people out of view by quickly and forcibly intercepting those who still dare to flee and returning them to Haiti and the hands of their oppressors.

The administration has turned its back on the Haitian people and their dream of democracy. The embargo that was imposed to pressure the generals to step aside and allow President Aristide to return has been enforced only half-heartedly. In an investigation which I requested earlier this year, the General Accounting Office found numerous major violations of the embargo. Little, if anything, has been done to plug the leaks.

Clearly, far more significant efforts must be devoted to resolving the Haitian political crisis. Otherwise, the goal of democracy and a better life for the Haitian people will be lost in the continuing nightmare of repression and injustice.

On May 24, with the cruel and callous stroke of his pen, President Bush signed an Executive order that reversed decades of American leadership in providing sanctuary for refugees fleeing political oppression. He ordered the Coast Guard to return all Haitians directly to Haiti, without pausing to question whether they qualify for refugee status. Yet, United States immigration officers have found that fully one-third of the Haitian boat people have a credible claim to asylum.

In the months since the President's harsh order, the few Haitian boat people who now flee have been returned by the Coast Guard and immediately arrested on the dock by Haitian police. A boatload of 158 Haitians was stopped by the Coast Guard just 3 weeks ago. United States Embassy officials in Haiti have protested this treatment, but they can do little more than watch as the Haitian authorities bring the boat people in for questioning. The police have released most of the boat people within a matter of hours, but those who are said to have organized the departure are imprisoned. If there were any political refugees on these boats—and past experience suggests that as many as one-third were—they now have been fully identified to the repressive Haitian police.

It is because of incidents such as these that international law prohibits the return of refugees. Article 33 of the 1951 International Convention Relating to the Status of Refugees states that no country:

> Shall expel or return a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.

In 1981, when it established its procedures for handling Haitian boat people, the Reagan administration stated that article 33 binds the United States even on the high seas. For over a decade, it had been our Government's policy to return no one to Haiti without first determining whether they are political refugees.

The Bush administration's reversal of this long standing practice jeopardizes Haitian refugees, and means that the example of the United States will be cited whenever other nations decide to slam their own doors on refugees and force them back into the hands of their oppressors.

At a time when refugee needs are greater than ever before, the United States is setting an unconscionable example for the world. With refugees flooding out of the former Yugoslavia and Somalia by the thousands, with the alarming riots taking place in Germany, with ethnic controversies erupting in violence in many other troubled lands, America must not abdicate its role of leadership and compassion in accord with international law.

Today, some of our country's most respected civil rights leaders, led by the NAACP and TransAfrica, are initiating a campaign to protest the administration's bankrupt policy, and to restore our long-standing leadership in providing asylum to refugees.

In June, I introduced the International Refugee Protection Act, which would write clearly into our immigration laws that the United States cannot return persecuted refugees, regardless of where they come into U.S. custody. Others have proposed granting temporary haven to those Haitians already in the United States, and I hope that Congress can vote on these proposals before we adjourn this fall.

The United States will admit 140,000 refugees this year from other parts of the world. There is no justification for the exclusion of Haitian refugees. The Haitian boat people deserve equal justice with other refugees. The Bush administration's misguided and illegal policy must be reversed.

SENATOR JAKE GARN OF UTAH

Mr. DOMENICI. Mr. President, I would like just to take a couple of minutes to speak about a Senator.

Obviously, we have not seen the last of Senator GARN. We have seen the last bill to be managed by him. I think he knows the great respect that the Senator from New Mexico holds for him.

I just want to add a bit of levity to the issue of his leaving us by sharing this with the Senate: Sometimes in moments when he is not terribly pleased about things, he blames the Senator from New Mexico for his being here, because I was in the Senate for a short while when the Republicans brought by a young man from Utah. They sent him to my office because I had just been mayor of the city of Albuquerque. They wanted me to convince him, as the mayor of Salt Lake City, UT, that he ought to run for the Senate, that it would be a great undertaking for him. I was partially responsible for convincing him.

As I said, when he is thrilled with the Senate, he does not remind me. But when he is not so happy with it, he reminds me that I had something to do with the difficult times that the Senate has brought, along with all the good times. I would just share that with the Senate.

OFFICE OF U.S. TRADE REPRESENTATIVE, U.S. INTERNATIONAL TRADE COMMISSION, AND U.S. CUSTOMS SERVICE AUTHORIZATION ACT

Mr. DECONCINI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 496, S. 2880, the trade agency authorization bill.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> A bill (S. 2880) to authorize appropriations for fiscal years 1993 and 1994 for the Office of the United States Trade Representative, the United States International Trade Commission, and the United States Customs Service, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 2970

(Purpose: To amend the Competitiveness Policy Council Act to provide for reauthorization, to rename the Council, and for other purposes)

Mr. DECONCINI. Mr. President, on behalf of Senator BINGAMAN, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. DECONCINI], for Mr. BINGAMAN, for himself, and Mr. RIEGLE, proposes an amendment numbered 2970.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . COMPETITIVENESS POLICY COUNCIL ACT AMENDMENTS.

(a) REAUTHORIZATION.—Section 5209 of the Competitiveness Policy Council Act (15 U.S.C. 4808) is amended—

(1) by striking "1991 and 1992" and inserting "1993 and 1994"; and

(2) by striking "$5,000,000" and inserting "$2,500,000".

(b) RENAMING OF COUNCIL.—The Competitiveness Policy Council Act (15 U.S.C. 4801 et seq.) is amended—

(1) in the subtitle heading—

(A) by inserting "National" before "Competitiveness"; and

(B) by striking "Council" and inserting "Commission";

(2) in section 5201—

(A) by inserting "National" before "Competitiveness"; and

(B) by striking "Council" and inserting "Commission";

(3) in section 5202(b)(2)—

(A) by inserting "National" before "Competitiveness"; and

(B) by striking "Council" and inserting "Commission";

(4) in section 5203—

(A) in the section caption, by striking "COUNCIL" and inserting "COMMISSION";

(B) by inserting "National" before "Competitiveness"; and

(C) by striking "Council" each place it appears and inserting "Commission";

(5) in section 5204—

(A) in the section caption, by striking "COUNCIL" and inserting "COMMISSION";

(B) by striking "Council" and inserting "Commission";

(6) in sections 5205 through 5208, by striking "Council" each place such term appears and inserting "Commission";

(7) in section 5207, in the section caption, by striking "COUNCIL" and inserting "COMMISSION"; and

(8) in section 5210—

(A) in paragraph (1)—

(i) by inserting "National" before "Competitiveness"; and

(ii) by striking "Council" each place it appears and inserting "Commission"; and

(B) in paragraph (2)—

(i) by inserting "National" before "Competitiveness"; and

(ii) by striking "Council" and inserting "Commission".

(c) DUTIES OF THE COMMISSION.—Section 5204 of the National Competitiveness Policy Commission Act (15 U.S.C. 4803) is amended by striking paragraphs (11) and (12) and inserting the following:

"(11) prepare, publish, and distribute reports that—

"(A) contain the analysis and recommendations of the Commission; and

"(B) comment on the overall competitiveness of the American economy, including the report described in section 5208; and

"(12) submit an annual report to the President and to the Congress on the activities of the Commission.".

(d) EXECUTIVE DIRECTOR AND STAFF.—Section 5206 of the National Competitiveness Policy Commission Act (15 U.S.C. 4805) is amended—

(1) in subsection (a)(1), by striking "GS-18 of the General Schedule" and inserting "the highest level allowed under section 5376 of title 5, United States Code";

(2) in subsection (b)—

(A) by striking paragraph (1);

(B) by redesignating paragraph (2) as paragraph (4); and

(C) by inserting before paragraph (4), as redesignated, the following:

"(1) FULL-TIME STAFF.—The Executive Director may appoint such officers and employees as may be necessary to carry out the functions of the Commission in accordance with the Federal civil service and classification laws, and fix compensation in accordance with the provisions of title 5, United States Code.

"(2) SENIOR EXECUTIVE SERVICE.—The Commission may establish positions in the Senior Executive Service in accordance with the provisions as subchapter II of chapter 31 of title 5, United States Code.

"(3) TEMPORARY STAFF.—The Executive Director may appoint such employees as may be necessary to carry out the functions of the Commission for a period of not more than 1 year, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, at rates not to exceed the maximum rate payable under section 5376 of title 5, United States Code."; and

(3) in subsection (c), by striking "GS-16 of the General Schedule" and insert "the maximum rate payable under section 5376 of title 5, United States Code.".

(e) POWERS OF THE COMMISSION.—Section 5207 of the National Competitiveness Policy Commission Act (15 U.S.C. 4806) is amended—

(1) by inserting before the period at the end of subsection (b)(1)(B) ", except that such information may be provided to members and staff of the Council subject to existing national security laws and regulations";

(2) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(3) by inserting after subsection (f) the following:

"(g) CONTRACTING AUTHORITY.—Within the limitation of appropriations to the Commission, the Commission may enter into contracts with State agencies, private firms, institutions, and individuals for the purpose of carrying out its duties under this subtitle.".

(f) REPORTING REQUIREMENTS.—Section 5208 of the National Competitiveness Policy Commission Act (15 U.S.C. 4807) is amended—

(1) by striking the caption and inserting the following:

"SEC. 5208. ANNUAL PUBLICATION OF ANALYSIS AND RECOMMENDATIONS.";

(2) in subsection (a)—

(A) by striking the subsection heading and inserting "(a) PUBLICATION OF ANALYSIS AND RECOMMENDATIONS.—"; and

(B) by striking "on" and inserting "not later than"; and

(3) by adding at the end the following:

"(d) PERIODICAL REPORTS.—The Commission may submit to the President and the Congress such other reports containing analysis and recommendations as the Commission deems necessary.".

Mr. BINGAMAN. Mr. President, the amendment I am offering together with Senator RIEGLE would reauthorize and rename the Competitiveness Policy Council, a bipartisan government-industry-labor-public interest advisory commission established as part of the 1988 Trade Act. This is a commission totally separate from the White House Council on Competitiveness, which has been the subject of some controversy over the past year, and one of the purposes of the amendment is to change the name of the Council to the National Competitiveness Policy Commission in order to minimize any confusion between the two organizations. The amendment has been cleared on both sides of the aisle, in particular by the Commerce Committee, the committee with oversight responsibility for the commission. I appreciate the support of Senator HOLLINGS and Senator DANFORTH for this reauthorization.

We received the first annual report of the Commission in March of this year. The report was unveiled at a joint hearing of the Senate Banking and Joint Economic Committees, which had the highest attendance of any hearing on any subject I have participated in this year. The report laid the groundwork for a program the Commission intends to pursue to develop recommendations for a comprehensive competitiveness strategy for this country.

The Commission's report drew much praise on both sides of the aisle. That is a tribute to the hard work of the 12 members of the Commission, led by Fred Bergsten, its chairman. I ask unanimous consent that a listing of the members of the Commission be printed in the RECORD at the end of my remarks.

(See exhibit 1.)

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

Mr. BINGAMAN. The amendment I am offering today will authorize the Commission to continue its work for 2 more years. It would authorize appropriations of $2.5 million in each of those years. As I mentioned earlier, it would rename the Commission the National Competitiveness Policy Commission so as to avoid confusion with the private sector Council on Competitiveness and the governmental Council on Competitiveness, chaired by the Vice President. These institutions have quite different functions, but unfortunately share very similar names. The

bill also makes several technical changes, which have been requested by the Commission and cleared by the committees of jurisdiction.

Mr. President, I hope that this legislation will receive broad bipartisan support. This Commission represents a real opportunity to build a consensus among all the key actors for fundamental changes in Government policy to insure a competitive American economy in the 21st century. Let us give it an opportunity to complete its work.

EXHIBIT 1

NATIONAL COMPETITIVENESS POLICY COMMISSION

APPOINTED BY THE PRESIDENT

Barbara Franklin (Government), Secretary, US Department of Commerce.

Albert Shanker (Labor), President, American Federation of Teachers.

Alexander Trowbridge (Business), President, Trowbridge Partners.

Edward O. Vetter (Public Interest), President, Edward O. Vetter and Associates.

APPOINTED BY THE SENATE

Rand V. Araskog (Business), Chairman and CEO, ITT Corporation.

John Barry (Labor), President, International Brotherhood of Electrical Workers.

William Graves (Government), Secretary of State, State of Kansas.

Bruce Scott (Public Interest), Professor of Business Administration, Harvard Business School.

APPOINTED BY THE HOUSE OF REPRESENTATIVES

C. Fred Bergsten, Chairman (Public Interest), Director, Institute for International Economics.

John J. Murphy (Business), Chairman and CEO, Dresser Industries, Inc.

Edward V. Regan (Government), Comptroller, State of New York.

Lynn Williams (Labor), President, United Steel Workers of America.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2970) was agreed to.

Mr. DECONCINI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2880

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

SECTION 1. CUSTOMS AND TRADE AGENCY AUTHORIZATIONS.

(a) UNITED STATES INTERNATIONAL TRADE COMMISSION.—Section 330(e)(2) of the Tariff Act of 1930 (19 U.S.C. 1330(e)(2)) is amended to read as follows:

"(2)(A) There are authorized to be appropriated to the Commission for necessary expenses (including the rental of conference rooms in the District of Columbia and elsewhere) not to exceed the following:

"(i) $45,152,000 for fiscal year 1993.

"(ii) $48,042,000 for fiscal year 1994.

"(B) Not to exceed $2,500 of the amount authorized to be appropriated for any fiscal year under subparagraph (A) may be used, subject to the approval of the Chairman of the Commission, for reception and entertainment expenses.

"(C) No part of any sum that is appropriated under the authority of subparagraph (A) may be used by the Commission in the making of any special study, investigation, or report that is requested by any agency of the executive branch unless that agency reimburses the Commission for the cost thereof.".

(b) UNITED STATES CUSTOMS SERVICE.—Section 301(b) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)) is amended to read as follows:

"(b) AUTHORIZATION OF APPROPRIATIONS.—

"(1) FOR NONCOMMERCIAL OPERATIONS.—There are authorized to be appropriated for the salaries and expenses of the Customs Service that are incurred in noncommercial operations not to exceed the following:

"(A) $536,582,000 for fiscal year 1993.

"(B) $558,045,000 for fiscal year 1994.

"(2) FOR COMMERCIAL OPERATIONS.—(A) There are authorized to be appropriated for the salaries and expenses of the Customs Service that are incurred in commercial operations not less than the following:

"(i) $798,470,000 for fiscal year 1993.

"(ii) $830,408,000 for fiscal year 1994.

"(B) The monies authorized to be appropriated under subparagraph (A) for any fiscal year, except for such sums as may be necessary for the salaries and expenses of the Customs Service that are incurred in connection with the processing of merchandise that is exempt from the fees imposed under section 13031(a) (9) and (10) of the Consolidated Omnibus Budget Reconciliation Act of 1985, shall be appropriated from the Customs User Fee Account.

"(3) FOR AIR AND MARINE INTERDICTION.—There are authorized to be appropriated for the operation (including salaries and expenses) and maintenance of the air and marine interdiction programs of the Customs Service not to exceed the following:

"(A) $138,983,000 for fiscal year 1993.

"(B) $144,542,000 for fiscal year 1994.".

(c) OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE.—Section 141(g)(1) of the Trade Act of 1974 (19 U.S.C. 2171(g)(1)) is amended to read as follows:

"(g)(1)(A) There are authorized to be appropriated to the Office for the purposes of carrying out its functions not to exceed the following:

"(i) $21,697,000 for fiscal year 1993.

"(ii) $22,435,000 for fiscal year 1994.

"(B) Of the amounts authorized to be appropriated under subparagraph (A) for any fiscal year—

"(i) not to exceed $98,000 may be used for entertainment and representation expenses of the Office; and

"(ii) not to exceed $2,500,000 shall remain available until expended.".

SEC. 2. CUSTOMS FORFEITURE FUND.

Section 613A(f)(2)(B) of the Tariff Act of 1930 (19 U.S.C. 1613b(f)(2)(B)) is amended to read as follows:

"(B) Of the amount authorized to be appropriated under subparagraph (A), not to exceed the following shall be available to carry out the purposes set forth in subsection (a)(3):

"(i) $15,000,000 for fiscal year 1993.

"(ii) $15,600,000 for fiscal year 1994.".

SEC. 3. REPORTS ON CUSTOMS ISSUES.

(a) ATTRITION.—Not later than February 1, 1993, the Secretary of the Treasury shall submit a report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives (hereafter in this section referred to as the "Committees") on the causes for the high attrition rates experienced by the United States Customs Service in its Southwest region, with particular focus on border ports of entry. The report shall include recommendations to the Committees for reducing the high attrition rate.

(b) STAFFING.—Not later than November 1, 1992, the Secretary of the Treasury shall submit a report to the Committees describing the Secretary's plans for staffing at full capacity on a port-by-port basis each of the facilities that has been or will be expanded, built, modernized, or otherwise improved under the Southwest Border Capital Improvements Program.

(c) LOCATION OF OFFICES AND AGENTS.—Not later than the date which is 3 months after the date of the enactment of this Act, the Secretary of the Treasury shall submit to the Committees—

(1) a report analyzing the feasibility of moving the Customs Service office from downtown Portland, Oregon to the vicinity of the airport in Portland, Oregon, and

(2) a report analyzing the feasibility of placing drug enforcement agents in the Medford/Grants Pass area in Oregon.

SEC. 4. COMPETITIVENESS POLICY COUNCIL ACT AMENDMENTS.

(a) REAUTHORIZATION.—Section 5209 of the Competitiveness Policy Council Act (15 U.S.C. 4808) is amended—

(1) by striking "1991 and 1992" and inserting "1993 and 1994"; and

(2) by striking "$5,000,000" and inserting "$2,500,000".

(b) RENAMING OF COUNCIL.—The Competitiveness Policy Council Act (15 U.S.C. 4801 et seq.) is amended—

(1) in the subtitle heading—

(A) by inserting "**National**" before "**Competitiveness**"; and

(B) by striking "**Council**" and inserting "**Commission**";

(2) in section 5201—

(A) by inserting "National" before "Competitiveness"; and

(B) by striking "Council" and inserting "Commission";

(3) in section 5202(b)(2)—

(A) by inserting "National" before "Competitiveness"; and

(B) by striking "Council" and inserting "Commission";

(4) in section 5203—

(A) in the section caption, by striking "**COUNCIL**" and inserting "**COMMISSION**";

(B) by inserting "National" before "Competitiveness"; and

(C) by striking "Council" each place it appears and inserting "Commission";

(5) in section 5204—

(A) in the section caption, by striking "**COUNCIL**" and inserting "**COMMISSION**";

(B) by striking "Council" and inserting "Commission";

(6) in sections 5205 through 5208, by striking "Council" each place such term appears and inserting "Commission";

(7) in section 5207, in the section caption, by striking "**COUNCIL**" and inserting "**COMMISSION**"; and

(8) in section 5210—

(A) in paragraph (1)—

(i) by inserting "National" before "Competitiveness"; and

(ii) by striking "Council" each place it appears and inserting "Commission"; and

(B) in paragraph (2)—

(i) by inserting "National" before "Competitiveness"; and

(ii) by striking "Council" and inserting "Commission".

(c) DUTIES OF THE COMMISSION.—Section 5204 of the National Competitiveness Policy Commission Act (15 U.S.C. 4803) is amended by striking paragraphs (11) and (12) and inserting the following:

"(11) prepare, publish, and distribute reports that—

"(A) contain the analysis and recommendations of the Commission; and

"(B) comment on the overall competitiveness of the American economy, including the report described in section 5208; and

"(12) submit an annual report to the President and to the Congress on the activities of the Commission.".

(d) EXECUTIVE DIRECTOR AND STAFF.—Section 5206 of the National Competitiveness Policy Commission Act (15 U.S.C. 4805) is amended—

(1) in subsection (a)(1), by striking "GS-18 of the General Schedule" and inserting "the highest level allowed under section 5376 of title 5, United States Code";

(2) in subsection (b)—

(A) by striking paragraph (1);

(B) by redesignating paragraph (2) as paragraph (4); and

(C) by inserting before paragraph (4), as redesignated, the following:

"(1) FULL-TIME STAFF.—The Executive Director may appoint such officers and employees as may be necessary to carry out the functions of the Commission in accordance with the Federal civil service and classification laws, and fix compensation in accordance with the provisions of title 5, United States Code.

"(2) SENIOR EXECUTIVE SERVICE.—The Commission may establish positions in the Senior Executive Service in accordance with the provisions of subchapter II of chapter 31 of title 5, United States Code.

"(3) TEMPORARY STAFF.—The Executive Director may appoint such employees as may be necessary to carry out the functions of the Commission for a period of not more than 1 year, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, at rates not to exceed the maximum rate payable under section 5376 of title 5, United States Code."; and

(3) in subsection (c), by striking "GS-16 of the General Schedule" and insert "the maximum rate payable under section 5376 of title 5, United States Code.".

(e) POWERS OF THE COMMISSION.—Section 5207 of the National Competitiveness Policy Commission Act (15 U.S.C. 4806) is amended—

(1) by inserting before the period at the end of subsection (b)(1)(B) ", except that such information may be provided to members and staff of the Council subject to existing national security laws and regulations";

(2) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(3) by inserting after subsection (f) the following:

"(g) CONTRACTING AUTHORITY.—Within the limitation of appropriations to the Commission, the Commission may enter into contracts with State agencies, private firms, institutions, and individuals for the purpose of carrying out its duties under this subtitle.".

(f) REPORTING REQUIREMENTS.—Section 5208 of the National Competitiveness Policy Commission Act (15 U.S.C. 4807) is amended—

(1) by striking the caption and inserting the following:

"SEC. 5208. ANNUAL PUBLICATION OF ANALYSIS AND RECOMMENDATIONS.";

(2) in subsection (a)—

(A) by striking the subsection heading and inserting "(a) PUBLICATION OF ANALYSIS AND RECOMMENDATIONS.—"; and

(B) by striking "on" and inserting "not later than"; and

(3) by adding at the end the following:

"(d) PERIODICAL REPORTS.—The Commission may submit to the President and the Congress such other reports containing analysis and recommendations as the Commission deems necessary.".

COMMITTEE DISCHARGED FROM FURTHER CONSIDERATION AND BILL PLACED ON CALENDAR—H.R. 590

Mr. DECONCINI. Mr. President, I ask unanimous consent that the Labor Committee be discharged from further consideration of H.R. 590, a bill for the relief of Edgardo, Ismael, Juan Carlos, and Edilliam Cotto Roman and that the bill be placed on the calendar.

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

COMMITTEE DISCHARGED FROM FURTHER CONSIDERATION AND BILL PLACED ON CALENDAR—H.R. 655

Mr. DECONCINI. Mr. President, I ask unanimous consent that the Labor Committee be discharged from further consideration of H.R. 655, a bill for the relief of Juan Luis, Braulio Nestor, and Miosotis Ramirez and that the bill be placed on the calendar.

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

AK-CHIN WATER USE AMENDMENTS ACT

Mr. DECONCINI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 539, S. 2507, regarding the Ak-Chin Indian community; that the bill be deemed read for the third time and passed; that the motion to reconsider be laid upon the table; and that any statement relative to the passage of this item be placed at the appropriate place in the RECORD.

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

So the bill (S. 2507) was deemed read the third time and passed, as follows:

S. 2507

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ak-Chin Water Use Amendments Act of 1992".

SEC. 2. AUTHORIZATION OF USE OF WATER.

Section 2(j) of the Act of October 19, 1984 (Public Law 98-530; 98 Stat. 2698) is amended to read as follows:

"(j) The Ak-Chin Indian Community (hereafter in this Act referred to as the "Community") shall have the right to devote the permanent water supply provided for by this Act to any use, including agricultural, municipal, industrial, commercial, mining, recreational or other beneficial use, in the areas initially designated as the Pinal, Phoenix and Tucson Active Management Areas pursuant to the Arizona Groundwater Management Act of 1980, laws 1980, fourth special session, chapter 1. The Community is authorized to lease or enter into an option to lease, extend leases, exchange or temporarily dispose of water to which it is entitled for beneficial use in the areas initially designated as the Pinal, Phoenix and Tucson Active Management Areas pursuant to the Arizona Groundwater Management Act of 1980, laws 1980, fourth special session, chapter 1: *Provided*, That the term of any such lease shall not exceed 100 years and the Community may not permanently alienate any water right. In the event the Community leases, extends leases, exchanges or temporarily disposes of water, such action shall be pursuant to a contract that has been accepted and ratified by a resolution of the Ak-Chin Indian Community Council and approved and executed by the Secretary.".

JENA BAND OF CHOCTAWS OF LOUISIANA RESTORATION ACT

Mr. DECONCINI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 637, S. 3095, a bill to restore and clarify the Federal relationship with the Jena Band of Choctaws of Louisiana reported today by the Indian Affairs Committee; that the bill be deemed read the third time and passed; that the motion to reconsider be laid upon the table; and that statements thereon appear at the appropriate place in the RECORD.

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

So the bill (S. 3095) was deemed read the third time and passed, as follows:

S. 3095

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Jena Band of Choctaws of Louisiana Restoration Act".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) In 1902, after presenting testimony before the Dawes Commission, each family of the Jena Choctaw Tribe was identified as full-blooded Mississippi Choctaw, an Indian tribe recognized by the Federal Government and entitled to land and services from the Bureau of Indian Affairs.

(2) As recently as 1968-1972, members of the Jena Band of Choctaws of Louisiana have received Federal benefits because of their status as Indians.

(3) Actions by the Bureau of Indian Affairs, including the provision of services specifically to the Tribe during the 1930's, acknowledgement of the Tribe's eligibility under the Indian Reorganization Act, and the offer to the Tribe of tribal lands in Mississippi, established Federal recognition of the Jena Band of Choctaws of Louisiana as a separate and distinct Indian tribe.

(4) The Tribe continues to exist as a separate and distinct tribe, is recognized by the

State of Louisiana as a separate and distinct Indian tribe, has received funding from the Department of Housing and Urban Development for the construction of a Tribal Center, and has received funding from the Administration for Native Americans for administrative training for tribal staff, preparation of a 5-year economic development plan, development of the tribal constitution, and other tribal projects.

(5) The Tribe has maintained a continuous line of leadership and now consists of approximately 152 members of which nearly 60 percent possess one-half or more Choctaw blood quantum.

(6) Members of the Tribe would be living on trust land and receiving the full range of services to which all federally recognized Indians are entitled if the Bureau of Indian Affairs had fulfilled commitments made to the Tribe during the 1930's.

(7) Denial of full Federal benefits and services to which the Jena Band is entitled as a federally recognized Indian tribe has exacerbated the many serious problems facing the Tribe including poverty, alcohol and substance abuse, poor health, inadequate education and substandard living conditions.

(8) Restoration of Federal recognition of the Tribe is supported by all the federally recognized tribes in Louisiana and by the Mississippi Choctaw.

(9) It is appropriate for Congress to restore recognition of the Tribe since the Bureau of Indian Affairs does not maintain procedures or standards for determining whether a group has been previously recognized and the recognition procedure set forth in part 83 of title 25, Code of Federal Regulations, is intended to apply to initial recognition of a tribe.

SEC. 3 DEFINITIONS.

For purposes of this Act:

(1) The term "Tribe" means the Jena Band of Choctaws of Louisiana.

(2) The term "Secretary" means the Secretary of the Interior.

(3) The term "Interim Council" means the Board of Directors of the Jena Band of Choctaws, Inc.

(4) The term "member" means an individual who is enrolled on the membership roll of the Tribe.

(5) The term "State" means the State of Louisiana.

SEC. 4. RESTORATION OF FEDERAL RELATIONSHIP.

Federal recognition of the Tribe extended by the Department of Interior in a letter dated July 11, 1938, and signed by the Assistant Commissioner of Indian Affairs Zimmerman and evidenced by other actions by the Bureau of Indian Affairs is hereby restored. All Federal laws of general application to Indians and Indian tribes including the Act of June 18, 1934 (48 Stat. 984; 25 U.S.C. 461 et seq.), popularly known as the "Indian Reorganization Act", shall apply with respect to the Tribe and to the members.

SEC. 5. RESTORATION OF RIGHTS.

(a) IN GENERAL.—All rights and privileges of the Tribe, and members thereof, which may have been abrogated or diminished before the date of enactment of this Act are hereby restored.

(b) EXISTING RIGHTS OF TRIBE.—Nothing in this Act may be construed to diminish any rights or privileges of the Tribe, or of its members, that existed prior to the date of the enactment of this Act.

(c) EXISTING RIGHTS AND OBLIGATIONS.—Except as otherwise specifically provided in any other provision of this Act, nothing in this Act may be construed as altering or affecting—

(1) any rights or obligations with respect to property,

(2) any rights or obligations under any contract,

(3) any hunting, fishing, trapping, gathering, or water rights of the Tribe or its members, or

(4) any obligation to pay a tax levied before the date of enactment of this Act.

SEC. 6. SERVICES.

The Tribe and its members shall be eligible for all services and benefits that are provided by the Federal Government to Indians because of their status as federally recognized Indians and, notwithstanding any other provision of law, such services and benefits shall be provided after the date of enactment of this Act, to the Tribe and its members, without regard to the existence of a reservation for the Tribe or the location of the residence of any member on or near any Indian reservation.

SEC. 7. INTERIM GOVERNMENT.

Until such time as a constitution for the Tribe is adopted in accordance with section 9(a), the Tribe shall be governed by the Interim Council.

SEC. 8. MEMBERSHIP ROLL.

(a) BASE ROLL.—The membership list submitted to the Secretary by the Tribe on May 2, 1985, shall constitute the base roll of the Tribe, subject to the approval of the Secretary.

(b) ELIGIBILITY.—

(1) INTERIM MEMBERSHIP.—Until a constitution is adopted in accordance with section 9, an individual shall be eligible for membership in the Tribe, and the name of the individual shall be placed on the membership roll of the Tribe, if—

(A) the individual is living and is not an enrolled member of another Indian tribe that is recognized by the Federal Government, and

(B) the individual—

(i) was included on the membership list submitted to the Secretary on May 2, 1985,

(ii) was entitled to be included on such list under criteria established by the Tribe in its Articles of Incorporation dated May 22, 1974, but was not included, or

(iii) is a lineal descendant of an individual, living or deceased, who is included on such list.

(2) APPEAL TO SECRETARY.—Any individual who is excluded from the membership roll of the Tribe by the Interim Council may appeal to the Secretary for a determination of the eligibility of the individual for membership in the Tribe. Any individual that the Secretary determines in such an appeal to be eligible for membership in the Tribe shall be included on the membership roll.

SEC. 9. TRIBAL CONSTITUTION.

(a) IN GENERAL.—Upon the written request of the Interim Council, the Secretary shall conduct, by secret ballot, an election to adopt a constitution for the Tribe. Such constitution shall be submitted by the Interim Council to the Secretary no later than one year following the date of enactment of this Act. The election shall be conducted in accordance with section 16 of the Act of June 18, 1934 (48 Stat. 987; 25 U.S.C. 476).

(b) ELECTION OF TRIBAL OFFICIALS.—Not later than 120 days after the Tribe adopts a tribal constitution, the Secretary shall conduct an election by secret ballot for the purpose of electing tribal officials as provided in the constitution. Such election shall be conducted according to the procedures stated in subsection (a) except to the extent that such procedures conflict with the tribal constitution.

(c) TRIBAL GOVERNMENT.—Notwithstanding any other provision of law, the governing body of the Tribe established under the constitution adopted under subsection (a) shall be treated as an Indian tribal government for purposes of the Internal Revenue Code of 1986, and all other Federal laws of general application to Indians and Indian tribes, including the Act of June 18, 1934 (48 Stat. 984; 25 U.S.C. 461 et seq.).

SEC. 10. REGULATIONS.

The Secretary shall prescribe such regulations as may be necessary to carry out the provisions of this Act.

SEC. 11. REAL PROPERTY.

(a) PROPERTY HELD IN TRUST.—The Secretary is authorized to accept in the name of the United States in trust for the benefit of the Tribe any real property acquired by the Tribe prior to or after enactment of this Act and located within the parishes of Rapides, Grant, or La Salle, Louisiana. The Secretary may accept in the name of the United States in trust for the benefit of the Tribe any real property held or acquired by the Tribe prior to or after the date of enactment of this Act that is located outside of such parishes.

(b) SUBJECT TO EXISTING RIGHTS AND OBLIGATIONS.—Any real property taken in trust by the Secretary shall be subject to—

(1) all legal rights and interests in such land held by any person at the time of acquisition of such land by the Secretary, including any lien, mortgage, or previously levied and outstanding State or local tax;

(2) foreclosure or sale in accordance with the laws of the State of Louisiana pursuant to the terms of any valid obligation in existence at the time of the acquisition of such land by the Secretary; and

(3) the provisions of the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).

(c) TAX EXEMPTION.—Any real property held in trust by the Secretary pursuant to this Act shall be exempt from Federal, State, and local taxation on and after the date such property is accepted by the Secretary.

DAYTON AVIATION HERITAGE PRESERVATION ACT OF 1992

Mr. DECONCINI. Mr. President, I ask unanimous consent that the Energy Committee be discharged from further consideration of H.R. 2321, a bill relating to aviation park, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2321) to establish the Dayton Aviation Heritage National Historical Park in the State of Ohio, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. METZENBAUM. Mr. President, I am pleased to rise today in support of the bill which I cosponsored to establish the Dayton Aviation Heritage National Historical Park.

I have supported our national park system and have especially favored urban parks where residents and visitors may repair for relaxation and

recreation. In particular, I have long felt that our national historic parks offer a unique and unparalleled recreation opportunity.

This legislation will offer such opportunities. It will set aside historic buildings and lands to honor those who have gone before and to inspire and encourage those who are yet to come.

This bill will preserve Dayton's unique role as home to the inventors Orville and Wilbur Wright, as well as the poet, novelist, and syndicated columnist Paul Laurence Dunbar.

Dunbar, a friend and classmate of the Wrights at Central High, was the first African-American writer in the United States to derive an income primarily from his writings.

In commemorating both the technological innovation of the Wright Brothers and the literary creativity of Dunbar, the Dayton historic park will celebrate the creative genius of the human spirit that these citizens of Dayton truly demonstrated in their lives and in their work.

Certain sites, structures, districts, and artifacts in and around the city of Dayton, OH, are of national historic significance in the birth and development of controlled, powered flight and in the life of Paul Laurence Dunbar.

I am pleased that the Senate has decided to move forward on this legislation to preserve these sites and structures which are linked to the heritage of our Nation. I am confident that future generations will appreciate the contributions of these Ohioans more profoundly after this park is included among the ranks of our country's national historic parks.

AMENDMENT NO. 2971

Mr. DECONCINI. Mr. President, on behalf of Senator BUMPERS, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. DECONCINI], for Mr. BUMPERS, proposes an amendment numbered 2971.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 3, line 2, insert "building" after "Company".

On page 3, line 13, after "shall" and before "acquire", insert ", subject to the availability of appropriated funds,".

On page 3, line 13, insert "building" after "Company".

On page 5, lines 4 through 5, strike "described in this section".

On page 7, strike lines 11 through 19, strike section 107 in its entirety and insert in lieu thereof the following: "The decisions concerning the execution of this Act as it applies to properties under control of the Secretary of Defense shall be made by such Secretary in consultation with the Secretary of Interior".

On page 8, strike lines 7 through 8, and insert in lieu thereof, "There is authorized to be appropriated such sums as may be necessary to carry out this title: *Provided*, That the amount to be appropriated for the operation, development or restoration of non-federally owned properties within the boundaries of the park shall not exceed $200,000.".

On page 13, line 15, strike "interurban" and insert in lieu thereof, "inter-urban link".

On page 16, line 9 strike "device" and insert in lieu thereof, "devise".

On page 18, strike lines 16 through 20, and insert in lieu thereof: "There are authorized to be appropriated such sums as may be necessary to carry out this title, except that the federal contribution to the Commission shall not exceed 50 percent of the annual costs to the Commission in carrying out its duties.".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2971) was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

So the bill (H.R. 2321), as amended, was passed.

Mr. DECONCINI. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE CALENDAR

Mr. DECONCINI. Mr. President, finally, I ask unanimous consent that the Senate proceed en bloc to the immediate consideration of Calendar Nos. 555, 563, 565, 594, 629, and 654; that committee amendments where appropriate be agreed to, the bills as amended be deemed read three times, passed, and the motion to reconsider the passage of these measures be laid upon the table en bloc; that the title amendments where appropriate be agreed to; further, that the consideration of these items appear individually in the RECORD, and any statements appear in the appropriate place.

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

LAND RELINQUISHMENT ACT

The Senate proceeded to consider the bill (H.R. 1514) to resolve the status of certain lands relinquished to the United States under the act of June 4, 1987 (30 Stat. 11, 36), and for other purposes, which had been reported from the Committee on Energy and Natural Resources with an amendment on page 4, line 12 to strike "conditionally" so as to make the bill read:

H.R. 1514

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

SECTION 1. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Pursuant to the invitation and requirements contained in the 15th paragraph under the heading "Surveying the Public Lands" in the Act of June 4, 1897 (30 Stat. 11, 36), as amended or supplemented by the Acts of June 6, 1900 (31 Stat. 588, 614), March 4, 1901 (31 Stat. 1010, 1037), and September 22, 1922 (42 Stat. 1067), certain landowners or entrymen within forest reserves acted to transfer their lands to the United States as the basis for an in lieu selection of other Federal lands (hereafter in this Act referred to as "lieu lands") in exchange for such lands within such reserves (hereafter in this Act referred to as "base lands").

(2) By the Act of March 3, 1905 (33 Stat. 1264), Congress repealed the in lieu selection provisions of the Act of June 4, 1897, as amended, and terminated the right to select lieu lands, but expressly preserved the rights of land owners who had valid pending applications for in lieu selections, most of which have subsequently been granted.

(3) Other persons affected by the Acts cited in paragraphs (1) and (2) who acted to transfer base lands, or their successors in interest, have never obtained either (A) a patent to the lieu lands or any other consideration for their relinquishment, or (B) a quitclaim of their base lands, notwithstanding relief legislation enacted in 1922 and 1930.

(4) By the Act of July 6, 1960 (74 Stat. 334), Congress established a procedure to compensate persons affected by the Acts cited in paragraphs (1) and (2) who had not received appropriate relief under prior legislation. However, no payments of such compensation were made under that Act.

(5) Section 4 of the Act of July 6, 1960, further provided that lands with respect to which compensation under that Act were or could have been made, and not previously disposed of by the United States, shall be a part of any national forest, national park, or other area withdrawn from the public domain wherein they are located.

(6) Absent further legislation, lengthy and expensive litigation will be required to resolve existing questions about the title to lands covered by section 4 of the 1960 Act.

(b) PURPOSE.—The purpose of this Act is to resolve the status of the title to base lands affected the past legislation cited in subsection (a).

SEC. 2. IDENTIFICATION AND QUITCLAIM OF FEDERAL INTEREST IN BASE LANDS.

(a) QUITCLAIM.—Except as otherwise provided by this Act, and subject to valid existing rights, but notwithstanding any other provision of law, the United States hereby quitclaims to the listed owner or entryman, his heirs, devisees, successors, and assigns, all right, title, and interest of the United States in and to the base lands described on a final list published pursuant to subsection (d)(1), effective on the date of publication of such list.

(b) PREPARATION OF INITIAL LISTS.—(1) Not later than 6 months after the date of enactment of this Act, the Secretary of the Interior, with respect to lands under such Secretary's jurisdiction, and the Secretary of Agriculture with respect to National Forest

System lands, shall each prepare an initial list of all parcels of base lands that were [conditionally] relinquished to the United States pursuant to the Act of June 4, 1897 (as amended), and for which selection or other rights under that Act or supplemental legislation were not realized or exercised.

(2) The initial lists prepared under paragraph (1) shall be based on information in the actual possession of the Secretaries of the Interior and Agriculture on the date of enactment of this Act, including information submitted to Congress pursuant to the directive contained in Senate Report No. 98-578, issued for the Fiscal Year 1985 Interior and Related Agencies Appropriations, as revised and updated. The initial lists shall be published and distributed for public review in accordance with procedures adopted by the Secretary concerned.

(3) For a period of 180 days after publication of a list pursuant to paragraph (2), persons asserting that particular parcels omitted from such a list should have been included may request the Secretary concerned to add such parcels to the appropriate list. The Secretary concerned shall add to the list any such parcels which the Secretary determines meet the conditions specified in paragraph (1).

(c) NATIONALLY SIGNIFICANT LANDS.—(1) During preparation or revision of an initial list under subsection (b), the Secretary concerned shall identify those listed lands which are located wholly or partially within any conservation system unit and all other listed lands which Congress has designated for specific management or which the Secretary concerned decides, in the concerned Secretary's discretion, should be retained in order to meet public, resource protection, or administrative needs. For purposes of this paragraph, the term "conservation system unit" means any unit of the National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, National Trails System, or National Wilderness Preservation System, a national forest monument, or a national conservation area, a national recreation area, or any lands being studied for possible designation as part of such a system or unit.

(2) The provisions of subsection (a) shall not apply to any lands identified by the Secretary concerned pursuant to paragraph (1). The Secretary concerned shall not include any such lands on any list prepared pursuant to subsection (d). Subject to valid existing rights arising from factors other than those described in subsection (b)(1), any right, title, and interest in and to lands identified pursuant to paragraph (1) and not previously vested in the United States is hereby vested and confirmed in the United States.

(3) In the same manner as the initial list was published and distributed pursuant to subsection (b)(2), the Secretary concerned shall publish and distribute an identification of all lands in which right, title, and interest is vested and confirmed in the United States by paragraph (2).

(d) FINAL LISTS.—(1) As soon as possible after considering any requests made pursuant to subsection (b)(3) and the identification of lands pursuant to subsection (c), the Secretary of the Interior and the Secretary of Agriculture shall each publish a final list, consisting of lands included on each Secretary's initial list not identified pursuant to subsection (c)(1). Unless a Secretary has published a final list on or before the date 18 months after the date of publication, pursuant to subsection (b)(2), of such Secretary's initial list, the initial list prepared by such Secretary shall be deemed on such date to be the final list required to be published by such Secretary, and thereafter no lands included on such initial list shall be excluded from operation of subsection (a).

(2) If a court makes a final decision that a parcel of land was arbitrarily and capriciously excluded from operation of subsection (a), such parcel shall be deemed to have been included on a final list published pursuant to paragraph (1), unless such parcel is located wholly or partially inside a conservation system unit or any other area which Congress has designated for specific management, in which case such parcel shall be subject to the provisions of subsection (c)(2).

(e) ISSUANCE OF INSTRUMENTS.—(1) Except as otherwise provided in this Act, no later than 6 months after the date on which the Secretary concerned publishes a final list of lands pursuant to subsection (d), the Secretary concerned shall issue deeds confirming the quitclaim made by subsection (a) of this section of all right, title, and interest of the United States in and to the lands included on such final list, subject to valid existing rights arising from factors other than a relinquishment to the United States of the type described in subsection (b). Each such confirmatory deed shall operate to estop the United States from making any claim of right, title, or interest of the United States in and to the base lands described in the deed, shall be made in the name of the listed owner or entryman, his heirs, devisees, successors, and assigns, and shall be in a form suitable for recordation and shall be filed and recorded by the United States with the recorder of deeds or other like official of the county or counties within which the lands covered by such confirmatory deed are located so that the title to such lands may be determined in accordance with applicable State law.

(2) The United States shall not adjudicate and, notwithstanding any provision of law to the contrary, does not consent to be sued in any suit instituted to adjudicate the ownership of, or to quiet title to, any base land included in a final list and described in a confirmatory deed.

(3) Neither the Secretary of the Interior nor the Secretary of Agriculture shall be required to inspect any lands included on a final list nor to inform any member of the public regarding the condition of such lands prior to the issuance of the confirmatory deeds required by this subsection, and nothing in this Act shall be construed as affecting any valid rights with respect to lands covered by a confirmatory deed issued pursuant to this subsection that were in existence on the date of issuance of such confirmatory deed.

(f) WAIVER OF CERTAIN CLAIMS AGAINST THE UNITED STATES.—Any person or entity accepting the benefits of this Act or failing to act to seek such benefits within the time allotted by this Act with respect to any base or other lands shall be deemed to have waived any claims against the United States, its agents or contractors, with respect to such lands, or with respect to any revenues received by the United States from such lands prior to the date of enactment of this Act. All non-Federal, third party rights granted by the United States with respect to base lands shall remain effective subject to the terms and conditions of the authorizing document. The United States may reserve any rights-of-way currently occupied or used for Government purposes.

SEC. 3. OTHER CLAIMS.

(a) JURISDICTION AND DEADLINE.—(1) Subject to the requirements and limitations of this section, a party claiming right, title, or interest in or to land vested in the United States by section 2(c)(2) of this Act may file in the United States Claims Court a claim against the United States seeking compensation based on such vesting. Notwithstanding any other provision of law, the Claims Court shall have exclusive jurisdiction over such claim.

(2) A claim described in paragraph (1) shall be barred unless the petition thereon is filed within 1 year after the date of publication of a final list pursuant to section 2(d) of this Act.

(3) Nothing in this Act shall be construed as authorizing any claim to be brought in any court other than a claim brought in the United States Claims Court based upon the vesting of right, title, and interest in and to the United States made by section 2(c)(2) of this Act.

(b) LIMITATIONS, DEFENSES, AND AWARDS.—(1) Nothing in this Act shall be construed as diminishing any existing right, title, or interest of the United States in any lands covered by section 2(c), including but not limited to any such right, title, or interest established by the Act of July 6, 1960 (74 Stat. 334).

(2) Nothing in this Act shall be construed as precluding or limiting any defenses or claims (including but not limited to defenses based on applicable statutes of limitations, affirmative defenses relating to fraud or speculative practices, or claims by the United States based on adverse possession) otherwise available to the United States.

(3) Nothing in this Act shall be construed as entitling any party to compensation from the United States. However, in the event of a final judgment of the United States Claims Court in favor of a party seeking such compensation, or in the event of a negotiated settlement agreement made between such a party and the Attorney General of the United States, the United States shall pay such compensation from the permanent judgment appropriation established pursuant to section 1304 of title 31, United States Code.

(c) SAVINGS CLAUSE.—This Act does not include within its scope selection rights required to be recorded under the Act of August 5, 1955 (69 Stat. 534), regardless of whether compensation authorized by the Act of August 31, 1964 (78 Stat. 751) was or was not received.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

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

SEC. 5. TIME EXTENSION.

Section 103(c) of the Wildfire Disaster Recovery Act of 1989 (16 U.S.C. 551 note) is amended in the first sentence by striking out "1991" and inserting in lieu thereof "1992".

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "An Act to resolve the status of certain lands relinquished to the United States under the Act of June 4, 1897 (30 Stat. 11, 36), and for other purposes".

PUBLIC LANDS IMPROVEMENTS ACT

The Senate proceeded to consider the bill (S. 1704) to improve the administration and management of public lands,

national forests, units of the National Park System, and related areas by improving the availability of adequate, appropriate, affordable, and cost-effective housing for employees needed to effectively manage the public lands, which was reported from the Committee on Energy and Natural Resources with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Land Management Agency Housing Improvement Act of 1992".

SEC. 2. DEFINITIONS.

As used in this Act, the term—

(1) "public lands" means Federal lands administered by the Secretary of the Interior or the Secretary of Agriculture; and

(2) "Secretaries" means the Secretary of the Interior and the Secretary of Agriculture.

SEC. 3. EMPLOYEE HOUSING.

(a)(1) To promote the recruitment and retention of qualified personnel necessary for the effective management of public lands, the Secretaries are authorized to—

(A) make employee housing available, subject to the limitations set forth in paragraph (2), on or off public lands, and

(B) rent or lease such housing to employees of the respective Department at a reasonable value.

(2)(A) Housing made available on public lands shall be limited to those areas designated for administrative use.

(B) No private lands or interests therein outside of the boundaries of Federally administered areas may be acquired for the purposes of this Act except with the consent of the owner thereof.

(b) The Secretaries shall provide such housing in accordance with this Act and section 5911 of title 5, United States Code, except that for the purposes of this Act, the term—

(1) "availability of quarters" (as used in this Act and subsection (b) of section 5911) means the existence, within thirty miles of the employee's duty station, of well-constructed and maintained housing suitable to the individual and family needs of the employee, for which the rental rate as a percentage of the employee's annual gross income does not exceed the most recent Census Bureau American Housing Survey median monthly housing cost for renters inclusive of utilities, as a percentage of current income, whether paid as part of rent or paid directly to a third party;

(2) "contract" (as used in this Act and subsection (b) of section 5911) includes, but is not limited to, "Build-to-Lease", "Rental Guarantee", "Joint Development" or other lease agreements entered into by the Secretary, on or off public lands, for the purposes of sub-leasing to Departmental employees; and

(3) "reasonable value" (as used in this Act and subsection (c) of section 5911) means the base rental rate comparable to private rental rates for comparable housing facilities and associated amenities: *Provided*, That the base rental rate as a percentage of the employee's annual gross income shall not exceed the most recent American Housing Survey median monthly housing cost for renters inclusive of utilities, as a percentage of current income whether paid as part of rent or paid directly to a third party.

(c) Subject to appropriation, the Secretaries may enter into contracts and agreements with public and private entities to provide employee housing on or off public lands.

(d) The Secretaries may enter into cooperative agreements or joint ventures with local governmental and private entities, either on or off public lands, to provide appropriate and necessary utility and other infrastructure facilities in support of employee housing facilities provided under this Act.

SEC. 4. SURVEY OF RENTAL QUARTERS.

The Secretaries shall conduct a survey of the availability of quarters at field units under each Secretary's jurisdiction at least every five years. If such survey indicates that Government owned or suitable privately owned quarters are not available as defined in section 3(b)(1) of this Act for the personnel assigned to a specific duty station, the Secretaries are authorized to provide suitable quarters in accordance with the provisions of this Act. For the purposes of this section, the term "suitable quarters" means well-constructed, maintained housing suitable to the individual and family needs of the employee.

SEC. 5. SECONDARY QUARTERS.

(a) The Secretaries may determine that secondary quarters for employees who are permanently duty stationed at remote locations and are regularly required to relocate for temporary periods are necessary for the effective administration of an area under the jurisdiction of the respective agency. Such secondary quarters are authorized to be made available to employees, either on or off public lands, in accordance with the provisions of this Act.

(b) Rental rates for such secondary facilities shall be established so that the aggregate rental rate paid by an employee for both primary and secondary quarters as a percentage of the employee's annual gross income shall not exceed the Census Bureau American Housing Survey median monthly housing cost for renters inclusive of utilities, as a percentage of current income, whether paid as part of rent or paid directly to a third party.

SEC. 6. SURVEY OF EXISTING FACILITIES.

(a) Within two years after the date of enactment of this Act, the Secretaries shall survey all existing government owned employee housing facilities under the jurisdiction of the Department of the Interior and the Department of Agriculture, to assess the physical condition of such housing and the suitability of such housing for the effective prosecution of the agency mission. The Secretaries shall develop an agencywide priority listing, by structure, identifying those units in great need for repair, rehabilitation, replacement or initial construction, as appropriate. The survey and priority listing study shall be transmitted to the Committees on Appropriations and Energy and Natural Resources of the United States Senate and the Committees on Appropriations and Interior and Insular Affairs of the United States House of Representatives.

(b) Unless otherwise provided by law, expenditure of any funds appropriated for construction, repair or rehabilitation shall follow, in sequential order, the priority listing established by each agency. Funding available from other sources for employee housing repair may be distributed as determined by the Secretaries.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

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

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GLACIAL NATIONAL PARK ACT

The bill (S. 3051) to grant a right of use and occupancy of a certain tract of land in Glacier National Park to Gerald R. Robinson, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 3051

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be referred to as the "Gerald R. Robinson Relief Act".

SEC. 2. RIGHT OF USE AND OCCUPANCY OF A CERTAIN LAND TRACT IN GLACIER NATIONAL PARK.

(A) RIGHT OF USE AND OCCUPANCY.—The Secretary of the Interior shall grant Gerald R. Robinson a right of use and occupancy for the property described in subsection (c) for a term ending on the date of his death.

(b) TERMS AND CONDITIONS.—The right granted pursuant to subsection (a)—

(1) shall be for the reasonable use of the property;

(2) shall be subject to such terms and conditions as the Secretary may prescribe (including termination) to insure that such right does not unreasonably diminish the scenic, historic, and other values for which Glacier National Park was established; and

(3) shall vest upon payment of an administrative fee of $941.13.

(c) DESCRIPTION OF PROPERTY.—The property described in this subsection is a parcel of land containing approximately three acres, in Government Lot 7, section 9, Township 35 north, range 21 west, and more particularly described in the United States Department of the Interior Special Use Permit numbers 2-117-59, 2-117-110, and SP1430-9-0068.

ALASKA LAND STATUS TECHNICAL CORRECTIONS ACT

Senate proceeded to consider the bill (H.R. 3157) to provide for the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes.

Mr. MURKOWSKI. Mr. President, I rise today to ask my colleagues to support H.R. 3157. This is very important legislation and is a companion measure to my bill, S. 1625, which was reported by the Committee on Energy and Natural Resources on August 5, 1992. These bills resolve several issues that have come up over the past few years relating to the settlement of Alaska Native claims and management of Federal lands in Alaska.

The House has added four provisions to their version of the bill which we did not have time to consider when acting on S. 1625 in the Committee on Energy and Natural Resources. I have looked over the House amendments and encourage my colleagues to join me in supporting them and passing H.R. 3157.

Mr. President, I thank the Chair.

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

ISSUANCE OF SKI AREA PERMITS ON NATIONAL FOREST SYSTEM LANDS

The Senate proceeded to consider the bill (S. 2606) to further clarify authorities and duties of the Secretary of Agriculture in issuing ski area permits on National Forest System lands, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. FINDINGS AND PURPOSES.

(a) The Congress finds and declares that—

(1) although ski areas occupy less than one-twentieth of 1 percent of national forest lands nationwide, in many rural areas of the United Sates, ski areas and investments by ski area permittees on national forest lands form the backbone of the local economy and preponderance of the employment base;

(2) ski area operations and their attendant communities provide revenues to the United States in the form of permit fees, income taxes, and other revenues which are extremely significant in proportion to the limited Federal acreage and Forest Service administration and contractual obligations required to support such operations;

(3) in addition to alpine skiing, many ski area permittees provide multiseason facilities and enhanced access to national forest lands which result in greater public use and enjoyment of such lands than would otherwise occur;

(4) unlike many other private sector users of Federal lands, ski areas in almost all cases finance, construct, maintain, and market all recreational facilities and improvements on such lands;

(5) many ski areas on Federal lands operate in a competitive environment which requires a continuing high level of capital investment to upgrade existing facilities and install new facilities to serve the public, including lifts, trails, snowmaking and trail grooming equipment, restaurants, and day care centers;

(6) despite an outward appearance of economic well-being resulting from an intensive capital infrastructure, many ski area operations are marginally profitable due to the competition and capital investments referenced in subparagraph (5), weather conditions, insurance premiums, the national economy, and other factors beyond their control;

(7) because of the aforementioned contribution of ski areas to the economy and rural communities and to the enhanced use and enjoyment of national forest lands, it is in the public interest for the United States, where consistent with national forest management objectives, to take actions with respect to such ski areas and associated communities as will assist their long-term economic health and stability; and

(8) the National Forest Ski Area Permit Act of 1986 has been of assistance to ski area operations on national forest lands by providing longer term tenure and stability to permittees, but further adjustments and policy direction are warranted to address problems related to permit fees and fee calculations and conflicts with certain mineral activities.

(b) In furtherance of the findings of subsection (a) of this section, it is the purpose of this Act to—

(1) legislate a ski area permit fee which returns fair market value to the United States and at the same time provides ski area permittees and the United States with a simplified, consistent, predictable, and equitable fee formula which is commensurate with long-term ski area, planning, financing and operation needs and which simplifies bookkeeping and other administrative burdens on ski area permittees and Forest Service personnel; and

(2) prevent future conflicts between ski area operations and mining and mineral leasing programs by withdrawing lands within ski area permit boundaries from the operation of the mining and mineral leasing laws.

SEC. 2. SKI AREA PERMIT FEE.

(a) The Secretary shall charge a fee for all ski area permits issued pursuant to the National Forest Ski Area Permit Act of 1986, the Act of March 4, 1915, and the Act of June 4, 1897, on National Forest System lands as set forth in subsection (b) of this section. The Secretary shall require that fees for all existing ski area permits issued pursuant to the Act of March 4, 1915, and the Act of June 4, 1897, be calculated as set forth in subsection (b) of this section.

(b)(1) The ski area permit fee (SAPF) to be charged shall be calculated by adding the permittee's gross revenues from lift ticket/year-round ski area use pass sales plus revenue from ski school operations (LT+SS) and multiplying such total by the slope transport feet percentage (STFP) on National Forest System land. Add to that amount gross year-round revenue from ancillary facilities (GRAF) physically located on national forest land, including all permittee or subpermittee lodging, food service, rental shops, parking and other ancillary operations, to determine the adjusted gross revenue (AGR) subject to the permit fee. Calculate the final fee by multiplying adjusted gross revenue by the following percentages for each revenue bracket and adding the total for each revenue bracket:

(i) 1.5 percent of all adjusted gross revenue below $3,000,000;

(ii) 2.5 percent for adjusted gross revenue between $3,000,000 and $15,000,000;

(iii) 2.75 percent for adjusted gross revenue between $15,000,000 and $50,000,000; and

(iv) 4.0 percent for the amount of adjusted gross revenue that exceeds $50,000,000.

Utilizing the abbreviations indicated in this subsection the ski area permit fee (SAPF) formula can be simply illustrated as:

$$\underbrace{\text{SAPF} = (\text{LT} + \text{SS STFP}) + \text{GRAF} = \text{AGR}}_{\text{AGR \% brackets}};$$

(2) In cases where ski areas are only partially located on national forest lands, the slope transport feet percentage on national forest land referred to in subsection (b) of this section is hereby determined to most accurately reflect the percent of an alpine ski area permittee's total skier service capacity which is located on National Forest System land. It shall be calculated as generally described in the Forest Service Manual in effect as of January 1, 1992. Revenues from nordic ski operations shall be included or excluded from the fee calculation according to the percentage of trails physically located on national forest land.

(3) In order to insure that the fee legislated herein remains fair and equitable to both the United States and ski area permittees, the adjusted gross revenue figures for each revenue bracket in subparagraph (b)(1)(i)–(iv) shall be adjusted annually by the percent increase or decrease in the national Consumer Price Index for the preceding calendar year. No later than five years after the date of enactment of this Act and every ten years thereafter the Secretary shall submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Agriculture and Interior and Insular Affairs of the United States House of Representatives a report analyzing whether the ski area permit fee system legislated by this Act is returning a fair market value rental to the United States together with any recommendations the Secretary may have for modifications in the system.

(c) The fee set forth in subsection (b) shall be due on June 1 of each year and shall be paid or pre-paid by the permittee on a monthly, quarterly, annual or other schedule as determined appropriate by the Secretary in consultation with the permittee. It is the intention of Congress that unless mutually agreed otherwise by the Secretary and the permittee, the payment or prepayment schedule shall conform to the permittee's schedule in effect prior to enactment of this Act. To simplify bookkeeping and fee calculation burdens on the permittee and the Forest Service, the Secretary shall each year provide the permittee with a standardized form and worksheets (including annual fee calculation brackets and rates) to be utilized for fee calculation and submitted with the fee payment. Information provided on such forms shall be compiled by the Secretary annually and kept in the Office of the Chief, U.S. Forest Service.

(d) The ski area permit fee legislated herein shall become effective on June 1, 1993, and cover receipts retroactive to June 1, 1992: *Provided, however*, That if a permittee has paid fees for the period of June 1, 1992, to June 1, 1993, under the graduated rate fee system formula in effect prior to this Act, such fees shall be credited toward the new fee due on June 1, 1993. In order to insure increasing fee receipt levels to the United States during transition from the Graduated Rate Fee System formula to the formula of this Act, the fee paid by any individual permittee for the 1992–1993 permit year shall be either the fee paid for the preceding 1991–1992 base year or the fee calculated pursuant to this Act, whichever is higher. For the 1993–1994 permit year, the fee paid shall be either the fee paid for the 1991–1992 base year or the fee calculated pursuant to this Act, whichever is higher: *Provided, however*, That in the event individual permittee's adjusted gross revenue for either the 1992–1993 or 1993–1994 permit years falls more than 10 percent below the 1991–1992 base year, the fee paid shall then be the fee calculated pursuant to this Act.

(e) Under no circumstances shall revenue, or subpermittee revenue (other than lift ticket, area use pass, or ski school sales) obtained from operations physically located on nonnational forest land be included in the ski area permit fee calculation.

(f) To simplify bookkeeping and administrative burdens on ski area permittees and the Forest Service, as used in this section, the terms "revenue" and "sales" shall mean actual income from sales and shall not include sales of operating equipment, refunds, rent paid to the permittee by sublessees, sponsor contributions to special events or any amounts attributable to employee gratuities or employee lift tickets, discounts, or other goods or services (except for bartered goods and complimentary lift tickets) for which the permittee does not receive money.

(g) In cases where an area of national forest land is under a ski area permit but the permittee does not have revenue or sales qualifying for fee payment pursuant to subsection (a) of this section, the permittee

shall pay an annual minimum rental fee of $2 for each national forest acre under permit or a percentage of appraised land value, as determined appropriate by the Secretary.

SEC. 3. WITHDRAWALS.

SEC. 3. Subject to valid existing rights, all lands located within the boundaries of ski area permits issued prior to, on or after the date of enactment of this Act pursuant to authority of the Act of March 4, 1915, and the Act of June 4, 1897, or the National Forest Ski Area Permit Act of 1986 are hereby and henceforth automatically withdrawn from all forms of appropriation under the mining laws and from disposition under all laws pertaining to mineral and geothermal leasing and all amendments thereto. Such withdrawal shall continue for the full term of the permit and any modification, reissuance, or renewal thereof. Unless the Secretary requests otherwise of the Secretary of the Interior, such withdrawal shall be canceled automatically upon expiration or other termination of the permit and the land automatically restored to all appropriation not otherwise restricted under the public land laws.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time and passed.

IDAHO LAND EXCHANGE ACT

The Senate proceeded to consider the bill (S. 1893) to adjust the boundaries of the Targhee National Forest, to authorize a land exchange involving the Kaniksu National Forest, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be stricken are shown in italics.)

S. 1893

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Idaho Land Exchange Act of **[1991]** *1992*".

SEC. 2. TARGHEE NATIONAL FOREST BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—The boundaries of the Targhee National Forest are adjusted as generally depicted on the map entitled "Targhee National Forest Proposed Boundary Changes" and dated March 1, 1991.

(b) MAP AND LEGAL DESCRIPTION.—

(1) PUBLIC ACCESS.—The map described in subsection (a) and a legal description of the lands depicted on the map shall be on file and available for public inspection in the Regional Office of the Intermountain Region of the Forest Service.

(2) TECHNICAL CORRECTIONS.—The map and legal description shall have the same force and effect as if included in this Act, except that the Secretary of Agriculture (referred to in this Act as the "Secretary") may correct clerical and typographical errors.

(c) RULE OF CONSTRUCTION.—For the purpose of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), the boundaries of the Targhee National Forest, as adjusted by this Act, shall be considered to be the boundaries of the Forest as of January 1, 1965.

SEC. 3. CLARK FORK LAND EXCHANGE.

(a) FINDINGS.—Congress finds that, over the past 10 years—

(1) the University of Idaho has utilized the Clark Fork Ranger Station within the Kaniksu National Forest as the Clark Fork Field Campus, under a Granger-Thye permit; and

(2) the University of Idaho has made substantial improvements in order to maintain and utilize the buildings as a campus facility.

(b) LAND EXCHANGE.—

(1) CONVEYANCE BY THE SECRETARY.—

(A) IN GENERAL.—In exchange for the conveyance described in paragraph (2) and subject to easements that are considered necessary by the Secretary for public and administrative access and to valid existing rights, the Secretary shall convey to the State of Idaho, acting through the Regents of the University of Idaho, all right, title, and interest of the United States to Parcel A.

(B) PARCEL A.—As used in this section, the term "Parcel A" means the approximately 35.27 acres comprising the Clark Fork Ranger Station within the Kaniksu National Forest, as depicted on the map entitled "Clark Fork Land Exchange—Parcel A" and dated **[July 9]**, *July 1*, 1991.

(2) CONVEYANCE BY THE STATE OF IDAHO.—

(A) IN GENERAL.—In exchange for the conveyance described in paragraph (1) and subject to valid existing rights of record acceptable to the Secretary, the State of Idaho shall convey to the Secretary, by general warranty deed in accordance with Department of Justice title standards, all right, title, and interest to Parcel B.

(B) PARCEL B.—As used in this section, the term "Parcel B" means the approximately 40 acres depicted on the map entitled "Clark Fork Land Exchange—Parcel B" and dated **[July 9]**, *July 1*, 1991.

(3) MAPS AND LEGAL DESCRIPTIONS.—

(A) PUBLIC ACCESS.—The maps described in paragraphs (1)(B) and (2)(B) and the legal descriptions of the lands depicted on the maps shall be on file and available for public inspection in the Regional Office of the Northern Region of the Forest Service.

(B) TECHNICAL CORRECTIONS.—The maps and legal descriptions shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors.

(c) LAND VALUATION.—

(1) IN GENERAL.—Subject to paragraph (2), if the lands exchanged between the United States and the State of Idaho, as authorized by subsection (b), are not of equal value, the values shall be equalized in accordance with section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)).

(2) EXCEPTION.—The value of the improvements made by the University of Idaho on Parcel A under the Granger-Thye permit shall be excluded from consideration in a valuation conducted pursuant to paragraph (1).

(d) NATIONAL FOREST BOUNDARY ADJUSTMENT.—

(1) IN GENERAL.—Upon acquisition of Parcel B by the United States, the boundaries of the Kaniksu National Forest shall be adjusted to include Parcel B.

(2) RULE OF CONSTRUCTION.—For the purpose of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), the boundaries of the Kaniksu National Forest, as adjusted by this Act, shall be considered to be the boundaries of the Forest as of January 1, 1965.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1853

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Idaho Land Exchange Act of 1992".

SEC. 2. TARGHEE NATIONAL FOREST BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—The boundaries of the Targhee National Forest are adjusted as generally depicted on the map entitled "Targhee National Forest Proposed Boundary Changes" and dated March 1, 1991.

(b) MAP AND LEGAL DESCRIPTION.—

(1) PUBLIC ACCESS.—The map described in subsection (a) and a legal description of the lands depicted on the map shall be on file and available for public inspection in the Regional Office of the Intermountain Region of the Forest Service.

(2) TECHNICAL CORRECTIONS.—The map and legal description shall have the same force and effect as if included in this Act, except that the Secretary of Agriculture (referred to in this Act as the "Secretary") may correct clerical and typographical errors.

(c) RULE OF CONSTRUCTION.—For the purpose of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), the boundaries of the Targhee National Forest, as adjusted by this Act, shall be considered to be the boundaries of the Forest as of January 1, 1965.

SEC. 3. CLARK FORK LAND EXCHANGE.

(a) FINDINGS.—Congress finds that, over the past 10 years—

(1) the University of Idaho has utilized the Clark Fork Ranger Station within the Kaniksu National Forest as the Clark Fork Field Campus, under a Granger-Thye permit; and

(2) the University of Idaho has made substantial improvements in order to maintain and utilize the buildings as a campus facility.

(b) LAND EXCHANGE.—

(1) CONVEYANCE BY THE SECRETARY.—

(A) IN GENERAL.—In exchange for the conveyance described in paragraph (2) and subject to easements that are considered necessary by the Secretary for public and administrative access and to valid existing rights, the Secretary shall convey to the State of Idaho, acting through the Regents of the University of Idaho, all right, title, and interest of the United States to Parcel A.

(B) PARCEL A.—As used in this section, the term "Parcel A" means the approximately 35.27 acres comprising the Clark Fork Ranger Station within the Kaniksu National Forest, as depicted on the map entitled "Clark Fork Land Exchange—Parcel A" and dated July 1, 1991.

(2) CONVEYANCE BY THE STATE OF IDAHO.—

(A) IN GENERAL.—In exchange for the conveyance described in paragraph (1) and subject to valid existing rights of record acceptable to the Secretary, the State of Idaho shall convey to the Secretary, by general warranty deed in accordance with Department of Justice title standards, all right, title, and interest to Parcel B.

(B) PARCEL B.—As used in this section, the term "Parcel B" means the approximately 40 acres depicted on the map entitled "Clark Fork Land Exchange—Parcel B" and dated July 1, 1991.

(3) MAPS AND LEGAL DESCRIPTIONS.—

(A) PUBLIC ACCESS.—The maps described in paragraphs (1)(B) and (2)(B) and the legal descriptions of the lands depicted on the maps shall be on file and available for public inspection in the Regional Office of the Northern Region of the Forest Service.

(B) TECHNICAL CORRECTIONS.—The maps and legal descriptions shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors.

(c) LAND VALUATION.—

(1) IN GENERAL.—Subject to paragraph (2), if the lands exchanged between the United States and the State of Idaho, as authorized by subsection (b), are not of equal value, the values shall be equalized in accordance with section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)).

(2) EXCEPTION.—The value of the improvements made by the University of Idaho on Parcel A under the Granger-Thye permit shall be excluded from consideration in a valuation conducted pursuant to paragraph (1).

(d) NATIONAL FOREST BOUNDARY ADJUSTMENT.—

(1) IN GENERAL.—Upon acquisition of Parcel B by the United States, the boundaries of the Kaniksu National Forest shall be adjusted to include Parcel B.

(2) RULE OF CONSTRUCTION.—For the purpose of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), the boundaries of the Kaniksu National Forest, as adjusted by this Act, shall be considered to be the boundaries of the Forest as of January 1, 1965.

Mr. DECONCINI. I ask, Mr. President, unanimous consent that Calendar No. 577, S. 1625, be indefinitely postponed.

The PRESIDING OFFICER. Without objection it is so ordered.

APPOINTMENT BY THE REPUBLICAN LEADER

The PRESIDING OFFICER. The Chair, on behalf of the Republican leader, pursuant to Public Law 102-166, appoints Mrs. Marilyn Pauly, of Kansas, as a member of the Glass Ceiling Commission.

APPOINTMENT BY THE REPUBLICAN LEADER AND MAJORITY LEADER

The PRESIDING OFFICER. The Chair, on behalf of the Republican leader and the majority leader, pursuant to Public Law 102-166, appoints the Senator from California [Mr. SEYMOUR] as a member of the Glass Ceiling Commission.

Mr. DECONCINI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

FISHERIES AGREEMENT BETWEEN THE UNITED STATES AND THE PEOPLE'S REPUBLIC OF CHINA—MESSAGE FROM THE PRESIDENT—PM 267

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which, pursuant to 16 U.S.C. 1823(b), was referred jointly to the Committee on Commerce, Science, and Transportation and the Committee on Foreign Relations:

To the Congress of the United States:

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (Public Law 94-265; 16 U.S.C. 1801 *et seq.*), I transmit herewith an Agreement between the Government of the United States of America and the Government of the People's Republic of China Amending and Extending the 1985 Agreement Concerning Fisheries off the Coasts of the United States, as amended, which was effected by exchange of notes at Washington May 12 and July 16, 1992, copies of which are attached. This agreement extends the 1985 agreement for an additional 2-year period, until July 1, 1994, and further amends the agreement to incorporate the latest changes in U.S. laws. The exchange of notes together with the present agreement constitute a governing international fishery agreement within the meaning of section 201(c) of the Act.

Because of the importance of our fisheries relations with the People's Republic of China, I urge that the Congress give favorable consideration to this agreement.

GEORGE BUSH.

THE WHITE HOUSE, *September 9, 1992.*

BUDGET AMENDMENT REQUEST OF THE DISTRICT OF COLUMBIA—MESSAGE FROM THE PRESIDENT—PM 268

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Governmental Affairs:

To the Congress of the United States:

In accordance with the District of Columbia Self-Government and Governmental Reorganization Act, I am transmitting the District of Columbia Government's 1993 Budget amendment request.

The District of Columbia Government has submitted a request to increase its FY 1993 capital authority by $60 million and to reprogram $20 million of capital authority from an existing project. The requested increase in authority is needed to fund the District's share of the remaining 13.5 miles of the Washington Metropolitan Area Transit Authority Metrorail system in accordance with the construction schedule adopted in the Fifth Interim Capital Contributions Agreement.

GEORGE BUSH.

THE WHITE HOUSE, *September 9, 1992.*

AGREEMENT BETWEEN THE UNITED STATES AND IRELAND ON SOCIAL SECURITY—MESSAGE FROM THE PRESIDENT—PM 269

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

To the Congress of the United States:

Pursuant to section 233(e)(1) of the Social Security Act, as amended by the Social Security Amendments of 1977 (Public Law 95-216, 42 U.S.C. 433(e)(1)), I transmit herewith the Agreement between the United States of America and Ireland on Social Security, which consists of two separate instruments: a principal agreement and an administrative arrangement. The agreement was signed at Washington on April 14, 1992.

The United States-Ireland agreement contains all provisions mandated by section 233 and other provisions that I deem appropriate to carry out the provisions of section 233, pursuant to section 233(c)(4). It is similar in objective to the social security agreements already in force with Austria, Belgium, Canada, France, Germany, Italy, The Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, and the United Kingdom. Such bilateral agreements provide for limited coordination between the United States and foreign social security systems to eliminate dual social security coverage and taxation, and to help prevent the loss of benefit protection that can occur when workers divide their careers between two countries.

I also transmit for the information of the Congress a report prepared by the Department of Health and Human Services explaining the key points of the agreement, along with a paragraph-

by-paragraph explanation of the provisions of the principal agreement and the related administrative arrangement. Annexed to this report is the report required by section 233(e)(1) of the Social Security Act on the effect of the agreement on income and expenditures of the U.S. Social Security program and the number of individuals affected by the agreement. The Department of Health and Human Services has recommended the agreement and related documents to me.

I commend the United States-Ireland Social Security Agreement and related documents.

GEORGE BUSH.

THE WHITE HOUSE, *September 9, 1992.*

MESSAGES FROM THE HOUSE

At 11:32 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the bill (S. 2) to promote the achievement of national education goals, to measure progress toward such goals, to develop national educational standards and to encourage the comprehensive improvement of America's neighborhood public schools to improve student achievement, with amendments; it insists upon its amendments to the said bill, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. FORD of Michigan, Mr. MILLER of California, Mr. KILDEE, Mr. WILLIAMS, Mr. MARTINEZ, Mr. OWENS of New York, Mr. HAYES of Illinois, Mr. PERKINS, Mr. SAWYER, Mrs. LOWEY of New York, Mrs. UNSOELD, Mr. WASHINGTON, Mrs. MINK, Mr. JEFFERSON, Mr. REED, Mr. ROEMER, Mr. OLVER, Mr. PASTOR, Mr. GOODLING, Mr. PETRI, Mrs. ROUKEMA, Mr. GUNDERSON, Mr. HENRY, Ms. MOLINARI, Mr. BOEHNER, Mr. KLUG, Mr. ARMEY, and Mr. CUNNINGHAM as managers of the conference on the part of the House.

MEASURES PLACED ON THE CALENDAR

The Committee on Labor and Human Resources was discharged from the consideration of the following bills which were placed on the calendar:

H.R. 590. An act for the relief of Edgardo Ismael, Juan Carlos, and Edilliam Cotto Roman; and

H.R. 655. An act for the relief of Juan Luis, Braulio Nestor, and Miosotis Ramirez.

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-3818. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the OMB Sequestration Update Report to the President and Congress; pursuant to the order of January 30, 1975, as modified on April 11, 1986, referred jointly to the Committee on Appropriations, the Committee on Budget, the Committee on Agriculture, Nutrition and Forestry, the Committee on Armed Services, the Committee on Banking, Housing and Urban Affairs, the Committee on Commerce, Science and Transportation, the Committee on Energy and Natural Resources, the Committee on Environment and Public Works, the Committee on Finance, the Committee on Foreign Relations, the Committee on Governmental Affairs, the Committee on Judiciary, the Committee on Labor and Human Resources, the Committee on Rules and Administration, the Committee on Small Business, the Committee on Veterans Affairs, the Special Committee on Aging, the Select Committee on Intelligence, and the Select Committee on Indian Affairs.

EC-3819. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a special impoundment message for fiscal year 1992; pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Agriculture, Nutrition and Forestry, and the Committee on Foreign Relations.

EC-3820. A communication from the President of the United States, transmitting, pursuant to law, notice of a deferral of budget authority in fiscal year 1992; pursuant to the order of January 30, 1975, as modified on April 11, 1986, referred jointly to the Committee on Appropriations, the Committee on the Budget, and the Committee on Foreign Relations.

EC-3821. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation within five days of enactment; the Committee on the Budget.

EC-3822. A communication from the President of the United States, transmitting a draft of proposed legislation to enact the Nevada Public Lands Wilderness Act; to the Committee on Energy and Natural Resources.

EC-3823. A communication from the Chairman of the United States International Trade Commission, transmitting, pursuant to law, the report on Trade Between the United States and China, the Former Soviet Union, Central and Eastern Europe, the Baltic Nations, and Other Selected Countries During January-March 1992; to the Committee on Finance.

EC-3824. A communication from the Assistant Secretary of State (Legialative Affairs), transmitting, pursuant to law, notice of a Presidential Determinations designation for Haitian refugee applications; to the Committee on Foreign Relations.

EC-3825. A communication from the Attorney General of the United States, transmitting, pursuant to law, the Fiscal Year 1991 Annual Report of the Office of Justice Programs; to the Committee on the Judiciary.

EC-3826. A communication from the Chairman and Members of the Railroad Retirement Board, transmitting, pursuant to law, the Railroad Retirement Board 1994 Budget Submission; to the Committee on Labor and Human Resources.

EC-3827. A communication from the Executive Secretary of the Federal Reserve Employee Benefits System, transmitting, pursuant to law, the Annual Report of the Retirement Plan for the Employees of the Federal Reserve System for calendar year 1991; to the Committee on Governmental Affairs.

EC-3828. A communication from the Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a final rule under the Federal Insecticide, Fungicide and Rodenticide Act; to the Committee on Agriculture, Nutrition and Forestry.

EC-3829. A communication from the Acting General Sales Manager and Vice-President, Commodity Credit Corporation, transmitting, pursuant to law, a report to the United States Congress on Section 416(b) Monetization Programs for Fiscal Year 1991; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3830. A communication from the Secretary of the Army, transmitting, pursuant to law, the annual report of the United States Soldiers' and Airmen's Home for Fiscal Year 1991; to the Committee on Armed Services.

EC-3831. A communication from the Deputy Assistant Secretary of Defense, transmitting, pursuant to law, a Report on Environmental Compliance; to the Committee on Armed Services.

EC-3832. A communication from Comptroller General of the United States, transmitting, pursuant to law, a Financial Audit of the Panama Canal Commission's 1991 and 1990 Financial Statements; to the Committee on Armed Services.

EC-3833. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a statement on a transaction involving United States exports to the Repbulic of Venezuela; to the Committee on Banking, Housing and Urban Affairs.

EC-3834. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the annual reports on transactions in which Federal financial assistance is provided; to the Committee on Banking, Housing and Urban Affairs.

EC-3835. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report on the effect of the Airline Deregulation Act on the level of air safety; to the Committee on Commerce, Science and Transportation.

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. SIMPSON:

S. 3219. A bill for the relief of Nathan C. Vance, and for other purposes; to the Committee on the Judiciary.

By Mr. HATCH:

S. 3220. A bill to amend the Harmonized Tariff Schedule of the United States to extend the temporary reduction of duty for certain sports clothing; to the Committee on Finance.

By Mr. LAUTENBERG (for himself, Mr. MITCHELL, Mr. PELL, Mr. JEFFORDS, Mr. SASSER, and Mr. RUDMAN):

S. 3221. A bill to deny most-favored-nation status to Serbia and Montenegro unless certain conditions are met; to the Committee on Finance.

By Mr. RIEGLE (for himself and Mr. LIEBERMAN):

S. 3222. A bill to establish the Small Business Capital Enhancement Program to en-

hance the availability of financing for small business concerns; to the Committee on Banking, Housing, and Urban Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SIMPSON:

S. 3219. A bill for the relief of Nathan C. Vance, and for other purposes; to the Committee on the Judiciary.

RELIEF OF NATHAN C. VANCE

Mr. SIMPSON. Mr. President, I rise today to offer a bill for the private relief of a citizen who has fallen victim to both the 1988 Yellowstone fires and to an insensitive Government bureaucracy.

The tragic Yellowstone "Mink" forest fire of 1988 devastated Nathan Vance's outfitting business when it burned through his Teton wilderness camp. He is a fine constituent, and I have known him and his family for many years. The fire destroyed essential outfitting equipment, forcing Nathan Vance to cancel 12 prepaid trips and forfeit valuable revenue from those trips. Mr. Vance incurred both equipment replacement costs and lost revenue, a deadly combination to a small, seasonal business with a small profit margin even in the best of times. This legislation would compensate him for the equipment losses he suffered—as the Congress had intended to do with the original legislation we enacted following those tragic fires. The forest fire was a devastating event in Mr. Vance's life—a tragedy compounded by insensitive Government wrangling and delays.

Congress showed it's compassion for the financially injured citizens in the Yellowstone area with the passage of Public Law 101-302. This law authorized the Forest Service to settle certain personal property damage claims from the 1988 Yellowstone fires. Mr. Vance mailed his claim on August 19, 1990 in order to meet the August 23 deadline.

Through no fault of his own, it took 5 business days for Nate Vance's letter to travel from Wyoming to Utah—longer than it takes a letter to reach Washington, DC, from San Francisco, CA.

The Forest Service officially received the Vance claim less than 24 hours after the deadline. Yet the Forest Service seemed unconcerned by the deadline and continued the claim process by asking Mr. Vance to provide a detailed accounting of his lost equipment and revenue.

More than 3 months after the Forest Service received his accounting and seemed ready to pay the claim, Mr. Vance was informed by a Forest Service employee that his claim was invalid because of the missed deadline. Mr. Vance has since attempted to appeal to the Forest Service, but has been met with repeated refusals to consider the claim.

Public Law 101-302 states the "Forest Service is directed to negotiate, compromise, and reach a determination on the original claims." It is clear the Forest Service failed to negotiate, to compromise, or reach a determination even when directly ordered by law to do so—all based on unusually slow mail service outside the control of Mr. Vance.

The tragic combination of a devastating forest fire and Government insensitivity has turned Mr. Vance's life upside down. He is still struggling to pay the additional mortgages on his home and business assets that he was forced to take out in order to continue business operations.

Nate Vance's story is an unnecessary and an unintended inequity. Insensitive Government actions contributed to this hardships through an unreasonable and unresponsive process. We should not allow Government to forget that we are here to serve the people, not to impose unfair burdens upon them.

This legislation will allow us to ease some of the unfair burden imposed on Nate Vance by requiring the Forest Service to pay Mr. Vance $4,850 from the appropriate funds now in the Forest Service Regional fire budget. This amount represents only his equipment loss and is only the amount that would have been approved if the Postal Service had taken 4 days, rather than 5, to deliver his claim from Wyoming to its adjacent neighbor, Utah.

Mr. Vance is an honorable citizen who is pursuing the American dream of owning and operating a business. He is entitled to relief and deserves our support. I encourage my colleagues to support this legislation and help us to correct this obvious inequity and absurdity.

By Mr. HATCH:

S. 3220. A bill to amend the Harmonized Tariff Schedule of the United States to extend the temporary reduction of duty for certain sports clothing; to the Committee on Finance.

TEMPORARY REDUCTION OF DUTY ON CERTAIN SPORTS CLOTHING

Mr. HATCH. Mr. President, I rise today to introduce a tariff measure regarding the extension of the temporary reduction of duty on certain sports clothing.

My intent in introducing this piece of legislation is to directly address the potential consequences that may materialize if this particular temporary reduction of duty is not extended. In fact, without the temporary extension, the duty rates contained in the harmonized tariff schedule would be applied to certain sports clothing and would effectively increase the tariffs from 5.5 percent to as much as 30 percent on specific protective ski wear, including one-piece racing suits worn by the U.S. ski team.

I have several concerns about the effects of this much of a duty increase would have on U.S. ski wear importers. First, most ski wear importers are small in size, typically less than 20 employees, and duty rates play a significant role in the financial operations of a majority of these businesses. A significant increase in the tariff rates would be potentially devastating for several small ski wear importers in Utah and other States where the ski industry is a significant portion of the economy. Furthermore, there is no dramatic, protective ski wear production capability to speak of in the United States. Thus, the potentially negative effects that extending this duty reduction would have on domestic producers is negligible.

Second, most of the U.S. ski team equipment suppliers provide financial sponsorship to the team in addition to providing the team's equipment on a complimentary basis. Large increases in duty rates on imported equipment will make it more difficult for many of these suppliers to provide adequate levels of badly needed financial support for the U.S. ski team.

Therefore, Mr. President, I urge my colleagues to support me in my efforts to extend this noncontroversial, temporary duty rate reduction on certain sports clothing.

By Mr. LAUTENBERG (for himself, Mr. MITCHELL, Mr. PELL, Mr. JEFFORDS, Mr. SASSER, and Mr. RUDMAN):

S. 3221. A bill to deny most-favored-nation status to Serbia and Montenegro unless certain conditions are met; to the Committee on Finance.

DENIAL OF MOST-FAVORED-NATION STATUS TO SERBIA AND MONTENEGRO

• Mr. LAUTENBERG. Mr. President, I rise to introduce legislation to deny most-favored-nation status for Serbia and Montenegro. I am pleased that Senators MITCHELL, PELL, JEFFORDS, SASSER, and RUDMAN have joined as original cosponsors of this legislation.

This legislation would condition the granting of MFN on the President's certification to Congress that Serbia and Montenegro have stopped supporting armed conflict in the Balkans, including support for Serbian forces inside Bosnia-Hercegovina, and have made significant progress toward complying with the internationally recognized human rights of the Helsinki Final Act.

Mr. President, I returned over the recess from Croatia where I was a member of a bipartisan Senate delegation led by the Senate majority leader. The delegation also included Senator PELL, chairman of the Senate Foreign Relations Committee, and Senators JEFFORDS, SASSER, and RUDMAN.

While in Croatia, we met with Bosnian and Croatian refugees outside of Zagreb, and viewed the devastated

Croatian villages of Lipik and Pakrac. We also met with Bosnian President Izetbegovic, Serbian Prime Minister Panic, Croatian President Tudjman, United Nations officials, and others.

Mr. President, news reports of the bombardment of Sarajevo, televised images of Balkan atrocities, and descriptions of death camps did not fully prepare me for the horror of the situation we observed on the ground in Croatia. They could not.

There is literally no safe place to be a Moslem or Croat in Bosnia today. Terror, torture, detention, rape, destruction, and death are the common fate of Bosnian Moslems and Croats. No Croatian or Moslem man, woman, or child, no matter how young or innocent, is immune from catastrophe.

While Serb civilians in Bosnia—Hercegovina have also been victims of violence by Moslem, Croatian, and Bosnian Serb forces, the violence against the Serbs does not compare in any measure to what is being perpetrated against the Moslems and Croatians.

The horror of the lives of Moslems and Croats in Serbia is almost unimaginable to Americans. Children watch their parents being slaughtered before their eyes. Young women are raped, often leading them to become outcasts in Moslem societies, and then sometimes killed. Men are forced to fight to the death for the recreational entertainment of camp guards.

Countless thousands are starved, tortured, and then butchered simply because of their religion or ethnic origin. Others have seen their homes, their families, and their villages wiped out. Civilization as we know it has, for many Bosnians, simply ceased to exist.

Under the Bosnian Serbs' chilling policy of ethnic cleansing, artillery and snipers have been deliberately used against the civilian populations of the main Bosnian cities. Non-Serb populations have been ruthlessly expelled from large areas of Bosnia-Hercegovina. Systematic destruction of homes and razing of entire villages, looting of personal property, beatings, selective and random killings, massacres, torture, and starvation are the weapons that have been deliberately employed in this deadly and heinous campaign.

As described by the Senate foreign relations staff delegation report, civilian Moslem and Croatian women, children, and old men are routinely placed into detention camps after being forced out of villages and towns where they and their families have lived for centuries.

The conditions in these camps are shocking. Detainees have no toilets, and are often forced to relieve themselves in the same space where they sleep. Inadequate shelter, food, medical care, and sanitation are universal in these camps; rapes of young girls and women, beatings and killings also occur.

Non-Serb boys and men have been and continue to be held in prison camps throughout the Serb-controlled areas of Bosnia-Hercegovina. In the worst of these camps, prisoners have been systematically beaten and starved, and there is evidence of organized killings. These killings are often recreational and sadistic.

My personal experience in Croatia confirms many of these horrors. In the refugee camps we visited outside Zagreb, our Senate delegation spoke to women who wept so hard they could barely speak as they told of how their husbands had been taken away, how their homes had been burned, and how their relatives had been slaughtered.

One woman told us that she had watched her father and mother hacked to death with farm tools by her Serbian neighbors. Others told us about a 12-year-old child who was forced off a bus and publicly raped by Serbian guerrillas.

I am haunted by the people I met in Croatia, and by their fate. I cannot forget the terrible pain etched on their faces, or the unspeakable sadness in their eyes. I can still hear the sobs that wracked their bodies for the unfathomable horrors that had befallen them, horrors they were powerless to stop, and which inflicted wounds that will never heal.

I cannot forget them. And I am glad that I cannot forget, because their pain and suffering is a clarion call to all those who think of themselves as caring, compassionate, and moral people. We must act. And we must act now.

Our delegation concluded that there are many positive steps that the United States can and should take to help end the killing and improve the situation in Bosnia. The MFN legislation I am introducing today was one of the recommendations made by our delegation upon its return.

Other delegation recommendations include severing diplomatic relations with Serbia, significantly tightening sanctions against Serbia and Montenegro, and actively encouraging international, regional, and private monitoring of human rights abuses by all sides. We also recommended that the United Nations establish a legal process by which those guilty of war crimes can be held accountable and punished, and seek expanded worldwide assistance for international and private relief organizations.

The letter containing these recommendations was sent to Acting Secretary Eagleburger on September 1, and I ask unanimous consent that a copy of that letter be included in the RECORD following my remarks.

Mr. President, the legislation to prohibit Serbia and Montenegro from claiming MFN status is necessary because although U.N. sanctions restrict all trade with Serbia and Montenegro, these nations have attempted to claim that they are entitled to the rights once granted to the Socialist Federal Republic of Yugoslavia, which included MFN status. Because of this unjust claim, Congress should act now to make its position clear on what future trade relations will be with these outlaw nations.

This legislation will give Congress a specific role to play in any decisions to grant Serbia and Montenegro trading privileges with the United States. Thirty days before MFN can be granted to Serbia and Montenegro, the President must certify to Congress that Serbia and Montenegro have met specific conditions, allowing Congress time to review that certification and disagree. This legislation will also make observation of human rights an explicit condition for granting MFN to Serbia and Montenegro, which it has not been up until now.

But most important, Mr. President, passage of this legislation, along with implementation of the rest of the delegation's recommendations, will send a strong signal to Serbia and Montenegro that their vile campaign to systematically remove more than 2 million people from their homes on the basis of their ethnicity and religion will not be tolerated.

It will send a message to Serbia that thugs, bullies, and butchers can no longer operate with impunity on the international stage without paying a price for their actions. It will send a message to these outlaws that their killing must stop.

In Bosnia, the unthinkable has become commonplace. Serbia's aggression has devastated entire towns and displaced nearly 2 million refugees within the former Yugoslavia. It has also led to the untold personal misery and death of countless innocents. Terrible things happen to innocent people simply because they are not Serbs and because they are Moslems or Croats.

We cannot stand by while these unspeakable acts are perpetrated on innocents. If we do, then we will surely lose our humanity.

The Serbian sponsorship of the campaign to ethnically cleanse Bosnia-Hercegovina is a moral outrage to the civilized world. It is a stain on humanity. It brings to mind the ethnic genocide of the Holocaust. It is incumbent upon all civilized nations to express our outrage and to act.

If we stand by while a bunch of thugs, murderers, and bullies commit virtual genocide on an innocent people, then we have truly learned nothing from history. And we are less human, less caring, and less compassionate than we would like to think.

I urge the Senate to quickly pass this legislation to deny MFN status for Serbia and Montenegro. It's a positive step to express our moral outrage at the

horrors being perpetrated daily on innocent Moslems and Croatians in Bosnia.

Mr. President, I ask unanimous consent that the text of the bill and the letter mentioned earlier be printed in the RECORD.

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

S. 3221

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

SECTION 1. DENIAL OF MOST-FAVORED-NATION STATUS.

Except as provided in section 2, nondiscriminatory trade treatment (most-favored-nation status) shall not be granted to any goods that are produced, grown, or manufactured in Serbia or Montenegro.

SEC. 2. CONDITIONS ON GRANTING MOST-FAVORED-NATION STATUS TO SERBIA AND MONTENEGRO.

Notwithstanding section 1, the President may only grant nondiscriminatory trade treatment (most-favored-nation status) to goods that are produced, grown, or manufactured in Serbia or Montenegro after approval by the Congress of a trade agreement with such nation and after the President certifies to the Congress that—

(1) Serbia or Montenegro, as the case may be, has made significant progress toward complying with the provisions of the Final Act of the Conference on Security and Cooperation in Europe (also known as the "Helsinki Final Act"), particularly the provisions regarding human rights and humanitarian affairs as well as respect for minority rights in Kosovo and Vojvodina; and

(2) Serbia or Montenegro, as the case may be—

(A) has ceased its armed conflict with the other ethnic peoples of the region formerly comprising the Socialist Federal Republic of Yugoslavia;

(B) has ceased all support of Serbian forces inside Bosnia-Hercegovina; and

(C) has agreed to respect the borders of the 6 republics of the former Socialist Federal Republic of Yugoslavia, as determined by the 1974 Yugoslav Constitution.

U.S. SENATE,
Washington, DC, September 1, 1992.

Hon. LAWRENCE EAGLEBURGER,
Acting Secretary of State, U.S. Department of State, Washington, DC.

DEAR MR. SECRETARY: We have just completed a brief visit to the former Yugoslavia. We met with Bosnian President Izetbegovic, Serbian Prime Minister Panic, Croatian President Tudjman, United Nations officials and others. We visited Bosnian and Croatian refugees in a camp outside of Zagreb and viewed the devastated Croatian villages of Lipik and Pakrac. We are writing to share our impressions and recommendations with you.

The destruction we witnessed in Croatia and the personal accounts we heard from refugees and officials were horrifying. We spoke to women who wept so hard they could barely speak as they told us how their husbands had been taken away and how their homes had been burned. One woman told us that she had watched her father and mother hacked to death with farm tools by her Serbian neighbors. Others told us about a twelve year old child who was forced off a bus and publicly raped by Serbian guerrillas. Serbia's aggression has devastated entire towns, displaced over two million persons, and led to the personal misery and death of countless innocents. The international community must be more aggressive in working to stop the killing and brutality.

In each meeting, we reiterated our support for the views set forth by you in your USIA interview of August 21st. We stated that the U.S. views Serbia as the "fundamental aggressor" and that the U.S. prefers a return to the territorial status quo ante. We made it clear that original international boundaries must be respected and that displaced persons and refugees must be permitted to return to their homes. We stressed that aggression must not be rewarded and that the U.S. believes it possible to restore Bosnia-Herzegovina to a multi-ethnic state with the rights of all minorities fully respected.

We believe that this crisis deserves the full attention of the United States and we offer the following recommendations for United States policy:

1. The U.S. should sever diplomatic relations with Serbia. Serbian aggression against Bosnia-Herzegovina continues unabated. While the current government of Serbia-Montenegro claims to have no influence over Serbian activities within Bosnia-Herzegovina, the continued calls for a "Greater Serbia" demonstrate a clear long-term intention of Serbian annexation. The United States should initiate immediate action in the U.N. Security Council to abolish the U.N. seat of the Socialist Federal Republic of Yugoslavia and to require any parties of the former Yugoslavia who wish to join the United Nations to fulfill the Charter requirement that they be "peaceloving states which accept the obligations contained in the present Charter. . . ." Serbia continues its aggression because, except for some harsh words and adverse economic effects, it has paid no meaningful price for aggression.

2. The sanctions against Serbia and Montenegro should be tightened drastically. Most Favored Nation status for Serbia and Montenegro should be revoked. Sanctions remain an important alternative to the use of military force which would further increase loss of life. Sanctions appear to be having an effect on Serbia and Montenegro, but reliable reports indicate that sanctions are not fully in place. Additional actions should be taken, including the following: the stationing of United Nations or other monitors on the ground and on the Danube river to verify the embargo; the sealing of transport vehicles destined for a third country that are transiting Serbia and Montenegro to ensure that goods destined for another location are not offloaded in Serbia or Montenegro; a prohibition against the controlled areas of Bosnia-Herzegovina; and a serious, concerted use of diplomatic and economic pressure to prevent the sanctions from being violated.

3. The U.S. should actively encourage international, regional and private voluntary monitoring of human rights abuses by all sides. We are appalled by the callous disregard by all parties for the most basic human rights, and particularly by the Serbian practice of "ethnic cleansing." Verification and documentation of such abuses must be undertaken, and should include the systematic interviewing of refugees through the United Nations Human Rights Commission, the Commission on Security and Cooperation in Europe and non-governmental human rights organizations. Human rights monitors also should be sent to the Kosovo, Vojvodina and Sandjak regions of Serbia. This presence can help to deter further atrocities and ensure accountability for those abuses that already have occurred. The demand for access to and closure of detention camps must be loud and insistent.

4. The United States should press the United Nations to begin to establish a legal process by which those guilty of war crimes can be held accountable and punished.

5. The international community should expand assistance to international and private relief organizations, and to governments as necessary, to help provide relief and assist in the repatriation of refugees and displaced persons in the conflict. The economies of countries adjacent to the fighting are being heavily burdened by the need to accommodate civilians fleeing the violence. It is essential that these individuals be sustained until they are able to return to their original homes.

6. The U.S. should press our allies to join us in the above actions. As a world leader, the United States must provide direction in responding to this crisis. However, our European allies have a major responsibility in this instance and stand to gain more from the resolution of the conflict. It is critical that they fully participate in all steps to accomplish this end.

We hope these recommendations are helpful to you as you work to resolve this crisis.

Sincerely,

WARREN RUDMAN,
GEORGE J. MITCHELL,
JAMES M. JEFFORDS,
CLAIBORNE PELL,
FRANK R. LAUTENBERG,
JIM SASSER.●

By Mr. RIEGLE (for himself and Mr. LIEBERMAN):

S. 3222. A bill to establish the Small Business Capital Enhancement Program to enhance the availability of financing for small business concerns; to the Committee on Banking, Housing, and Urban Affairs.

SMALL BUSINESS CAPITAL ENHANCEMENT ACT

● Mr. RIEGLE. Mr. President, I rise today to introduce the Small Business Capital Enhancement Act of 1992. I am pleased to be joined in this legislation by Senator LIEBERMAN, who has been working on similar types of legislation for a number of years.

One of the problems facing our economy has been the availability of credit for business expansion. Over the course of the past few years, I have heard numerous witnesses before the Banking Committee and elsewhere describe the increasing difficulty for small and medium-sized businesses in raising capital. Our legislation is designed to address that problem.

The bill we are introducing today is modeled after the highly successful Capital Access Program in my home State of Michigan. Created in 1986 by then-Gov. Jim Blanchard, this program has made over 1,500 loans to small and medium-sized businesses in Michigan with an average loan of $49,500. Administered by the Michigan strategic fund, it is truly an innovative program. The program is different from a loan guarantee program, where the Government guarantees a certain percentage of the loan. For each loan in the program, the borrower, lender, and State pay a pre-

mium into a loan loss reserve fund, which is used to protect the lender against loss on the loan.

A critical feature of the Michigan program and this legislation is that participating lenders assume the risk of loss on their loans made under the program, if those losses exceed the total contributions made into the lender's loan portfolio loss reserve fund. In this way, the costs to the Government are lower, more loans can be made, and the Government is not exposed to the risk for the entire loan as with a guarantee.

Our legislation would create a State-administered program of support for private sector lending to small businesses that are credit-worthy but unable to obtain credit under private lenders' normal terms. The legislation outlines the terms of the agreements that the States would enter into with lenders that participate in the program. Participating lenders would include commercial banks, savings institutions, and credit unions that the States, after consulting with the appropriate Federal banking regulator, found had the lending experience and financial and managerial capacity necessary to carry out the program successfully.

Under this legislation, the Federal Government and the participating States would share equally in matching the funds paid by a small business borrower and its lender into a loss reserve fund that the State would control with respect to all loans issued by the lender under the program. A State would advance its contribution to the loss reserve fund, and the Federal Government would reimburse the State 50-percent of the advance. It is important to note that this legislation limits the Federal Government's loan loss exposure to this 50-percent reimbursement.

The minimum, total contribution by the borrower and lender to the loss reserve fund is 3 percent of the loan amount. This amount conforms with the Michigan program requirement and is designed to enable participating lenders to extend credit to a broader range of credit-worthy, small business borrowers.

Let me give an illustration of how the program works now in Michigan and would work in other States under our legislation. A small business owner goes to a bank for a loan. The loan officer at the bank says, "Sorry, I can't approve your loan, because it is slightly too risky for us." With our legislation, that loan officer could reduce the risk to the bank by putting the loan under the Capital Enhancement Program. The small business borrower would pay at least 1.5 percent of the loan to the bank for deposit into the State-controlled loss reserve fund. The bank would pay the same amount into the fund and could negotiate with the borrower as to how much of that amount would be paid by the borrower as part of the loan. The State would match the combined borrower-bank payment. The Federal Government would reimburse the State one-half of the State's contribution. If the borrower defaults on the loan, the loss to the bank is expected to be recovered from the reserve fund.

By way of further explanation, if borrower A wishes to borrow $100,000 under the program, it would pay $1,500 to bank B for deposit into the loss reserve fund; bank B would deposit $1,500 into the fund; the State would deposit $3,000 into the fund; and the Federal Government would reimburse the State $1,500. If borrower A later defaulted on the loan, and bank B suffered a loss of $6,000, bank B could recover that amount from the State-controlled reserve fund. If bank B realized a loss greater than $6,000, it would be able to obtain reimbursement for the loss, if the loss reserve fund had sufficient funds from payments into the fund with respect to other loans by the bank under the program.

To preserve administrative flexibility, the States will have primary responsibility for implementation of the program. The Federal Government's role is limited to approving States for participation in the program, funding the 50 percent reimbursement payments to the States, and confirming that the States are enforcing agreements with participating lenders as required by the legislation.

The bill authorizes $50 million of Federal funds to cover the Federal Government's half of this Federal-State Partnership Program.

Mr. President, this legislation builds on a proven program that has made almost $75 million in loans available to small- and medium-sized companies in my home State of Michigan—loans that otherwise may not have been available for economic growth. It is an innovative program to offer maximum assistance at relatively low cost to the taxpayer. I hope my colleagues will support this innovative legislation, and I look forward to working with them, the administration, and other interested parties to increase the availability of credit for business expansion.●

● Mr. LIEBERMAN. Mr. President, I rise today to join Senator RIEGLE in introducing the Small Business Capital Enhancement Program, a modified version of legislation I introduced this past June with Senators STEVENS, DODD, and RUDMAN, and a bill which reflects more than a year's worth of work with Senator RIEGLE and others on the problems of the credit crunch and small business capital availability.

In July 1991, Michael Boskin, the chairman of the President's Council of Economic Advisers said:

> The serious problem of the availability of credit in the United States is probably the single biggest threat to a sustained recovery.

In September 1991, Chairman Alan Greenspan stated:

> The economy is moving, but it's moving against a 50-mile-per-hour headwind, which is the credit crunch.

And, President Bush has called the credit crunch a "roadblock to recovery." More than a year ago the Wall Street Journal described the credit crunch this way:

> For the administration, the credit crunch is becoming the domestic equivalent of Saddam Hussein—an enemy that won't go away.

I submit that more than a year later both the credit crunch and Saddam Hussein are alive and well.

And the current credit crunch is only half the story. One additional fact is clear—the credit crunch is going to get worse before it gets better. As the economy begins to recover and as the demand for credit begins to increase, the availability of financing for credit-worthy firms will become even more scarce. This impedes economic growth and job creation; causes businesses to fail and unemployment to rise. The fact is that credit-worthy businesses—particularly small businesses—will continue to suffer unless we take aggressive steps to get banks back in the business of lending money.

The Small Business Capital Enhancement Program is designed to bridge the credit gap and make bank financing available to the countless number of small businesses and entrepreneurs currently unable to secure bank loans at any cost.

This program represents a new and innovative market-based approach to small business lending. It will enable banks to extend credit to firms which have previously been unable to obtain commercial financing. It will do so with a minimum of regulatory oversight and without sacrificing safety, soundness, or conventional credit analysis. It will focus on small loans from a diverse assortment of companies. And, the program will accomplish all this with a negligible amount of Government resources and with no hidden governmental liability.

The Small Business Capital Enhancement Program is based on a portfolio insurance concept rather than the traditional loan-by-loan guarantee process. In other words, as opposed to current programs where Government provides a guarantee for each individual loan, this program provides a reserve or guarantee on a portfolio of loans. This will enable banks to evaluate risk on a pooled or shared basis and apply an actuarial approach to small business credit analysis. The result will be banks making far more small business loans with far fewer Federal dollars.

In 1986, the State of Michigan, under the leadership of former Governor Blanchard, implemented a similar program which has provided loans to approximately 950 firms, for a total of $48.5 million in financing, and has re-

sulted in a leverage ratio—that is total government obligation to total lending—of more than 20:1.

Here's how it works:

For each bank participating in the program, a special reserve fund would be established to cover future losses from a portfolio of loans which the bank makes under the program. The reserve fund would be owned and controlled by State government, but earmarked in each participant bank's name. Thus each bank participating in the program would have its own separate earmarked loss reserve.

Payments would be made into a bank's earmarked reserve each time the bank makes a loan under the program. The borrower would make a premium payment of between 1½ to 3½ percent of the loan amount and the financial institution would match the payment. The Federal and State government would then, either directly or through a guarantee agreement, match the payment. Under this 4-part matching system, a bank could have anywhere from a 6-percent to a 14-percent loan loss reserve on the portfolio.

If a bank makes a portfolio of loans under the program, it might have a reserve equal to, for example, 10 percent of the total amount of that portfolio. In such a situation, the bank could sustain a loss rate of up to 10 percent on that portfolio and still be completely covered against loss. This gives the bank the ability to absorb a higher loss rate—perhaps 5, 6, or 7 percent—than it could tolerate on its conventional loans—usually 1 or 2 percent. Since this arrangement offers the bank a higher degree of coverage against loss than normally available, the institution may be able to offer more favorable interest rates and terms to small businesses.

The bank, however, must still be prudent in making loans under this program since it is completely at risk for any losses that exceed the coverage provided by the reserve. Because of this incentive for prudence, there will be little need for strict regulatory supervision. The bank would decide whether or not and under what terms and conditions to make a loan.

The limited need for regulatory oversight is a critical component in the implementation of this program. Unlike other Government loan programs which require strict oversight due to the Government's large hidden liability which is inherent in any guarantee program, the Capital Enhancement Program has a limited government liability—at most, 3½ percent of a loan or a portfolio of loans. This compares to traditional SBA programs where the Government exposure is 85 percent of the loan amount.

Also worth noting is the program's built-in bias for small loans. Because this concept is based on insuring a portfolio of loans as opposed to one loan, there is a structural incentive to build a large portfolio of diverse and smaller loans.

Thus, through this arrangement of shared risk, the Small Business Capital Enhancement Program would encourage banks that have been cutting back on commercial lending to extend credit to those small firms most affected by the credit crunch.

Mr. President, the credit crunch is strangling our economy and impeding economic recovery. Credit is the fuel of economic growth. Without credit, businesses cannot grow; without business growth, jobs cannot be created; and without job creation this economy will not recover. It's as simple as that. The Small Business Capital Enhancement Program will significantly expand lending to small businesses which will, in turn, create jobs and help put us back on the road to recovery.●

ADDITIONAL COSPONSORS

S. 33

At the request of Mr. MOYNIHAN, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of S. 33, a bill to establish the Social Security Administration as an independent agency, and for other purposes.

S. 68

At the request of Mr. THURMOND, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 68, a bill to amend title 10, United States Code, to authorize the appointment of chiropractors as commissioned officers in the Armed Forces to provide chiropractic care, and to amend title 37, United States Code, to provide special pay for chiropractic officers in the Armed Forces.

S. 316

At the request of Mr. CRAIG, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 316, a bill to provide for treatment of Federal pay in the same manner as non-Federal pay with respect to garnishment and similar legal process.

S. 645

At the request of Mrs. KASSEBAUM, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 645, a bill to regulate interstate commerce by providing for uniform standards of liability for harm arising out of general aviation accidents.

S. 781

At the request of Mr. SARBANES, the name of the Senator from Washington [Mr. ADAMS] was added as a cosponsor of S. 781, a bill to authorize the Indian American Forum for Political Education to establish a memorial to Mahatma Gandhi in the District of Columbia.

S. 1361

At the request of Ms. MIKULSKI, the name of the Senator from Massachusetts [Mr. KERRY] 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. 1752

At the request of Mr. INOUYE, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 1752, a bill to provide for the development, enhancement, and recognition of Indian tribal courts.

S. 1777

At the request of Mr. ADAMS, the names of the Senator from Michigan [Mr. RIEGLE], the Senator from Missouri [Mr. BOND], and the Senator from Illinois [Mr. DIXON] were added as cosponsors of S. 1777, a bill to amend the Public Health Service Act to establish the authority for the regulation of mammography services and radiological equipment, and for other purposes.

S. 2484

At the request of Mr. KASTEN, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 2484, a bill to establish research, development, and dissemination programs to assist State and local agencies in preventing crime against the elderly, and for other purposes.

S. 2682

At the request of Mr. WARNER, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 2682, a bill to direct the Secretary of the Treasury to mint coins in commemoration of the 100th anniversary of the beginning of the protection of Civil War battlefields, and for other purposes.

S. 2792

At the request of Mr. KOHL, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 2792, a bill to amend and authorize appropriations for the continued implementation of the Juvenile Justice and Delinquency Prevention Act of 1974.

S. 2813

At the request of Mr. GORE, the names of the Senator from South Dakota [Mr. PRESSLER] and the Senator from South Dakota [Mr. DASCHLE] were added as cosponsors of S. 2813, a bill to establish in the Government Printing Office an electronic gateway to provide public access to a wide range of Federal databases containing public information stored electronically.

S. 2835

At the request of Mr. HATCH, the names of the Senator from Utah [Mr. GARN], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from California [Mr. SEYMOUR] were added as cosponsors of S. 2835, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish provisions regarding the composition and labeling of dietary supplements.

S. 2900

At the request of Mr. DOMENICI, the name of the Senator from Washington

[Mr. GORTON] was withdrawn as a cosponsor of S. 2900, a bill to establish a moratorium on the promulgation and implementation of certain drinking water regulations promulgated under title XIV of the Public Health Service Act (commonly known as the Safe Drinking Water Act) until certain studies and the reauthorization of the Act are carried out, and for other purposes.

S. 2922

At the request of Mr. COHEN, the names of the Senator from Missouri [Mr. DANFORTH], the Senator from Indiana [Mr. COATS], the Senator from North Dakota [Mr. CONRAD], and the Senator from Wisconsin [Mr. KASTEN] were added as cosponsors of S. 2922, a bill to assist the States in the enactment of legislation to address the criminal act of stalking other persons.

S. 2941

At the request of Mr. RUDMAN, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 2941, a bill to provide the Administrator of the Small Business Administration continued authority to administer the Small Business Innovation Research Program, and for other purposes.

S. 2942

At the request of Mr. HATCH, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 2942, a bill to institute accountability in the Federal regulatory process, establish a program for the systematic selection of regulatory priorities, and for other purposes.

S. 2958

At the request of Mr. AKAKA, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 2958, a bill to amend chapter 37 of title 38, United States Code, to expand the housing loan program for veterans.

S. 2961

At the request of Mr. AKAKA, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 2961, a bill to amend title 38, United States Code, to permit the burial in ceremonies of the National Cemetery System of certain deceased Reservists, to furnish a burial flag for such members, to furnish headstones and markers, and for other purposes.

S. 2966

At the request of Mr. HATFIELD, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 2966, a bill to amend the Small Business Investment Act of 1958 to permit prepayment of debentures issued by State and local development companies.

S. 3008

At the request of Mr. ADAMS, the names of the Senator from Minnesota [Mr. DURENBERGER], the Senator from Vermont [Mr. LEAHY], and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of S. 3008, a bill to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 1992 through 1995; to authorize a White House Conference on Aging; to amend the Native Americans Programs Act of 1974 to authorize appropriations for fiscal years 1992 through 1995; and for other purposes.

S. 3135

At the request of Mr. AKAKA, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 3135, a bill to amend the Farm Credit Act of 1971 and the Consolidated Farm and Rural Development Act to improve rural homeownership and utilities, and for other purposes.

S. 3158

At the request of Mr. SMITH, the names of the Senator from Indiana [Mr. COATS] and the Senator from Texas [Mr. GRAMM] were added as cosponsors of S. 3158, a bill to amend the Internal Revenue Code of 1986 to allow individuals to designate that up to 10 percent of their income tax liability be used to reduce the national debt, and to require spending reductions equal to the amounts so designated.

S. 3169

At the request of Mr. LAUTENBERG, the names of the Senator from New Jersey [Mr. BRADLEY] and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of S. 3169, a bill to protect children from exposure to environmental tobacco smoke in the provision of children's services, and for other purposes.

S. 3188

At the request of Mr. DASCHLE, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 3188, a bill to establish the representative and administrative entities necessary to carry out section 8 of the Florida Keys National Marine Sanctuary and Protection Act.

S. 3213

At the request of Mr. BURNS, his name was withdrawn as a cosponsor of S. 3213, a bill to authorize the establishment of the Chief Big Foot National Memorial Park and the Wounded Knee National Memorial in the State of South Dakota, and for other purposes.

SENATE JOINT RESOLUTION 325

At the request of Mr. BIDEN, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of Senate Joint Resolution 325, a joint resolution entitled the "Collective Security Participation Resolution."

SENATE JOINT RESOLUTION 330

At the request of Mr. KENNEDY, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of Senate Joint Resolution 330, a joint resolution to designate March 1993 as "Irish-American Heritage Month."

SENATE JOINT RESOLUTION 332

At the request of Mr. SASSER, the names of the Senator from Washington [Mr. ADAMS], the Senator from West Virginia [Mr. BYRD], the Senator from North Dakota [Mr. CONRAD], the Senator from Idaho [Mr. CRAIG], the Senator from Ohio [Mr. GLENN], the Senator from California [Mr. SEYMOUR], the Senator from New Mexico [Mr. DOMENICI], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Illinois [Mr. DIXON], the Senator from Arkansas [Mr. BUMPERS], the Senator from Ohio [Mr. METZENBAUM], and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of Senate Joint Resolution 332, a joint resolution to establish the month of October, 1992 as "Country Music Month."

SENATE CONCURRENT RESOLUTION 126

At the request of Mr. SHELBY, the names of the Senator from North Carolina [Mr. SANFORD], and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of Senate Concurrent Resolution 126, a concurrent resolution expressing the sense of the Congress that equitable mental health care benefits must be included in any health care reform legislation passed by the Congress.

AMENDMENT NO. 2956

At the request of Mr. COHEN his name was added as a cosponsor of Amendment No. 2956 proposed to H.R. 5679, a bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1993, and for other purposes.

AMENDMENTS SUBMITTED

CIVIL LIBERTIES ACT AMENDMENTS

INOUYE AMENDMENTS NOS. 2957 THROUGH 2959

(Ordered to lie on the table.)

Mr. INOUYE submitted three amendments intended to be proposed by him to the bill (S. 2553) to amend the Civil Liberties Act of 1988 to increase the authorization for the Trust Fund under the Act, and for other purposes, as follows:

AMENDMENT NO. 2957

Strike section 3 of the bill.

In the section heading of section 4 of the bill, strike "SEC. 4." and insert "SEC. 3.".

In the section heading of section 5 of the bill, strike "SEC. 5." and insert "SEC. 4.".

In the section heading of section 6 of the bill, strike "SEC. 6." and insert "SEC. 5.".

In the section heading of section 7 of the bill, strike "SEC. 7." and insert "SEC. 6.".

In the section heading of section 8 of the bill, strike "SEC. 8." and insert "SEC. 7.".

In section 110(b) of the Civil Liberties Act of 1988, as added by section 7 of the bill (as

so redesignated), strike "section 7" and insert "section 6".

AMENDMENT NO. 2958

Strike section 8 of the bill.

AMENDMENT NO. 2959

In section 104(e) of the Civil Liberties Act of 1988, as amended by section 2 of the bill, strike "$1,570,000,000" and insert "1,650,000,000".

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND SUNDRY INDEPENDENT AGENCIES, BOARDS, COMMISSIONS, CORPORATIONS, AND OFFICES APPROPRIATIONS ACT, FISCAL YEAR 1993

SYMMS AMENDMENT NO. 2960

Mr. SYMMS proposed an amendment to the bill (H.R. 5679) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1993, and for other purposes, as follows:

SECTION 1. LIMIT THE INCREASE OF MORTGAGE INSURANCE LIMITS TO FIRST-TIME HOME BUYERS.

On page 43, beginning on line 7, strike "*Provided*," and all that follows through the end of line 10 and insert the following: *Provided*, That for fiscal year 1993, section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)) is amended by inserting after "value in excess of $25,000." The first place it appears the following: "Notwithstanding the preceding sentence, if the mortgagor is a first-time home buyer, involve an".

On page 44, line 5, insert after the colon the following: *Provided further*, That for fiscal year 1993, section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)) is amended by striking "For purposes of the preceding sentence," and inserting the following: "For purposes of this paragraph, the following definitions shall apply: the term 'first-time home buyer' means an individual (and his or her spouse) who has not owned a home during the 3-year period prior to insurance of a mortgage under this section, except that (A) any individual who is a displaced homemaker may not be excluded from consideration as a first-time home buyer under this section on the basis that the individual, while a homemaker, owned a home with his or her spouse or resided in a home owned by the spouse, and (B) any individual who is a single parent may not be excluded from consideration as a first-time home buyer under this paragraph on the basis that the individual, while married, owned a home with his or her spouse or resided in a home owned by the spouse; the term 'displaced homemaker' means an individual who (A) is an adult, (B) has not worked full-time full-year in the labor force for a number of years, but has, during such years, worked primarily without remuneration to care for the home and family, and (C) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment; the term 'single parent' means an individual who (A) is unmarried or legally separated from a spouse, and (B)(i) has 1 or more minor children for whom the individual has custody or joint custody, or (ii) is pregnant; and the term 'principal residence' means that the property securing the mortgage is a single-family residence or unit in a cooperative, and is the principal residence of the mortgagor.": *Provided further*, That the amendments to section 203(b)(2) of the National Housing Act made under this heading shall remain in effect until October 1, 1994.

SEC. 2. DELAY UP FRONT MORTGAGE PREMIUM DECREASE.

The transition provisions accompanying section 203(c)(2) of the National Housing Act is amended by inserting after "For mortgages executed during fiscal years 1991 and 1992" the following: "and the first month of fiscal year 1993 with respect to the up-front premium payment only." and by inserting after "For mortgages executed during fiscal years 1993 and 1994" the following: "except with respect to the up-front premium payment for the first month of fiscal year 1993 as described under section (b)(1) above."

MIKULSKI AMENDMENTS NOS. 2961 AND 2962

Ms. MIKULSKI proposed two amendments to the bill H.R. 5679, supra, as follows:

AMENDMENT NO. 2961

On page 28, after line 6, add the following paragraph:

Of the amount made available under this head in Public Law 102-139 for the HOPE for Homeownership of Multifamily Units Program as authorized under subtitle B of title IV of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), $3,000,000 shall be made available for a cooperative agreement between the Secretary of Housing and Urban Development and the National Center for Tenant Ownership in affiliation with the Harrison Institute at the Georgetown University Law Center, for the provision of technical assistance to potential recipients and recipients of grants under that program.

AMENDMENT NO. 2962

On page 39, after line 10, add the following paragraph:

For those projects in the State of Maine, the owners of which have converted their section 23 leased housing contracts (former section 23 of the Act, as amended by section 103(a), Housing and Urban Development Act of 1965, Public Law 89-117, 79 Stat. 451, 455) to section 8, the subsidy provided under the head "Assistance for the Renewal of Expiring Section 8 Subsidy Contracts" in Public Law 102-139 shall be for a five-year extension as if the projects were under the section 8 new construction program, except that section 8(c)(2)(C) shall not apply.

DECONCINI AMENDMENT NO. 2963

Ms. MIKULSKI (for Mr. DECONCINI) proposed an amendment to the bill H.R. 5679, supra, as follows:

On page 48, between lines 9 and 10, insert the following:

PUBLIC HOUSING YOUTH SPORTS PROGRAMS

Section 520 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 11903a) is amended—

(1) in subsection (a), by striking "in" and inserting "for residents of";

(2) in subsection (b)(5), after "nonprofit organizations", by inserting "and institutions of higher learning"; and

(3) in subsection (d)(3), after "cultural activities,", by inserting "transportation costs,".

DOMENICI (AND OTHERS) AMENDMENT NO. 2964

Mr. DOMENICI (for himself, Mr. BROWN, Mr. NICKLES, Mr. PRESSLER, Mr. WALLOP, Mr. BINGAMAN, Mr. HATCH, Mr. SIMPSON, Mr. MURKOWSKI, Mr. DECONCINI, Mr. SYMMS, Mr. SMITH, and Mr. CRAIG) proposed an amendment to the bill H.R. 5679, supra, as follows:

At the appropriate place, insert the following new section:

SECTION 1. MORATORIUM ON IMPLEMENTATION.

(a) DEFINITIONS.—As used in this section:

(1) ACT.—The term "Act" means title XIV of the Public Health Service Act (commonly known as the Safe Drinking Water Act; 42 U.S.C. 300f et seq.).

(2) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(b) MORATORIUM.—Except as provided in subsections (d) and (e), the Administrator may not implement—

(1) any national primary drinking water regulation promulgated pursuant to section 1412 of the Act (42 U.S.C. 300g-1) after December 21, 1989; or

(2) any similar rule or regulation,

until September 30, 1994.

(c) STUDY AND REPORT.—

(1) Study.—Not later than 1 year after the date of enactment of this section, the Administrator shall conduct a comprehensive study to review—

(A) each final regulation that has been promulgated under this Act as of the date of the review, and regulatory alternatives to the regulation that reflect a range of levels of safety or direct health benefits (or a combination of both);

(B) for each regulatory alternative described in subparagraph (A)—

(i) any health effect the regulatory alternative would prevent; and

(ii) the system-level incremental cost of the alternative;

(C) in consultation with the Director of the National Academy of Sciences, the list of contaminants listed pursuant to section 1412 of the Act (42 U.S.C. 300g-1) for the purpose of considering revisions to the list to take into account—

(i) whether the contaminant is known (or reasonably anticipated) to cause a significant adverse effect on human health;

(ii) if the contaminant is not known (or reasonably anticipated) to cause a significant adverse effect on human health, the risk of safety factors associated with the maximum contaminant level for the contaminant under section 1412 of the Act (including any safety factor associated with relative source contribution and assumptions concerning water consumption); and

(iii) whether the contaminant is known to be, or reasonably anticipated to occur, in public water systems located within each State and region covered by the Act;

(D) the compliance deadlines under the Act (to determine whether any revision would be appropriate);

(E) each regulation and proposed regulation described in subsection (b), for the purpose of determining whether a regulation to apply exclusively to small public water sys-

tems (as determined by the Administrator) would be more appropriate to address the needs of small communities (as determined by the Administrator); and

(F) the funding needs of States and political subdivisions of States to meet the requirements of the Act, and recommended alternatives to ensure that States and political subdivisions of States meet the funding needs.

(2) REPORT.— Upon completion of the study described in paragraph (1), the Administrator shall submit to Congress a written report that documents the findings of the study and includes recommended legislative changes to the Act.

(d) ISSUANCE OF REGULATIONS.—If the Administrator, in consultation with the States, and after considering available resources for managing risks associated with drinking water, determines that the immediate implementation or promulgation of a national primary drinking water regulation under section 1412 of the Act (42 U.S.C. 300g-1), or similar rule or regulation, is justifiable in order to protect human health, the Administrator shall implement or promulgate the regulation without regard to subsection (b). A decision by the Administrator to implement a regulation under this subsection shall not be subject to—

(1) subchapter II of chapter 5 of title 5, United States Code; or

(2) chapter 7 of title 5, United States Code.

(e) EXCEPTION.—Subsection (b) shall not apply to the national primary drinking water regulations for lead and copper referred to in the final rule promulgated on June 7, 1991, published at 56 Fed Reg. 26460.

CHAFEE (AND OTHERS) AMENDMENT NO. 2965

Mr. CHAFEE (for himself, Mr. LAUTENBERG, Mr. DURENBERGER, Mr. MITCHELL, and Mr. LEAHY) proposed an amendment to amendment No. 2964 proposed by Mr. DOMENICI (and others) to the bill H.R. 5679, supra, as follows:

Strike all after the first word of the amendment and insert in lieu thereof the following:

"SEC. . SAFE DRINKING WATER ACT IMPLEMENTATION.

"(a) SAFE DRINKING WATER ACT REPORT.—The Administrator of the Environmental Protection Agency shall report to the Congress within nine months of the date of enactment of this section recommendations concerning the reauthorization of the Safe Drinking Water Act. Such report shall address—

"(1) the adverse health effects associated with contaminants in drinking water and the public health and other benefits that may be realized by removing such contaminants;

"(2) the process for identifying contaminants in drinking water and selecting contaminants for control;

"(3) schedules for the development of regulations and compliance with drinking water standards;

"(4) the financial and technical capacity of drinking water systems to implement monitoring requirements associated with regulated and unregulated contaminants and options to facilitate implementation of such requirements, with special emphasis on small communities;

"(5) the financial and technical capacity of drinking water systems to install treatment facilities needed to assure compliance with drinking water standards and options to facilitate compliance with such standards, with special emphasis on small communities;

"(6) the financial and technical capacity of States to implement the drinking water program, including options for increasing funding of State programs; and

"(7) innovative and alternative methods to increase the financial and technical capacity of drinking water systems and the States to assure effective implementation of such Act.

"(b) MORATORIUM AND REPORT ON RADIONUCLIDES IN DRINKING WATER.—(1) The Administrator of the Environmental Protection Agency shall conduct a multi-media risk assessment of radon considering: (A) the relative risk of adverse human health effects associated with various pathways of exposure to radon; (B) the relative costs of controlling or mitigating exposure to radon from each pathway; and (C) the relative costs for radon control or mitigation experienced by households and communities, including the costs experienced by small communities as the result of such regulation. Such an evaluation shall consider the risks posed by the treatment or disposal of any wastes produced by water treatment. The Science Advisory Board shall review the Agency's study and submit a recommendation to the Administrator on its findings. The Administrator shall report the Administrator's findings and the Science Advisory Board recommendation to the Senate Committee on Environment and Public Works and the House Committee on Energy and Commerce.

"(2) Notwithstanding any existing court order or agreement, not later than December 31, 1993, the Administrator shall (A) publish the Administrator's study and risk assessment and the Science Advisory Board recommendation (as described in paragraph (1)) in the Federal Register, and (B) issue final regulations under the Safe Drinking Water Act concerning radionuclides in drinking water.

"(c) SMALL SYSTEM MONITORING COST REDUCTION.—With respect to monitoring requirements for organic chemicals, pesticides, PCBs, or unregulated contaminants promulgated in January 1991 (known as the Phase II rule), the Administrator or a primacy State may modify such requirements to provide that any drinking water system serving a population of less than 3300 persons shall not be required to conduct additional quarterly monitoring for a specific contaminant or contaminants prior to October 1, 1993, if monitoring for any one quarter conducted after the date of enactment of this subsection and prior to October 1, 1993 for any such contaminant or contaminants fails to detect the presence of such contaminant or contaminants in the water supplied by the drinking water system.".

COHEN AMENDMENT NO. 2966

Mr. COHEN proposed an amendment to the bill H.R. 5679, supra, as follows:

At the appropriate place add the following new section:

"SEC. .

(A) Of the $5,086,000,000 allocated to NASA's Space Flight, Control and Data Communications account on page 104, line 16, $25 million is transferred to EPA's Abatement, Control and Compliance account to be used for State Public Water Supply Supervision Grants. These additional funds shall supplement the amount made available for state grants under the authority of Sec. 1443 of the Safe Drinking Water Act.

(B) Of the $319,200,000 allocated to NASA's Construction of Facilities account on page 104, line 25, $25 million is transferred to EPA's Abatement, Control and Compliance account to be used for emergency grants to publicly owned water systems, as authorized by Sec. 1442 (a)(2)(B) of the Safe Drinking Water Act. For purposes of this appropriation, the Administrator may determine that an emergency exists in cases in which a state nominates a publicly owned drinking water system for such assistance and the Administrator determines that the system has (1) conducted required monitoring and made good faith efforts to comply with the treatment requirements of the Safe Drinking Water Act, and (2) has been unable to consistently deliver water meeting the Maximum Contaminant Levels required for the system due to significant economic hardship, as determined by the State.

MIKULSKI AMENDMENT NO. 2967

Ms. MIKULSKI proposed an amendment to the bill H.R. 5679, supra, as follows:

On page 108, after line 11, insert the following new paragraph:

"The Mission Simulator and Training Facility, Building No. 5, of the National Aeronautics and Space Administration located at the Johnson Space Center in Houston, Texas is hereinafter named and designated the Jake Garn Facility."

TREASURY, POSTAL SERVICE, EXECUTIVE OFFICE OF THE PRESIDENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1993

SIMON AMENDMENT NO. 2968

Mr. SIMON proposed an amendment to the bill (H.R. 5488) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1993, and for other purposes, as follows:

At the end of the amendment add the following: "*Provided*, That none of the funds appropriated or made available under this Act may be used for the payment of salaries and expenses for any Federal officer in the Office of National Drug Control Policy who is appointed by the President, by and with the advice and consent of the Senate, to take an active part in political management or in political campaigns as defined under section 7324(a) of title 5, United States Code".

UNIFORM PRODUCT LIABILITY ACT

ROCKEFELLER (AND OTHERS) AMENDMENT NO. 2969

(Ordered to lie on the table.)

Mr. ROCKEFELLER (for himself, Mr. KASTEN, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill (S. 640) to regulate interstate commerce by providing for a uniform product liability law, and for other purposes, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

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TITLE I

SHORT TITLE

SEC. 101. This Act may be cited as the "Product Liability Fairness Act".

DEFINITIONS

SEC. 102. As used in this Act, the term—

(1) "claimant" means any person who brings a civil action pursuant to this Act, and any person on whose behalf such an action is brought; if such an action is brought through or on behalf of an estate, the term includes the claimant's decedent, or if it is brought through or on behalf of a minor or incompetent, the term includes the claimant's parent or guardian;

(2) "clear and convincing evidence" is that measure or degree of proof that will produce in the mind of the trier of fact a firm belief or conviction as to the truth of the allegations sought to be established; the level of proof required to satisfy such standard is more than that required under preponderance of the evidence, but less than that required for proof beyond a reasonable doubt;

(3) "collateral benefits" means all benefits and advantages received or entitled to be received (regardless of any right any other person has or is entitled to assert for recoupment through subrogation, trust agreement, lien, or otherwise) by any claimant harmed by a product or by any other person as reimbursement of loss because of harm to person or property payable or required to be paid to the claimant, under—

(A) any Federal law or the laws of any State (other than through a claim for breach of an obligation or duty); or

(B) any life, health, or accident insurance or plan, wage or salary continuation plan, or disability income or replacement service insurance, or any benefit received or to be received as a result of participation in any prepaid medical plan or health maintenance organization;

(4) "commerce" means trade, traffic, commerce, or transportation (A) between a place in a State and any place outside of that State; or (B) which affects trade, traffic, commerce, or transportation described in clause (A);

(5) "commercial loss" means economic injury, whether direct, incidental, or consequential, including property damage and damage to the product itself;

(6) "economic loss" means any pecuniary loss resulting from harm which is allowed under State law;

(7) "exercise of reasonable care" means conduct of a person of ordinary prudence and intelligence using the attention, precaution, and judgment that society expects of its members for the protection of their own interests and the interests of others;

(8) "harm" means any harm recognized under the law of the State in which the civil action is maintained, other than loss or damage caused to a product itself, or commercial loss;

(9) "manufacturer" means (A) any person who is engaged in a business to produce, create, make, or construct any product (or component part of a product) and who designs or formulates the product (or component part of the product) or has engaged another person to design or formulate the product (or component part of the product); (B) a product seller with respect to all aspects of a product (or component part of a product) which are created or affected when, before placing the product in the stream of commerce, the product seller produces, creates, makes, or constructs and designs or formulates, or has engaged another person to design or formulate, an aspect of a product (or component part of a product) made by another; or (C) any product seller not described in clause (B) which holds itself out as a manufacturer to the user of a product;

(10) "noneconomic loss" means loss caused by a product other than economic loss or commercial loss;

(11) "person" means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity (including any governmental entity);

(12) "preponderance of the evidence" is that measure or degree of proof which, by the weight, credit, and value of the aggregate evidence on either side, establishes that it is more probable than not that a fact occurred or did not occur;

(13) "product" means any object, substance, mixture, or raw material in a gaseous, liquid, or solid state (A) which is capable of delivery itself or as an assembled whole, in a mixed or combined state, or as a component part or ingredient; (B) which is produced for introduction into trade or commerce; (C) which has intrinsic economic value; and (D) which is intended for sale or lease to persons for commercial or personal use; the term does not include human tissue, blood and blood products, or organs unless specifically recognized as a product pursuant to State law;

(14) "product seller" means a person who, in the course of a business conducted for that purpose, sells, distributes, leases, prepares, blends, packages, labels, or otherwise is involved in placing a product in the stream of commerce, or who installs, repairs, or maintains the harm-causing aspect of a product; the term does not include—

(A) a seller or lessor of real property;

(B) a provider of professional services in any case in which the sale or use of a product is incidental to the transaction and the essence of the transaction is the furnishing of judgment, skill, or services; or

(C) any person who—

(i) acts in only a financial capacity with respect to the sale of a product; and

(ii) leases a product under a lease arrangement in which the selection, possession, maintenance, and operation of the product are controlled by a person other than the lessor; and

(15) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States, or any political subdivision thereof.

PREEMPTION

SEC. 103. (a) This Act governs any civil action brought against a manufacturer or product seller, on any theory, for harm caused by a product. A civil action brought against a manufacturer or product seller for loss or damage to a product itself or for commercial loss is not subject to this Act and shall be governed by applicable commercial or contract law.

(b) This Act supersedes any State law regarding recovery for harm caused by a product only to the extent that this Act establishes a rule of law applicable to any such recovery. Any issue arising under this Act that is not governed by any such rule of law shall be governed by applicable State or Federal law.

(c) Nothing in this Act shall be construed to—

(1) waive or affect any defense of sovereign immunity asserted by any State under any provision of law;

(2) supersede any Federal law, except the Federal Employees Compensation Act and the Longshoremen's and Harbor Workers' Compensation Act;

(3) waive or affect any defense of sovereign immunity asserted by the United States;

(4) affect the applicability of any provision of chapter 97 of title 28, United States Code;

(5) preempt State choice-of-law rules with respect to claims brought by a foreign nation or a citizen of a foreign nation;

(6) affect the right of any court to transfer venue or to apply the law of a foreign nation or to dismiss a claim of a foreign nation or of a citizen of a foreign nation on the ground of inconvenient forum; or

(7) supersede any statutory or common law, including an action to abate a nuisance, that authorizes a State or person to institute an action for civil damages or civil penalties, cleanup costs, injunctions, restitution, cost recovery, punitive damages, or any other form of relief resulting from contamination or pollution of the environment, or the threat of such contamination or pollution.

(d) As used in this section, "environment" has the meaning given to such term in section 101(8) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(8)).

(e) This Act shall be construed and applied after consideration of its legislative history to promote uniformity of law in the various jurisdictions.

(f) Any decision of a United States court of appeals interpreting the provisions of this Act shall be considered a controlling precedent and followed by each Federal and State court within the geographical boundaries of the circuit in which such court of appeals sits, unless the decision is reversed by the United States Supreme Court.

JURISDICTION OF FEDERAL COURTS

SEC. 104. The district courts of the United States shall not have jurisdiction over any civil action pursuant to this Act, based on section 1331 or 1337 of title 28, United States Code.

EFFECTIVE DATE

SEC. 105. (a) This Act shall take effect on the date of its enactment and shall apply to all civil actions pursuant to this Act com-

menced on or after such date, including any action in which the harm or the conduct which caused the harm occurred before the effective date of this Act.

(b) If any provision of this Act would shorten the period during which a manufacturer or product seller would otherwise be exposed to liability, the claimant may, notwithstanding the otherwise applicable time period, bring any civil action pursuant to this Act within one year after the effective date of this Act.

TITLE II

EXPEDITED PRODUCT LIABILITY SETTLEMENTS

SEC. 201. (a) A claimant may bring a civil action for damages against a person for harm caused by a product pursuant to applicable State law, except to the extent such law is superseded by this title.

(b) A claimant may, in addition to any claim for relief made in accordance with State law, include in the complaint an offer of settlement for a specific dollar amount.

(c) A defendant may serve an offer of settlement for a specific dollar amount within 60 days after service of the claimant's complaint or within the time permitted pursuant to State law for a responsive pleading, whichever is longer, except that if such pleading includes a motion to dismiss in accordance with applicable law, the defendant may tender such relief to the claimant within ten days after the court's determination regarding such motion.

(d) At any time after the time a party is permitted to make an offer of settlement pursuant to subsection (b) or (c), and more than 10 days before trial begins, a party may serve upon the adverse party an offer to allow judgment to be taken for the money or property or to the effect specified in his offer, with costs then accrued. If within 10 days after the service of the offer the adverse party serves written notice that the offer is accepted, either party may then file the offer and notice of acceptance, together with proof of service thereof, and thereupon the court shall enter judgment. An offer that is not accepted shall be deemed withdrawn and evidence thereof is not admissible except in a proceeding to determine costs and attorneys' fees pursuant to this section. The fact that an offer is not accepted does not preclude a subsequent offer. When the liability of one party to another has been determined by verdict or order or judgment, but the amount or extent of the liability remains to be determined by further proceedings, the party adjudged liable may make an offer of judgment, which shall have the same effect as an offer made before trial if it is served within a reasonable time not less than 10 days prior to the commencement of hearings to determine the amount or extent of liability.

(e) In any case in which an offer of settlement is served pursuant to subsection (b) or (c) of this section, or an offer of judgment is made pursuant to subsection (d) of this section, the court may, upon motion made prior to the expiration of the applicable period for response, enter an order extending such period. Any such order shall contain a schedule for discovery of evidence material to the issue of the appropriate amount of relief, and shall not extend such period for more than 60 days. Any such motion shall be accompanied by a supporting affidavit of the moving party setting forth the reasons why such extension is necessary to promote the interests of justice and stating that the information likely to be discovered is material, and is not, after reasonable inquiry, otherwise available to the moving party.

(f) If a defendant, as offeree, does not serve on a claimant a written notice of acceptance of—

(1) an offer of settlement made by a claimant in accordance with subsection (b) of this section within the time permitted pursuant to State law for a responsive pleading or, if such pleading includes a motion to dismiss in accordance with applicable law, within 30 days after the court's determination regarding such motion; or

(2) within the time specified in subsection (d), an offer of judgment made by a claimant in accordance with subsection (d);

the court, if a verdict is entered in such action equal to or greater than the specific dollar amount of such offer of settlement or offer of judgment, shall enter judgment against that defendant and shall include in such judgment an amount for the claimant's reasonable attorney's fees and costs. Such fees shall be offset against any fees owed by the claimant to the claimant's attorney by reason of the verdict.

(g) If a claimant, as offeree, does not serve on the defendant—

(1) a written notice of acceptance of an offer or settlement made by a defendant in accordance with subsection (c) of this section, within 30 days after the date on which such offer is made; or

(2) within the time specified in subsection (d), a written notice of acceptance of an offer of judgment made by a defendant in accordance with subsection (d);

the court, if a verdict is entered in such action equal to or less than the specified dollar amount of such offer of settlement, and if the claimant is the prevailing party with respect to the offeror, shall reduce the amount of the verdict in such action by an amount equal to the reasonable attorney's fee and costs owed by the offeror to the offeror's attorney by reason of the verdict, except that the amount of such reduction shall not exceed that portion of the verdict which is allocable to the economic loss for which the claimant has received or will receive collateral benefits. If the claimant is not the prevailing party with respect to the offer, the claimant's refusal to accept an offer of settlement or judgment shall not result in the payment of any penalty under this subsection.

(h) For purposes of this section, attorney's fees shall be calculated on the basis of an hourly rate which should not exceed that which is considered acceptable in the community in which the attorney practices, considering the attorney's qualifications and experience and the complexity of the case.

(i) Any tender of an offer, settlement agreement concluded, judgment entered, or the rejection of such a tender, pursuant to this section shall not be admissible in any action, except in an action to enforce the judgment under this section, or in a matter involving res adjudicata.

ALTERNATIVE DISPUTE RESOLUTION PROCEDURES

SEC. 202. (a) A claimant or defendant may, within the time permitted for making a tender under section 201 of this Act, serve upon an adverse party an offer to proceed pursuant to any voluntary, nonbinding alternative dispute resolution procedure established or recognized under the law of the State in which the civil action for damages for harm caused by a product is brought or under the rules of the court in which such action is maintained. An offeree shall, within 10 days, file a written notice of acceptance or rejection of the offer.

(b) If a defendant as an offeree refuses to proceed pursuant to such alternative dispute resolution procedure and the court determines that such refusal was unreasonable or not in good faith, the court shall assess reasonable attorney's fees and costs against the offeree.

(c) For the purposes of this section, a refusal by an offeree to proceed pursuant to such alternative dispute resolution procedure shall be deemed reasonable and in good faith, if a verdict is rendered in favor of the offeree.

TITLE III

CIVIL ACTIONS

SEC. 301. A person seeking to recover for harm caused by a product may bring a civil action against the product's manufacturer or product seller pursuant to applicable State or Federal law, except to the extent such law is superseded by this Act.

UNIFORM STANDARDS OF PRODUCT SELLER LIABILITY

SEC. 302. (a) Notwithstanding the provisions of section 301 of this title, in any civil action for harm caused by a product, a product seller other than a manufacturer is liable to a claimant, only if the claimant establishes by a preponderance of the evidence that—

(1)(A) the individual product unit which allegedly caused the harm complained of was sold by the defendant;

(B) the product seller failed to exercise reasonable care with respect to the product; and

(C) such failure to exercise reasonable care was a proximate cause of the claimant's harm; or

(2)(A) the product seller made an express warranty, independent of any express warranty made by a manufacturer as to the same product;

(B) the product failed to conform to the warranty; and

(C) the failure of the product to conform to the warranty caused the claimant's harm.

(b)(1) In determining whether a product seller is subject to liability under subsection (a)(1) of this section, the trier of fact may consider the effect of the conduct of the product seller with respect to the construction, inspection, or condition of the product, and any failure of the product seller to pass on adequate warnings or instructions from the product's manufacturer about the dangers and proper use of the product.

(2) A product seller shall not be liable in a civil action subject to this title based upon an alleged failure to provide warnings or instructions unless the claimant establishes that, when the product left the possession and control of the product seller, the product seller failed—

(A) to provide to the person to whom the product seller relinquished possession and control of the product any pamphlets, booklets, labels, inserts, or other written warnings or instructions received while the product was in the product seller's possession and control; or

(B) to make reasonable efforts to provide users with those warnings and instructions which it received after the product left its possession and control.

(3) A product seller shall not be liable in a civil action subject to this title except for breach of express warranty where there was no reasonable opportunity to inspect the product in a manner which would or should, in the exercise of reasonable care, have revealed the aspect of the product which allegedly caused the claimant's harm.

(c) A product seller shall be treated as the manufacturer of a product and shall be liable for harm to the claimant caused by a prod-

uct as if it were the manufacturer of the product if—

(1) the manufacturer is not subject to service of process under the laws of any State in which the action might have been brought; or

(2) the court determines that the claimant would be unable to enforce a judgment against the manufacturer.

UNIFORM STANDARDS FOR AWARD OF PUNITIVE DAMAGES

SEC. 303. (a) Punitive damages may, if otherwise permitted by applicable law, be awarded in any civil action subject to this title to any claimant who establishes by clear and convincing evidence that the harm suffered was the result of conduct manifesting a manufacturer's or product seller's conscious, flagrant indifference to the safety of those persons who might be harmed by a product. A failure to exercise reasonable care in choosing among alternative product designs, formulations, instructions, or warnings is not of itself such conduct. Except as provided in subsection (b) of this section, punitive damages may not be awarded in the absence of a compensatory award.

(b) In any civil action in which the alleged harm to the claimant is death and the applicable State law provides, or has been construed to provide, for damages only punitive in nature, a defendant may be liable for any such damages regardless of whether a claim is asserted under this section. The recovery of any such damages shall not bar a claim under this section.

(c)(1) Punitive damages shall not be awarded pursuant to this section against a manufacturer or product seller of a drug (as defined in section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)(1)) or medical device (as defined under section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h)) which caused the claimant's harm where—

(A) such drug or device was subject to premarket approval by the Food and Drug Administration with respect to the safety of the formulation or performance of the aspect of such drug or device which caused the claimant's harm or the adequacy of the packaging or labeling of such drug or device, and such drug was approved by the Food and Drug Administration; or

(B) the drug is generally recognized as safe and effective pursuant to conditions established by the Food and Drug Administration and applicable regulations, including packaging and labeling regulations.

The provisions of this paragraph shall not apply (i) in any case in which the defendant, before or after pre-market certification of a drug or device, withheld from or misrepresented to the Food and Drug Administration or any other agency or official of the Federal Government required information that is material and relevant to the performance of such drug or device, or (ii) in any case in which the defendant made an illegal payment to an official of the Food and Drug Administration for the purpose of securing approval of such drug or device.

(2) Punitive damages shall not be awarded pursuant to this section against a manufacturer of an aircraft which caused the claimant's harm where—

(A) such aircraft was subject to pre-market certification by the Federal Aviation Administration with respect to the safety of the design or performance of the aspect of such aircraft which caused the claimant's harm or the adequacy of the warnings regarding the operation or maintenance of such aircraft;

(B) the aircraft was certified by the Federal Aviation Administration under the Federal Aviation Act of 1958 (49 App. U.S.C. 1301 et seq.); and

(C) the manufacturer of the aircraft complied, after delivery of the aircraft to a user, with Federal Aviation Administration requirements and obligations with respect to continuing airworthiness, including the requirement to provide maintenance and service information related to airworthiness whether or not such information is used by the Federal Aviation Administration in the preparation of mandatory maintenance, inspection, or repair directives.

The provisions of this paragraph shall not apply (i) in any case in which the defendant, before or after pre-market certification of an aircraft, withheld from or misrepresented to the Federal Aviation Administration required information that is material and relevant to the performance or the maintenance or operation of such aircraft, or (ii) in any case in which the defendant made an illegal payment to an official of the Federal Aviation Administration for the purpose of securing approval of such aircraft.

(d) At the request of the manufacturer or product seller, the trier of fact shall consider in a separate proceeding (1) whether punitive damages are to be awarded and the amount of such award, or (2) the amount of punitive damages following a determination of punitive liability. If a separate proceeding is requested, evidence relevant only to the claim of punitive damages, as determined by applicable State law, shall be inadmissible in any proceeding to determine whether compensatory damages are to be awarded.

(e) In determining the amount of punitive damages, the trier of fact shall consider all relevant evidence, including—

(1) the financial condition of the manufacturer or product seller;

(2) the severity of the harm caused by the conduct of the manufacturer or product seller;

(3) the duration of the conduct or any concealment of it by manufacturer or product seller;

(4) the profitability of the conduct to the manufacturer or product seller;

(5) the number of products sold by the manufacturer or product seller of the kind causing the harm complained of by the claimant;

(6) awards of punitive of exemplary damages to persons similarly situated to the claimant;

(7) prospective awards of compensatory damages to persons similarly situated to the claimant;

(8) any criminal penalties imposed on the manufacturer or product seller as a result of the conduct complained of by the claimant; and

(9) the amount of any civil fines assessed against the defendant as a result of the conduct complained of by the claimant.

UNIFORM TIME LIMITATIONS ON LIABILITY

SEC. 304. (a) Any civil action subject to this title shall be barred unless the complaint is filed within two years of the time the claimant discovered or, in the exercise of reasonable care, should have discovered the harm and its cause, except that any such action of a person under legal disability may be filed within two years after the disability ceases. If the commencement of such an action is stayed or enjoined, the running of the statute of limitations under this section shall be suspended for the period of the stay or injunction.

(b)(1) Any civil action subject to this title shall be barred if a product which is a capital good is alleged to have caused harm which is not a toxic harm unless the complaint is served and filed within twenty-five years after the time of delivery of the product. This subsection shall apply only if the court determines that the claimant has received or would be eligible to receive compensation under any State or Federal workers' compensation law for harm caused by the product.

(2) A motor vehicle, vessel, aircraft, or railroad used primarily to transport passengers for hire shall not be subject to the provisions of this subsection.

(3) As used in this section, the term—

(A) "time of delivery" means the time when a product is delivered to its first purchaser or lessee who was not involved in the business of manufacturing or selling such product or using it as a component part of another product to be sold;

(B) "capital good" means any product, or any component of any such product, which is of a character subject to allowance for depreciation under the Internal Revenue Code of 1986, and which was—

(i) used in a trade or business;

(ii) held for the production of income; or

(iii) sold or donated to a governmental or private entity for the production of goods, for training, for demonstration, or for other similar purposes; and

(C) "toxic harm" means harm which is functional impairment, illness, or death of a human being resulting from exposure to an object, substance, mixture, raw material, or physical agent of particular chemical composition.

(c) Nothing in this section shall affect the right of any person who is subject to liability for harm under this Act to seek and obtain contribution or indemnity from any other person who is responsible for such harm.

WORKERS' COMPENSATION SUBROGATION STANDARDS

SEC. 305. (a)(1) An employer or workers' compensation insurer of an employer shall have a right of subrogation against a manufacturer or product seller to recover the sum of the amount paid as workers' compensation benefits and the present value of all workers' compensation benefits to which the employee is or would be entitled as determined by the appropriate workers' compensation authority for harm caused to an employee by a product if the harm is one for which a civil action has been brought pursuant to this Act. To assert a right of subrogation an employer or workers' compensation insurer of an employer shall provide written notice that it is asserting a right of subrogation to a court in which the claimant has filed a complaint. The employer or workers' compensation insurer of the employer shall not be required to be a necessary and proper party to the proceeding instituted by the employer.

(2) In any proceeding against or settlement with the manufacturer or product seller, the employer or the workers' compensation insurer of the employer shall have an opportunity to participate and to assert a right of subrogation upon any payment made by the manufacturer or product seller by reason of such harm, whether paid in settlement, in satisfaction of judgment, as consideration for covenant not to sue, or otherwise. The employee shall not make any settlement with or accept any payment from the manufacturer or product seller without the written consent of the employer and no release to or agreement with the manufacturer or product seller shall be valid or enforceable for any purpose without such consent. How-

ever, the preceding sentence shall not apply if the employer or workers' compensation insurer of the employer is made whole for all benefits paid in workers' compensation benefits.

(3) If the manufacturer or product seller attempts to persuade the trier of fact that the claimant's harm was caused by the fault of the claimant's employer or coemployees, then the issue whether the claimant's harm was caused by the claimant's employer or coemployees shall be submitted to the trier of fact. If the manufacturer or product seller so attempts to persuade the trier of fact it shall provide written notice to the employer. The employer shall have the right to appear, to be represented, to introduce evidence, to cross-examine adverse witnesses, and to argue to the trier of fact as to this issue as fully as though the employer were a party although not named or joined as a party to the proceeding. Such issue shall be the last issue submitted to the trier of fact. If the trier of fact finds by clear and convincing evidence that the claimant's harm was caused by the fault of the claimant's employer or coemployees, then the court shall reduce the damages awarded by the trier of fact against the manufacturer or product seller by the sum of the amount paid as workers' compensation benefits and the present value of all workers' compensation benefits to which the employee is or would be entitled for such harm as determined by the appropriate workers' compensation authority and the manufacturer or product seller shall have no further right by way of contribution or otherwise against the employer. However, the employer shall not lose its right of subrogation because of an intentional tort committed against the claimant by the claimant's coemployees or for acts committed by coemployees outside the scope of normal work practices.

(4) If the verdict shall be that the claimant's harm was not caused by the fault of the claimant's employer or coemployees, then the manufacturer or product seller shall reimburse the employer or workers' compensation insurer of the employer for reasonable attorneys' fees and court costs incurred in the resolution of the subrogation claim, as determined by the court.

(b)(1) In any civil action subject to this title in which damages are sought for harm for which the person injured is or would have been entitled to receive compensation under any State or Federal workers' compensation law, no third party tortfeasor may maintain any action for implied indemnity or contribution against the employer, any coemployee, or the exclusive representative of the person who was injured.

(2) Nothing in this Act shall be construed to affect any provision of a State or Federal workers' compensation law which prohibits a person who is or would have been entitled to receive compensation under any such law, or any other person whose claim is or would have been derivative from such a claim, from recovering for harm caused by a product in any action other than a workers' compensation claim against a present or former employer or workers' compensation insurer of the employer, any coemployee, or the exclusive representative of the person who was injured.

(3) Any action other than as provided in paragraph (2) shall be prohibited, except that nothing in this Act shall be construed to affect any State or Federal workers' compensation law which permits recovery based on a claim of an intentional tort by the employer or coemployee, where the claimant's harm was caused by such an intentional tort.

(c) In any civil action subject to this title in which damages are sought for harm for which the person injured is entitled to receive compensation under any State or Federal workers' compensation law, the action shall, on application of the claimant made at the claimant's sole discretion, be stayed until such time as the full amount payable as workers' compensation benefits has been finally determined under such workers' compensation law. The verdict as determined by the trier of fact pursuant to this title shall have no binding effect on and shall not be used as evidence in any other proceeding.

(d) A claimant in a civil action subject to this title who is or may be eligible to receive compensation under any State or Federal workers' compensation law must provide written notice of the filing of the civil action to the claimant's employer within 30 days of the filing. The written notice shall include information regarding the date and court in which the civil action was filed, the names and addresses of all plaintiffs and defendants appearing on the complaint, the court docket number if available, and a copy of the complaint which was filed in the civil action.

SEVERAL LIABILITY FOR NONECONOMIC DAMAGES

SEC. 306. (a) In any product liability action, the liability of each defendant for noneconomic damages shall be several only and shall not be joint. Each defendant shall be liable only for the amount of noneconomic damages allocated to such defendant in direct proportion to such defendant's percentage of responsibility as determined under subsection (b) of this section. A separate judgment shall be rendered against such defendant for that amount.

(b) For purposes of this section, the trier of fact shall determine the proportion of responsibility of each party for the claimant's harm.

(c) as used in this section, the term—

(1) "noneconomic damages" means subjective, nonmonetary losses including, but not limited to, pain, suffering, inconvenience, mental suffering, emotional distress, loss of society and companionship, loss of consortium, injury to reputation and humiliation; the term does not include objectively verifiable monetary losses including, but not limited, medical expenses, loss of earnings, burial costs, loss of use of property, costs of repair or replacement, costs of obtaining substitute domestic services, rehabilitation and training expenses, loss of employment, or loss of business or employment opportunities; and

(2) "product liability action" includes any action involving a claim, third-party claim, cross-claim, counterclaim, or contribution claim in a civil action in which a manufacturer or product seller is found liable for harm caused by a product.

DEFENSES INVOLVING INTOXICATING ALCOHOL OR DRUGS

SEC. 307. (a) In any civil action subject to this Act in which all defendants are manufacturers or product sellers, it shall be a complete defense to such action that the claimant was intoxicated or was under the influence of intoxicating alcohol or any drug and that as a result of such intoxication or the influence of the alcohol or drug the claimant was more than 50 percent responsible for the accident or event which resulted in such claimant's harm.

(b) In any civil action subject to this Act in which not all defendants are manufacturers or product sellers and the trier of fact determines that no liability exists against those defendants who are not manufacturers or product sellers, the court shall enter a judgment notwithstanding the verdict in favor of any defendant which is a manufacturer or product seller if it is proved that the claimant was intoxicated or was under the influence of intoxicating alcohol or any drug and that as a result of such intoxication or the influence of the alcohol or drug the claimant was more than 50 percent responsible for the accident or event which resulted in such claimant's harm.

(c)(1) For purposes of this section, the determination of whether a person was intoxicated or was under the influence of intoxicating alcohol or any drug shall be made pursuant to applicable State law.

(2) As used in this section, the term "drug" means any non-over-the-counter drug which has not been prescribed by a physician for use by the claimant.

Mr. ROCKEFELLER. Mr. President, I want to send to the desk, in part for the information of offices throughout the Senate so they might be aware of this, some amendments in the nature of a substitute, to S. 640, the product liability bill. These are amendments, technical clarifications that have to do with settlement offers of alternative dispute resolutions, FDA defense to punitive damages, workers compensation offset, and some technical changes. I will have more to say about these tomorrow morning.

I ask unanimous consent those be received, and that a summary of the amendment be printed in the RECORD.

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

SUMMARY OF PROPOSED AMENDMENT IN THE NATURE OF A SUBSTITUTE TO S. 640, THE PRODUCT LIABILITY FAIRNESS ACT

CLARIFICATION

Section 201—Settlement Offers. In its current form, this section requires a party to pay his opponent's reasonable legal fees, if a party refuses a settlement offer prior to trial and then does not fare as well as this offer at trial. The section limits the amount a claimant would have to pay to the amount he received in collateral sources (e.g. payments from health insurance.) Four changes are made to this section:

1. If the claimant loses at trial, there is no penalty;

2. The substitute clarifies the maximum penalty for the claimant that refuses a settlement offer which is higher than the subsequent verdict. In these situations, the maximum penalty is the amount of collateral sources for economic damages. There is no penalty if there are no collateral sources. There is no penalty with respect to noneconomic damages;

3. The time period for making an offer is extended to 10 days before trial, as in Federal Rule of Civil Procedure 68; and

4. Settlements under this section are not admissible in future cases to prove liability by the defendant. (This is the "offensive use of collateral estoppel.")

Section 202—Alternative Dispute Resolution (ADR). In its current form, this section requires a party to pay his opponent's reasonable legal fees and costs if a party refuses an offer to participate in ADR, and the trial results in a verdict for the offeree. There is judicial discretion in the current provision. Two changes are made to this section:

1. The provision is modified to state that a party may offer to proceed to ADR under this Act if the procedures are both voluntary and nonbinding; and

2. The penalty of legal fees and costs shall be applied only to the defendant. It does not apply to the claimant.

Section 303(c)(1)—the FDA Defense to Punitive Damages. This provision grants a defense to punitive damages for products that have been certified by the FDA. This defense does not apply if the manufacturer withheld or misrepresented information to the FDA. This amendment clarifies that the defense does not apply if the manufacturer withholds or misrepresents information to the FDA after the product has been approved.

Section 305—Worker's Compensation Offset. This change is the result of negotiations between the manufacturing community and the National Federation of Independent Businesses. In terms of the relationship between manufacturers, employers, and employees in product liability litigation arising out of workplace injuries, the amendment provides:

1. The right of employers to recover workers' compensation benefits from manufacturers in litigation which alleges that a product (usually a piece of machinery) caused an injury is preserved. This is the subrogation lien. The lien is eliminated only if the manufacturer can prove by clear and convincing evidence that the employer caused the injury;

2. If the lien is eliminated, the product liability judgment is reduced by the amount of workers' compensation benefits; and

3. The manufacturer's right to contribute in these cases is eliminated.

TECHNICAL CHANGES

Section 303(c)(2)(C)—The FAA Defense to Punitive Damages. The defense against punitive damages is not available if there was bribery in the FDA approval process for a drug or device. The provision is amended to extend this exception to the bar against punitive damages to the FAA approval process for general aviation aircraft.

Section 103(f)—Preemption. This new provision clarifies that the decisions of a U.S. Court of Appeals interpreting the provisions of this Act will be binding on all state and federal courts in that judicial circuit unless overruled by the Supreme Court of the United States.

INTERNATIONAL TRADE AUTHORIZATION ACT, FISCAL YEAR 1993 AND 1994

BINGAMAN (AND RIEGLE) AMENDMENT NO. 2970

Mr. DECONCINI (for Mr. BINGAMAN, for himself and Mr. RIEGLE) proposed an amendment to the bill (S. 2880) to authorize appropriations for fiscal years 1993 and 1994 for the Office of the United States Trade Representative, the United States International Trade Commission, and the United States Customs Service, and for other purposes, as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . COMPETITIVENESS POLICY COUNCIL ACT AMENDMENTS.

(a) REAUTHORIZATION.—Section 5209 of the Competitiveness Policy Council Act (15 U.S.C. 4808) is amended—

(1) by striking "1991 and 1992" and inserting "1993 and 1994"; and

(2) by striking "$5,000,000" and inserting "$2,500,000".

(b) RENAMING OF COUNCIL.—The Competitiveness Policy Council Act (15 U.S.C. 4801 et seq.) is amended—

(1) in the subtitle heading—

(A) by inserting "National" before "Competitiveness"; and

(B) by striking "Council" and inserting "Commission";

(2) in section 5201—

(A) by inserting "National" before "Competitiveness"; and

(B) by striking "Council" and inserting "Commission";

(3) in section 5202(b)(2)—

(A) by inserting "National" before "Competitiveness"; and

(B) by striking "Council" and inserting "Commission";

(4) in section 5203—

(A) in the section caption, by striking "COUNCIL" and inserting "COMMISSION";

(B) by inserting "National" before "Competitiveness"; and

(C) by striking "Council" each place it appears and inserting "Commission";

(5) in section 5204—

(A) in the section caption, by striking "COUNCIL" and inserting "COMMISSION";

(B) by striking "Council" and inserting "Commission";

(6) in sections 5205 through 5208, by striking "Council" each place such term appears and inserting "Commission";

(7) in section 5207, in the section caption, by striking "COUNCIL" and inserting "COMMISSION"; and

(8) in section 5210—

(A) in paragraph (1)—

(i) by inserting "National" before "Competitiveness"; and

(ii) by striking "Council" each place it appears and inserting "Commission"; and

(B) in paragraph (2)—

(i) by inserting "National" before "Competitiveness"; and

(ii) by striking "Council" and inserting "Commission".

(c) DUTIES OF THE COMMISSION.—Section 5204 of the National Competitiveness Policy Commission Act (15 U.S.C. 4803) is amended by striking paragraphs (11) and (12) and inserting the following:

"(11) prepare, publish, and distribute reports that—

"(A) contain the analysis and recommendations of the Commission; and

"(B) comment on the overall competitiveness of the American economy, including the report described in section 5208; and

"(12) submit an annual report to the President and to the Congress on the activities of the Commission.".

(d) EXECUTIVE DIRECTOR AND STAFF.—Section 5206 of the National Competitiveness Policy Commission Act (15 U.S.C. 4805) is amended—

(1) in subsection (a)(1), by striking "GS-18 of the General Schedule" and inserting "the highest level allowed under section 5376 of title 5, United States Code";

(2) in subsection (b)—

(A) by striking paragraph (1);

(B) by redesignating paragraph (2) as paragraph (4); and

(C) by inserting before paragraph (4), as redesignated, the following:

"(1) FULL-TIME STAFF.—The Executive Director may appoint such officers and employees as may be necessary to carry out the functions of the Commission in accordance with the Federal civil service and classification laws, and fix compensation in accordance with the provisions of title 5, United States Code.

"(2) SENIOR EXECUTIVE SERVICE.—The Commission may establish positions in the Senior Executive Service in accordance with the provisions of subchapter II of chapter 31 of title 5, United States Code.

"(3) TEMPORARY STAFF.—The Executive Director may appoint such employees as may be necessary to carry out the functions of the Commission for a period of not more than 1 year, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, at rates not to exceed the maximum rate payable under section 5376 of title 5, United States Code."; and

(3) in subsection (c), by striking "GS-16 of the General Schedule" and insert "the maximum rate payable under section 5376 of title 5, United States Code.".

(e) POWERS OF THE COMMISSION.—Section 5207 of the National Competitiveness Policy Commission Act (15 U.S.C. 4806) is amended—

(1) by inserting before the period at the end of subsection (b)(1)(B) ", except that such information may be provided to members and staff of the Council subject to existing national security laws and regulations";

(2) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(3) by inserting after subsection (f) the following:

"(g) CONTRACTING AUTHORITY.—Within the limitation of appropriations to the Commission, the Commission may enter into contracts with State agencies, private firms, institutions, and individuals for the purpose of carrying out its duties under this subtitle.".

(f) REPORTING REQUIREMENTS.—Section 5208 of the National Competitiveness Policy Commission Act (15 U.S.C. 4807) is amended—

(1) by striking the caption and inserting the following:

"SEC. 5208. ANNUAL PUBLICATION OF ANALYSIS AND RECOMMENDATIONS.";

(2) in subsection (a)—

(A) by striking the subsection heading and inserting "(a) PUBLICATION OF ANALYSIS AND RECOMMENDATIONS.—"; and

(B) by striking "on" and inserting "not later than"; and

(3) by adding at the end the following:

"(d) PERIODICAL REPORTS.—The Commission may submit to the President and the Congress such other reports containing analysis and recommendations as the Commission deems necessary.".

DAYTON AVIATION HERITAGE PRESERVATION ACT OF 1992

BUMPERS AMENDMENT NO. 2971

Mr. DECONCINI (for Mr. BUMPERS) proposed an amendment to the bill (H.R. 2321) to establish the Dayton Aviation Heritage National Historical Park in the State of Ohio, and for other purposes, as follows:

On page 3, line 2, inset "building" after "Company".

On page 3, line 13, after "shall" and before "acquire", insert ", subject to the availability of appropriated funds,".

On page 3, line 13, insert "building" after "Company".

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On page 5, lines 4 through 5, strike "described in this section".

On page 7, strike lines 11 through 19, strike section 107 in its entirety and insert in lieu thereof the following:

"The decisions concerning the execution of this Act as it applies to properties under control of the Secretary of Defense shall be made by such Secretary in consultation with the Secretary of Interior".

On page 8, strike lines 7 through 8, and insert in lieu thereof, "There is authorized to be appropriated such sums as may be necessary to carry out this title: *Provided*, That the amount to be appropriated for the operation, development or restoration of nonfederally owned properties within the boundaries of the park shall not exceed $200,000.".

On page 13, line 15, strike "interurban" and insert in lieu thereof, "inter-urban link".

On page 16, line 9, strike "device" and insert in lieu thereof, "devise".

On page 18, strike lines 16 through 20, and insert in lieu thereof:

"There are authorized to be appropriated such sums as may be necessary to carry out this title, except that the federal contribution to the Commission shall not exceed 50 percent of the annual costs to the Commission in carrying out its duties.".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

Mr. DECONCINI. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation and the National Ocean Policy Study, be authorized to meet during the session of the Senate on September 9, 1992, at 9:30 a.m. on implementation of Fishery Conservation Amendments of 1992.

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

SUBCOMMITTEE ON AFRICAN AFFAIRS

Mr. DECONCINI. Mr. President, I ask unanimous consent that the Subcommittee on African Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 9 at 2 p.m. to hold a hearing on AIDS in Africa: The United States response.

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

COMMITTEE ON FINANCE

Mr. DECONCINI. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on September 9, 1992, at 10 a.m. to hold a hearing on State health care plans.

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

ADDITIONAL STATEMENTS

RULES OF THE OFFICE OF SENATE FAIR EMPLOYMENT PRACTICES

• Mr. BYRD. Mr. President, as required by Public Law 102-166, section 303(e), I now submit for publication in the CONGRESSIONAL RECORD the Rules of the Office of Senate Fair Employment Practices.

The rules follow:

INTERIM AND PROPOSED RULES

OFFICE OF SENATE FAIR EMPLOYMENT PRACTICES

Introduction. The Office of Senate Fair Employment Practices hereby publishes interim and proposed rules governing the procedures of the Office in the counseling and mediation stages of the dispute resolution process and procedures for hearing boards. The Office also invites comment on these proposed rules.

Effective Date. These rules are effective as of the date of publication.

For Further Information Contact: Carl D. Moore, Deputy Director, Office of Senate Fair Employment Practices, at 202-224-6666.

Comment Period. Comment on these rules should be mailed to the Office of Senate Fair Employment Practices, United States Senate, Suite SH-103, Washington, DC 20510-9060. The comment period will officially close on November 29, 1992.

Supplementary Information. Title III of the Civil Rights Act of 1991 created the Office of Senate Fair Employment Practices and charged the Office with the responsibility of administering a dispute resolution process in the Senate for certain equal employment opportunity laws. Pursuant to section 303(e) of Title III of the Civil Rights Act of 1991, the Office of Senate Fair Employment Practices hereby publishes the rules that will govern the procedures of the Office and procedures for hearing boards. These rules are published as interim rules to be used while final rules are being developed. Therefore, the Office invites comment from interested parties on the content of these rules.

The purpose of Title III of the Civil Rights Act of 1991 is to provide procedures to protect the right of Senate employees to be free of discrimination in their employment on the basis of race, color, religion, sex, national origin, age, or disability. Employing offices in the Senate have the responsibility of avoiding policies and practices that improperly discriminate and for protecting employees from retaliation or intimidation because of the exercise of a right under the law. Employing offices also have the responsibility of cooperating in the expeditious processing of cases at each stage of this procedure.

In general, these rules cover the five phases of the statutory dispute resolution process for allegations of discrimination covered by Title III of the Civil Rights Act of 1991. The five phases of the process include the following: (1) counseling; (2) mediation; (3) formal complaint and board hearing; (4) review by the Senate Select Committee on Ethics; and (5) judicial review. The rules also provide procedures for the hearing board phase.

The hearing board procedures cover such matters as motions, discovery, subpoenas, and requirements for awarding costs and attorney's fees.

The statutory mechanism created for the resolution of disputes is unique. The Office encourages all interested parties to carefully review these proposed rules and to assist the Office in the effort to establish an effective and efficient dispute resolution process.

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OFFICE OF SENATE FAIR EMPLOYMENT PRACTICES INTERIM RULES OF PROCEDURE

Rule 1. Scope of Rules

These rules govern the Office of Senate Fair Employment Practices' counseling, mediation, formal complaint, and hearing procedures under Title III of the Civil Rights Act of 1991, Pub. L. No. 102-166, 105 Stat. 1088.

Rules 2. Definitions

2.1 *Committee.* The term "Committee" means the Senate Select Committee on Ethics.

2.2 *Director.* The term "Director" means the Director of the Office of Senate Fair Employment Practices.

2.3 *Employee.* The term "employee" means—

(a) any employee whose pay is disbursed by the Secretary of the Senate;

(b) any employee of the Architect of the Capitol who is assigned to the Senate Restaurants or to the Superintendent of the Senate Office Buildings;

(c) any applicant for a position that will last 90 days or more and that is to be occupied by an employee described in subsections (a) and (b) of this Rule; and

(d) any individual who was formerly an employee described in subsection (a) or (b) of this Rule and whose claim of a violation arises out of the individual's Senate employment.

2.4 *Employing office.* The term "employing office" means the office of the Senate in which the employee works, worked, or sought to work.

2.5 *Head of the employing office.* The term "head of the employing office" means the individual who has final authority to appoint, hire, discharge, and set the terms, conditions or privileges of employment for the employee. This includes, for example, the Member in his or her personal office; the Chair or Ranking Minority Member (or Vice Chair) of Senate Committees and Subcommittees; and the heads of Senate support offices.

2.6 *Hearing board.* The term "hearing board" refers to the entity comprised of individuals appointed by the Director to consider a complaint.

2.7 *Office.* The term "Office" means the Office of Senate Fair Employment Practices.

2.8 *Party.* The term "party" means the employee or the employing office or designee of the employing office.

2.9 *Presiding hearing officer.* The term "presiding hearing officer" refers to the hearing board member the Director designates as the chair of the hearing board.

2.10 *Representative.* The term "representative" refers to the individual who is selected by an employee or an employing office to provide assistance and advice during counseling, mediation, or the hearing under these Rules. A representative need not be a lawyer and may be an employee of the Senate.

2.11 *The Act.* The term "the Act" means Title III of the Civil Rights Act of 1991, Pub. L. No. 102-166, 105 Stat. 1088.

2.12 *Days.* The term "days" means calendar days.

2.13 *Discrimination.* The term "discrimination" includes the following:

(a) In any personnel action affecting employees of the Senate, discrimination based on—

(1) race, color, religion, sex, or national origin within the meaning of section 717 of the Civil Rights Act of 1964 (42 U.S.C. §2000e-16);

(2) age, within the meaning of section 15 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. §633a); or

(3) handicap or disability, within the meaning of section 501 of the Rehabilitation Act of 1973 (29 U.S.C. §791) and sections 102-104 of the Americans with Disabilities Act of 1990 (42 U.S.C. §§12112-14).

(b) Any intimidation of, or reprisal against, any employee by any Member, officer, or employee of the Senate, or by the Architect of the Capitol, or anyone employed by the Architect of the Capitol, because of the exercise of a right under the Act constitutes an unlawful employment practice. The term "intimidation" means any action or communication directed to an employee that is intended to deter the employee from exercising any right under the Act or from any opposition to any discrimination made unlawful under the Act. The term "reprisal" means actions directed against an employee because of the employee's opposition to an unlawful employment practice under the Act or for the employee's exercise of any right under the Act.

2.14 *Federal government holiday.* The term "federal government holiday" means New Years' Day, Birthday of Martin Luther King, Jr., Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, Christmas Day, any other day appointed as a holiday by the President or Congress of the United States.

Rule 3. Time

3.1 *Computation.*

(a) In computing the time for taking any action required or permitted under these rules to be taken within a specified time, the first day counted shall be the day after the event from which the time period begins to run and the last day counted is the last day for taking the action. When the last day falls on a Saturday, Sunday, or federal government holiday or any other day, other than a Saturday or a Sunday, when the Office is closed, the last day for taking the action shall be the next day that is not a Saturday, Sunday, or federal government holiday or a day when the Office is closed. Where a prescribed time period is less than eleven days, then Saturdays, Sundays, and federal government holidays shall be excluded from the computation of the time period.

(b) Whenever a party has the right or is required to do some act within a prescribed period after the date of service of a notice or other paper and the notice or other paper is served upon the party by mail, 3 days shall be added to the prescribed period. This additional 3 days does not apply to the request for Committee review under Rule 14.2.

3.2 *Timely service.* Except as otherwise provided in Rule 14.2, a document required under these rules to be submitted to the Office or served on a party within a specified time shall be deemed timely if it is received in the Office or, if mailed, then postmarked on or before the last day of the applicable time period. When a document is received in the mail without a legible postmark, it will be deemed timely if received within five days from the expiration of the applicable filing period.

3.3 *Extension of time.* Upon written request of either an employee or an employing office, or on the Director's own initiative, the Director may extend the time for taking action under these rules, except that the Director may not extend the time for taking any action for which the Act specifies a time limit: time to initiate procedures (Rule 4.2); time for counseling (Rule 5.3); extension of mediation beyond 30 days (Rule 6.4); time for filing complaint (Rule 7.2); extension for conducting a hearing beyond 60 days (Rule 13.2); time for issuing a decision (Rule 14.1); and time for seeking review (Rule 14.2).

Rule 4. Commencement of Procedures

4.1 *Who may initiate procedures.* Any employee, who alleges that he or she has been, or is, the subject of discrimination may initiate procedures for the consideration of the allegation of discrimination.

4.2 *When to initiate procedures.* To initiate procedures, an employee must submit a request for counseling to the Director not later than 180 days after the alleged discrimination occurred.

4.3 *How to initiate procedures.* A request for counseling may be made at the Office in person, by telephone, or by written request. If the request is not filed in writing, the Office shall document in writing the date of the receipt of the request.

4.4 *Where to initiate procedures.* A request for counseling may be directed to:

Director, Office of Senate Fair Employment Practices, Hart Senate Office Building, Suite 103, Washington, D.C. 20510-9060

Telephone 202-224-6666. FAX 202-228-8666. TDD 202-224-6667.

4.5 *Informal advice.* Employees and employing offices may seek informal advice on rights and responsibilities under the Act and these rules, as well as on all aspects of the Office's procedures, at any time by contacting the Office. Requests for informal advice do not constitute a request for counseling that initiates procedures under these rules. Requests for advice shall be handled by the Office confidentially.

4.6 *Representation.* At any stage of the counseling, mediation, and hearing board process under these rules, an employee, supervisor, head of an employing office, or witness may be assisted by an individual of his or her choice. The representative may be, but need not be, an attorney. After the Director has received written notice of the designation of a representative, the Director shall notify other parties of the designation (except in the Counseling stage when the employee has not authorized contact with the employing office) and, if the representative is an attorney, all service of papers shall be directed to the representative, unless the party notifies the Director of the revocation of the designation of a representative. There must be no conflict of interest in order for the individual to serve as a representative.

4.7 *Role of the Office.* Throughout the process under these Rules, the Director and the Office shall not serve as advocates for either the employee or the employing office. The role of the Office is to encourage fair and equitable treatment of parties and early resolution of disputes.

Rule 5. Counseling Procedures

5.1 *Purpose.* Counseling shall be a period for discussion, evaluation, and guidance aimed at assisting the employee to resolve the matter at issue. Counseling involves the employee and a counselor selected by the Director. At the initial counseling session, the counselor shall provide the employee with a copy of these rules and shall advise the employee of the employee's rights and responsibilities under the Act and these Rules. The counselor shall develop the following information during the counseling period:

(a) the name, home mailing address, and work and home telephone numbers of the requester;

(b) the name of the person(s) involved in the action that the employee wishes to challenge;

(c) the name of the employing office involved;

(d) a description of the action complained of, including the date(s) of the action(s);

(e) a brief description of the employee's reasons for concluding that discrimination may be involved;

(f) a statement of the relief sought; and

(g) where the employee has a representative, the name, address, and telephone number of the representative, and whether the representative is a lawyer.

5.2 *Commencement.* Counseling commences with a request for counseling filed under Rule 4.

5.3 *Duration.* The period for counseling shall be 30 days. If the employee and the Director agree in writing, the period for counseling may be reduced.

5.4 *Conclusion and notice.* If the matter with respect to which the employee sought counseling is not resolved during the counseling period, the Director shall notify the employee in writing of the end of the counseling period and of the right to file with the Director a request for mediation within fifteen days of the end of the counseling period.

5.5 *Confidentiality.* Except when the employee and the Director agree in writing to contact the employing office, information or records relating to the counseling of an employee under this Rule shall not be disclosed to anyone outside the Office in whole or in part or by way of summary. This Rule shall not preclude the counselor from consulting with the Office nor the Director from reporting statistical information to the Senate that does not reveal the identity of employees who have requested counseling or of employing offices that are the subject of a request for counseling. All parties to the action will be advised of the importance of confidentiality in this process.

5.6 *Employees of the Architect of the Capitol and employees who are members of the Capitol Police.* Pursuant to section 305(c) of the Act and by agreement with the Architect of the Capitol and with the Senate Sergeant At Arms, the following procedures apply to employees of the Architect and employees who are members of the Capitol Police.

(a) *Initiation of procedures and referral.* An employee of the Architect of the Capitol or an employee who is a member of the Capitol Police initiates procedures by submitting a request for counseling under Rule 4.4 not later than 180 days after the alleged discrimination occurred. The Director may—

(1) refer the employee to the Architect or to the Capitol Police Board, as appropriate, for a period generally up to 90 days, unless the Director determines a longer period is appropriate for resolution of the employee's complaint through the internal procedures of the Architect or the Capitol Police Board; or

(2) allow the employee to proceed under Rules 4 and 5 or 6 without recourse to the internal procedures of the Architect or the Capitol Police Board.

Unless the Director determines that referral would not be appropriate, the Office will generally refer cases to the Architect of the Capitol or to the Capitol Police Board.

(b) *Subsequent counseling with the Office.* After having contacted the Office and having been referred to the Architect or to the Capitol Police Board, the employee may return to the procedures under these rules—

(1) after the expiration of the period of referral as established by the Director, if the matter has not been resolved; or

(2) within 20 days after receiving a final decision as a result of the procedures of the Architect or of the Capitol Police Board.

(c) *Notice to employees who have not initiated counseling with the Office.* When an employee of the Architect of the Capitol or an employee who is a member of the Capitol Police raises in the internal procedures of the Architect or of the Capitol Police Board an allegation of discrimination, the Architect or the Capitol Police Board should advise the employee in writing that a request for counseling about the allegation must be initiated with the Office within 180 days after the alleged discrimination occurred if the employee intends to use the procedures of the Office.

(d) *Notice in final decisions when there has been no referral by the Director.* When an employee raises in the internal procedures of the Architect or of the Capitol Police Board an allegation of discrimination and when there has been no referral by the Director, any final decision pursuant to the procedures of the Architect of the Capitol or of the Capitol Police Board should include notice to the employee of his or her right to initiate the procedures under these rules within 180 days after the alleged violation occurred.

(e) *Notice in final decisions when there has been a referral by the Director.* When the Director has referred a case to the Architect or to the Capitol Police Board for resolution, the Architect or the Capitol Police Board should include notice to the employee of his or her right to resume the procedures under these rules within 20 days after service on the employee of the final decision and shall transmit a copy of the final decision, settlement agreement, or other final disposition of the case to the Director.

Rule 6. Mediation Procedures

6.1 *Purpose.* Mediation shall be a period for discussions and negotiations between the employee, the employing office, and the mediator(s) in an effort to reach a mutually satisfactory resolution of the matter forming the basis of the request for mediation. It is the policy of the Office to seek resolution of disputes, to the greatest extent possible, through counseling and mediation.

6.2 Commencement. An employee who has completed counseling under Rule 5 may file a request in writing for mediation with the Director within 15 days after the end of the counseling period. The Director shall notify the head of the employing office of the commencement of mediation.

6.3 *Selection of mediators.* The Director shall assign one or more mediators to the mediation.

6.4 *Duration.* The period for mediation shall be 30 days. Upon request of either party in the mediation or of the mediator(s), the Director may extend the mediation period for up to an additional 30 days.

6.5 *Conclusion and notice. If the matter that forms the basis of the request for mediation is not resolved at the end of the mediation period, the Director shall provide the employee and the head of the employing office with written notice of the end of the mediation period and shall notify the employee of the employee's right to file a formal complaint with the Office within 30 days after the employee has received notice that the mediation period has concluded. With the consent of both parties, the Director may ask the mediator(s) to continue to work with the parties after the mediation period.*

6.6 *Confidentiality.* Except as necessary to consult with counsel or other designated representative, the parties to the mediation, the mediator(s), and the Office shall not disclose in whole or in part or by way of summary any information or records obtained during mediation. This Rule shall not preclude the mediator from consulting with the Office nor preclude the Director from reporting statistical information to the Senate that does not reveal the identity of employees or employing offices involved in mediation. All parties to the action will be advised of the importance of confidentiality in this process.

Rule 7. Formal Complaints

7.1 *Who may file.* An employee who has made a timely request for counseling under Rule 4.2 and has completed the counseling and mediation procedures under Rules 5 and 6, may file a formal complaint with the Office.

7.2 *Time for filing.* A complaint shall be filed not later than 30 days after the employee has received notice under Rule 6.5 that the mediation period has concluded.

7.3 *Form of complaint.* A complaint must be written or typed, but may be in any format, including a simple letter format. Employees are encouraged to use the complaint forms available in the Office. All complaints shall be signed by the employee or legal representative and shall contain the following information:

(a) the name, mailing address, and telephone number of the complainant;

(b) the name of the person(s) involved in the action that the employee wishes to challenge;

(c) the name, address, and telephone number of the employing office involved;

(d) a description of the action being complained of, including the date(s) of the action(s);

(e) a brief description of the reasons for concluding that discrimination is involved;

(f) a statement of the relief sought; and

(g) where the complainant has a representative, the name, address, and telephone number of the representative and whether the representative is an attorney.

7.4 *Service of complaint.* Upon receipt of a complaint, the Director shall serve the head of the employing office named in the complaint or designee with a copy of the complaint and a copy of these rules. The Office shall notify the head of the employing office that under Rule 8 an answer to the complaint must be filed within 10 days of service of the complaint.

7.5 *Assignment to a hearing board.* Upon the filing of a complaint, the Director shall assign the case to a hearing board, which shall consist of three independent hearing officers selected by the Office who are not Senators or Senate officers or employees. The Director shall designate one of the hearing officers as the presiding hearing officer. If, for any reason, a hearing board member cannot serve out the term of the hearing board, the Director may appoint a replacement member.

7.6 *Confidentiality.* The Office shall not disclose in whole or in part or by way of summary any information or records regarding the filing of a formal complaint, except as necessary to individuals involved in the hearing process and for purpose under Rule 14.7. This Rule shall not preclude the Director from reporting statistical information to the Senate that does not reveal the identity of employees or employing offices involved in the hearing process. All parties to the action will be advised of the importance of confidentiality in this process.

Rule 8. Answer

Within 10 days of the service of a complaint on the head of the employing office by the Director, the head of the employing of-

fice shall file an answer with the Director that presents the employing office's position in summary as to each of the issues raised in the complaint, including admissions, denials, explanations, and defenses. The head of the employing office shall serve a copy of the answer on the employee who filed the complaint or on the employee's counsel.

Rule 9. Dismissal of Complaints

9.1 *Dismissal by the hearing board.*

(a) At any time prior to a hearing under Rule 13, a hearing board may dismiss a frivolous complaint, which is a complaint that lacks an arguable basis in law or fact.

(b) At any time prior to a hearing under Rule 13, a hearing board may dismiss a complaint because it fails to comply with the applicable time limits or other requirements under these rules.

(c) If an employee fails to prosecute an action, the hearing board may dismiss the action with prejudice. A dismissal by a hearing board under this Rule is subject to Committee review under Rule 14.2. If no timely request for review is filed with the Office, the dismissal is a final decision of the Office under Rule 14.4(a) and subject to judicial review as described in Rule 15.

9.2 *Dismissal by the employee.* An employee may dismiss his or her own complaint by filing a notice of dismissal with the Director for transmittal to the hearing board, and by serving it on the head of the employing office or designee at any time. A dismissal under this paragraph shall preclude a subsequent initiation of procedures under Rule 4 for consideration of an allegation or allegations by the same employee arising out of the same facts, provided the hearing board has determined that the dismissal is a knowing and informed decision.

Rule 10. Motions, Briefs, and Responses

10.1 *Form.* All motions, briefs, and responses shall be filed with the Office and shall be typed (double spaced) or reproduced by any duplicating or copying process that produces a clear black image on opaque white, standard letter size (8½" x 11") paper, unfolded, without back or cover, fastened at the top and shall contain the names of the parties and a heading describing the nature of the motion, brief, or response. Quoted material and footnotes need not be double spaced.

10.2 *Filing.* Parties shall file one original and three copies of each motion, brief, or response at the following address:

Director, Office of Senate Fair Employment Practices, Hart Senate Office Building, Suite 103, Washington, D.C. 20510-9060.

10.3 *Service.* Following the service of the complaint by the Office (see Rule 7.4), each party shall serve on the other party or their counsel a copy of each document. Each document served shall be accompanied by a certificate of service containing the name and signature of the server, the manner of service, and the date of service.

Rule 11. Discovery

11.1 *Purpose.* In accordance with section 307(e) of the Act, reasonable prehearing discovery may be permitted at the discretion of the hearing board.

11.2 *Requests for discovery.* A party must serve any requests for discovery on the Office and the other party no later than 5 days prior to the prehearing conference. The request shall include the proposed time for responding, or if a deposition, the proposed time and place of taking the deposition. At the prehearing conference, the hearing board shall consider the requests for discovery from each party and, if appropriate, shall order whatever discovery is necessary. Discovery shall be completed within a time set by the hearing board after due consideration of the particular case, including the need to conduct the hearing within 30 to 90 days after the filing of the complaint. When required, subpoenas for discovery may be sought from the hearing board.

Rule 12. Subpoenas

12.1 *Authority and issuance.* Upon request of an employee or the head of an employing office, a hearing board may authorize a presiding hearing officer to issue subpoenas for the attendance of witnesses at proceedings of the hearing board and for the production of correspondence, books, papers, documents, and other records.

12.2 *Service.* Subpoenas may be served by any individual over the age of 18 who is not a party in the proceeding in relation to which the subpoena is issued. Criminal or civil enforcement proceedings for a witness's failure to testify or to produce records shall not be initiated unless a duly authorized subpoena was served upon the witness.

12.3 *Objections.* If a witness objects to testifying or producing records in response to a subpoena issued by the presiding hearing officer, the witness shall file a statement of any objection to the subpoena with the Office within 5 days after the date of service of the subpoena. Any response must be filed within 5 days after the date of service of the statement of objection. The hearing board shall rule on the objection within 10 days after the deadline for filing a response. If the hearing board overrules the objection it may order the witness to respond or may refer the matter under Rule 12.4.

12.4 *Referral to the Committee.* After the hearing board has ruled on an objection, at the request of a witness, a party, or on its own initiative, the hearing board may refer the objection to the Committee for a ruling.

12.5 *Enforcement.* If a witness declines to comply with an order of a hearing board or of the Committee directing the witness to testify or produce records, the hearing board shall inform the Committee, which has the authority to recommend to the Senate criminal or civil enforcement proceedings.

Rule 13. Hearings

13.1 *Prehearing conference.* Within 7 days of the receipt of a complaint, the Director shall serve on the employee and the employing office written notice setting forth the time, date, and place of the prehearing conference with the hearing board, at which the hearing schedule will be established. The prehearing conference may also be used by the hearing board to consider the simplification of the issues and such other matters as may aid in the disposition of the proceeding by the hearing board. The hearing board shall issue an order which recites the action taken at the conference and the agreements made by the parties as to any of the matters considered and which limits the issues to those not disposed of by admissions or agreements of parties, and such order when entered controls the subsequent course of the proceeding, unless modified to prevent manifest injustice.

13.2 *Scheduling a hearing.* Hearings shall be scheduled so that they may be conducted no later than 30 days after the filing of the complaint, except that the Director may, for good cause, extend up to an additional 60 days the time for conducting a hearing. An employee or an employing office may file with the hearing board a motion for such postponement of the hearing date. The hearing board in its discretion may disapprove any request for postponement of the hearing date or it may refer the request to the Director with a recommendation that good cause exists for postponement of the hearing date. The Director shall approve or disapprove the hearing board's recommendation within 2 working days of its receipt.

13.3 *Authority of hearing boards.* Hearing boards shall conduct fair and impartial hearings and take all necessary action under the Act and these rules to avoid delay in the disposition of all proceedings. They shall have all powers necessary to that end unless otherwise limited by law, including, but not limited to, the authority to:

(a) hold prehearing conferences for the settlement or simplification of issues under Rule 13.1;

(b) rule on discovery issues as appropriate under Rule 11;

(c) issue subpoenas in accordance with Rule 12;

(d) convene a hearing as appropriate, regulate the course of the hearing, maintain decorum and exclude from the hearing any disruptive persons;

(e) administer oaths and affirmations;

(f) require the filing of briefs and other memoranda of law;

(g) dispose of procedural requests or similar matters;

(h) rule on offers of proof and receive relevant evidence;

(i) consolidate allegations raised subsequent to the filing of the formal complaint which are related to the allegations before the hearing board;

(j) file decisions under Rule 14; and

(k) delegate to one member of the hearing board the authority to conduct prehearing conferences and to rule on non-dispositive motions and matters, except that the action of a single member may be reviewed by the full hearing board.

13.4 *Conduct of hearings.* Hearings shall be closed to non-participants, as determined by the hearing board, except that the Office may not be precluded from observing hearings. Hearings shall be conducted on the record and, to the greatest extent practicable, in accordance with the procedures set forth in 5 U.S.C. §§554–57. The rules of evidence will not be strictly followed unless otherwise specified by the hearing board, but irrelevant or repetitious evidence shall be excluded. For matters not covered by these rules, the hearing board may look to the Federal Rules of Civil Procedure, the Federal Rules of Evidence, or other sources of Federal law for guidance.

13.5 *Transcripts.* An accurate electronic or stenographic record of the hearing shall be kept. The Office shall be responsible for the cost of transcription of the hearing. At the conclusion of the hearing, each party shall be provided with a copy of the transcript. Transcripts are confidential documents and the parties or the Office shall not disclose the transcript in whole or in part, except in furtherance of the adjudicatory process.

13.6 *Failure to comply with an order.* When a party fails to comply with an order, including an order for taking a deposition, the production of evidence within a party's control, a request for admission, and/or production of a witness, the hearing board may:

(a) draw an adverse inference against the non-complying party on the issue related to the information sought;

(b) prohibit the party failing to comply with the order from introducing documentary evidence or testimony concerning the information sought; or

(c) strike any part of the pleading or other submission of the party failing to comply with the request.

13.7 *Failure to timely file.* The hearing board may refuse to consider any motion or other document that is not filed in a timely fashion in compliance with these Rules.

13.8 *Confidentiality.* Except as may be provided in the rules of the Committee and as provided in Rule 14.7, the hearings and deliberations of hearing boards shall be confidential. This Rule shall not preclude the Office from observing the hearing nor preclude the hearing board from consulting with the Office nor preclude the Director from reporting statistical information to the Senate that does not reveal the identity of employees or employing offices involved in the hearing. All parties to the action will be advised of the importance of confidentiality in this process.

Rule 14. Hearing Board Decisions, Requests for Committee Review, and Final Decisions

14.1 *Hearing board decisions.* As expeditiously as possible, but not later than 45 days after the conclusion of a hearing conducted under Rule 13, the hearing board shall issue a written decision and transmit it to the Director for transmittal to the employee and to the head of the employing office. The decision shall state the issues raised by the complaint, describe the evidence raised in the record, and contain a determination as to whether a violation has occurred. If a hearing board determines that discrimination has occurred, it shall order such remedies as would be appropriate if awarded under section 706 (g) and (k) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5(g) and (k)), and may also order the award of such compensatory damages as would be appropriate if awarded under section 1977 and 1977A(a) and (b)(2) of the Revised Statutes (42 U.S.C. 1981 and 1981A(a) and (b)(2)). In the case of a determination that discrimination based on age has occurred, the hearing board shall order such remedies as would be appropriate if awarded under section 15(c) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(c)). In the case of a determination that prohibited intimidation of or reprisal against an employee has occurred, the board may order remedies consistent with the above referenced statutes. Except as otherwise provided in Rule 14.7, decisions of the board are confidential.

14.2 *Requests for Committee review.* Not later than 10 days after receipt of the decision of a hearing board, including a decision following remand from the Committee, an employee or employing office may file with the Office a request that the Committee review the decision. A Request For Review must be *received in the Office* not later than the 10th day after the date of service of the decision [a postmark on the 10th day will not satisfy this timeliness requirement]. The Director, for good cause, may file a request for review by the Committee of a hearing board decision not later than 5 days after the time has expired for the employee and employing office to file a request for review to the Committee. The Office shall transmit to the Committee any request for review and shall serve a copy on the party or parties not seeking review.

14.3 *Remand to the hearing board.* When the Committee remands a decision to a hearing board for the purpose of supplementing the record or for further consideration, the hearing board may schedule a hearing. If a hearing is required, the hearing shall be conducted within 30 days. While the period for conducting a remand hearing may be extended up to 60 additional days using the process in Rule 13.2, such extensions are not favored.

14.4 *Final decisions of the Office.*

(a) *No request for Committee review filed.* When no timely request for Committee review is filed with the Office under Rule 14.2, the decision of the hearing board shall be entered in the Office records as a final decision.

(b) *Request for review filed.* When a timely request for Committee review is filed with the Office, following review by the Committee, the Office shall enter a final decision as follows:

(1) *Written Committee Decision.* When the Committee transmits a written decision to the Office, the Office shall enter the Committee decision in the Office records as a final decision.

(2) *Committee determination not to review.* When the Committee transmits to the Office a written determination not to review a decision of a hearing board for which review has been requested, the Office shall enter the hearing board decision in the Office records as a final decision.

(3) *No Committee action.* When a majority of the Committee does not vote to reverse or remand the decision of the hearing board within the time prescribed in section 308 (d)(2)(A) of the Act, the Office shall enter the decision of the hearing board in the Office records as a final decision.

14.5 *Notice of a final decision.* When a decision of a hearing board or of the Committee is entered in the Office records as a final decision, the Director shall notify the parties of the right to judicial review under section 309 of the Act.

14.6 *Final decisions requiring payment of money.* Any final decision requiring the payment of money shall be transmitted by the Office to the Committee on Rules and Administration for appropriate action under the Act. In the event that judicial review of such a final decision is sought by a party, the Office will keep the Committee on Rules and Administration advised of the status of the case.

14.7 *Public records.* The following final decisions that have been entered in the Office records shall be available to the public:

(a) any decision by a hearing board that is favorable to the employee and which is not reviewed by the Committee;

(b) any decision of the Committee that is favorable to the employee;

(c) any decision of the Committee that reverses a hearing board decision that had been in favor of the employee; and

(d) any other decision that the Committee, in its discretion, has made available to the public.

14.8 *Report of compliance with final decisions.* When a final decision of the Office orders relief for an employee, the employing office shall report the details of its compliance with the order to the Director as soon as full relief has been provided. Complaints regarding non-compliance may be submitted to the Committee.

Rule 15. Judicial Review

15.1 *Who may petition for judicial review.* Section 309 of the Act provides that review of a final decision of the Office may be sought by:

(a) an employee aggrieved by a final decision or

(b) any Member of the Senate who would be required to reimburse the appropriate Federal account pursuant to section 323 of the Act as a result of a final decision under Rule 14.4(b)(3).

15.2 *Time limit for filing.* Petitions for review under section 309 of the Act shall be filed in the United States Court of Appeals for the Federal Circuit not later than 90 days after the entry in the Office of a final decision under Rule 14.4. Service of the petition shall be on the Senate Legal Counsel, 642 Hart Senate Office Building, Washington, D.C. 20510-7250. The Office shall be named respondent in the petition for review. The information in Rule 15 is provided only as a convenience to the parties, who should refer to the Act, the rules of the Federal Circuit Court of Appeals, and the case law concerning Federal Circuit Court review procedures.

Rule 16. Settlement

At any time the employee and the head of the employing office may enter into a written settlement agreement. Any such agreement shall be signed by both parties and shall identify the matters that are being resolved. If a settlement agreement is reached following the filing of a complaint under Rule 7, the agreement must be approved by the Director. A settlement that includes the payment of money will in most cases require Senate authorization and the parties should consult with the Office for guidance.

Rule 17. Costs and Attorney's Fees

17.1 *Employees.* Not later than 30 days following the conclusion of a hearing, an employee with respect to whom a hearing is held may file with the Director a request for reimbursement of actual and reasonable travel costs, if any, associated with attending proceedings under sections 307 and 308 of the Act. The Director may award such costs as are consistent with Senate travel regulations.

17.2 *Witnesses.* Any witness appearing at proceedings under sections 307 and 308 of the Act may file with the Office a request for reimbursement for actual expenses incurred each day while traveling to and from the place of examination and for each day in attendance. Such reimbursement shall not exceed the daily rate set by the Committee on Rules and Administration for witnesses appearing before the Senate or any of its committees.

17.3 *Attorney's fees.*

(a) In any action or proceeding before a hearing board, the hearing board may allow an employee, who is a prevailing party, a reasonable attorney's fee as part of the costs, in accordance with 307(h) of the Act. Any motion for costs or attorney's fees shall be filed with the Director for transmission to the hearing board and shall be served on the opposing party within 20 days after receipt of notice of a final decision under Rule 14.5. A motion for attorney's fees shall be accompanied by:

(1) accurate and current time records;

(2) a copy of the terms of the fee agreement (if any); and

(3) the attorney's customary billing rate for similar work or, in the absence of such a customary billing rate, other evidence of the prevailing community rate sufficient to establish a market value for the services rendered.

(b) A detailed response to the motion for attorney's fees shall be filed within 20 days after the date of service of the motion.

TERCENTENARY CELEBRATION OF GLASTONBURY, CT

• Mr. LIEBERMAN. Mr. President, it is my great pleasure to rise today to recognize the tercentenary celebration of the town of Glastonbury in my home State of Connecticut.

The town of Glastonbury, which is older than our country itself, was first

settled in 1639. The oldest house, which is still occupied, dates back to 1649. In 1653, the General Court, which later became the General Assembly, authorized the settlers to organize their own militia, which was one of the earliest militias formed in New England. This measure was the first step on the road to separation from the town of Wethersfield. In 1690, Glastonbury petitioned to become a township, and in June 1692, the General Court set off the then 34 householders on the east bank of the Connecticut River from Wethersfield. Finally, in May 1693, the town met the necessary provisions for autonomy by building a Congregational Church and hiring a clergyman.

Since that time, Glastonbury has been distinguished by many historical events and the accomplishments of its citizens.

Glastonbury was a supplier of troops, provisions, and ships for the Continental Forces during the Revolutionary War, and it was the home of Gideon Welles, President Lincoln's Secretary of the Navy. The town is also noted as the site of the oldest, continuously operated ferry in the Nation, dating back to 1649, and receiving legislative recognition in 1724.

Glastonbury has distinguished itself throughout the years as an important location for commerce and agriculture in New England. In the 1840's, J.B. Williams established his soap factory which was the first commercial manufacturing site of soap in the United States, and the town is the home of the orchards of J.H. Hale, the developer of the first New England peaches, which are nationally known and date back to the 1870's.

Equally noteworthy citizens of Glastonbury are the Smith sisters, who were renowned as abolitionists in the 1850's and as the first women's rights activists of the 19th century.

Mr. President, on behalf of the Senate, I would like to take this opportunity to recognize the fine history of Glastonbury, and honor this venerable town on the occasion of its 300th birthday. Congratulations, Glastonbury. Your people have accomplished many great things for the State of Connecticut and the rest of the Nation, and we can only expect that the future of your town will be as luminous as its past.•

RECOGNIZING THE SUO SARUMAWASHI ASSOCIATION

• Mr. MCCONNELL. Mr. President, I rise today to recognize Taro Murasaki and the Suo Sarumawashi Association of Japan. Over the next several weeks Mr. Murasaki will be traveling throughout the United States with his entourage, which includes his close friend and performing partner, Jiro, a Japanese monkey.

At age 31, Mr. Murasaki is a theatrical legend in his native country. For more than 15 years, he has trained and participated in an ancient Japanese art form called sarumawashi, which translates as monkey dancing. Along with his father, Mr. Murasaki has played a leading role in the resurrection of sarumawashi.

Sarumawashi is a traditional art that has flourished in Japan for 1,000 years following its introduction from China and the Korean Peninsula. The art, involving tricks by monkeys, bore a religious role in the early years and evolved into a popular entertainment performed on streets and at festivals in feudal years.

It faced a major challenge after World War II due to the growing number of cars, and disappeared in the early 1960's. To revive the art, Mr. Murasaki and his father launched a campaign and established a center in Suo, Yamaguchi Prefecture, for monkey training and trainer education in 1977. Later, the center would go on to be called the Suo Sarumawashi Association.

Mr. Murasaki and his performing partner, Jiro, produce avant-garde sarumawashi shows, mixing traditional and modern performance methods. One of their shows, which stars costumed monkeys in a parody of a samurai drama, won the 1991 Arts Festival Award from the Cultural Affairs Agency of Japan. It was the first time an animal performance had been in the festival.

Mr. Murasaki's interest in animals goes far beyond that of the stage lights. Recently, during the Persian Gulf conflict, Mr. Murasaki organized efforts abroad to assist those animals that were victims of the region's disruptions. Through performances and fundraisers, Mr. Murasaki collected more than $10,000 to assist in animal relief efforts. In Japan, Mr. Murasaki founded the Green Fund. An organization whose mission is to maintain and build monkey habitats throughout Japan without threatening communities or agricultural interests.

In conclusion, Mr. President, I would like to bring to the attention of the Senate that on Friday, September 11, Mr. Murasaki and Jiro will be performing at New York City's prestigious Lincoln Center. Following their performance in New York, they will be traveling to Washington to put on a special benefit show for abused and neglected children who will be attending our National Children's Day Celebration on Capitol Hill.

As a member of the Committee on Foreign Relations and the Senate children's caucus, as well as a cosponsor of National Children's Day, I am most pleased and honored to recognize Taro Murasaki, Jiro and the entire Suo Sarumawashi Association and encourage my colleagues to attend their performance on Capitol Hill.•

PORTABLE PRACTICAL EDUCATIONAL PREPARATION TRAINING FOR EMPLOYMENT CENTERS PROGRAM

• Mr. DECONCINI. Mr. President, I rise today to recognize the achievements of a program in my home State of Arizona which serves as a model for job training for a population of hard-to-serve clients in rural areas.

Twenty-five years ago, the project on the portable practical educational preparation began its services to the rural residents of Arizona from a single green, rusted schoolbus called la Tortuga—or the tortoise. The bus driver and founder of Project PPEP, Dr. John Arnold, had essentially rediscovered an itinerant model for delivery of social services which had been used some 300 years earlier by Father Kino, the great mission builder of the southwestern area of the United States. In la Tortuga, Project PPEP traveled from Indian village to farm laborer camps providing services to those who were unable to access educational, health care and social services.

The primary objective of Project PPEP was, and still is, job training. Most of its 12 major programs concentrate on helping rural residents obtain and maintain employment. The majority of PPEP students are economically disadvantaged. By the end of their participation in the program, over two-thirds of those who receive a certificate of training are placed in jobs or continue to a higher level of education.

In 1980, Project PPEP became the Arizona grantee for the education and training of migrant and seasonal farmworkers through the Department of Labor's JTPA Program. Project PPEP utilizes a curriculum that combines computer technology to teach word processing and computerized accounting, as well as a tool to teach other subjects such as English and math. It has been recognized by the U.S. Department of Education for responding to the needs of rural residents and for removing barriers to their education.

Perhaps more importantly, Project PPEP strives to instill a sense of dignity and pride in the students it serves. This program demonstrates that through education individuals can change their lives and break their dependency on public welfare. Most participants in Project PPEP successfully make the transition from the ranks of the unemployed to self-sufficient, skilled workers.

The important role the PPEP training for employment centers plays in providing education and training to rural residents of Arizona. The PPEP tec model for delivery of education and training works well, and can serve as a model for rural areas throughout the country. I commend Dr. John Arnold, the founder of Project PPEP, for his outstanding work and dedication in

providing a much needed educational service to this hard-to-serve population.●

TRIBUTE TO UNITED PARCEL SERVICE

● Mr. BUMPERS. Mr. President, it is my privilege to rise today to pay tribute to United Parcel Service [UPS] for 22 years of outstanding service in the State of Arkansas. During these 22 years, this company has grown and prospered, and provided career opportunities for thousands of Arkansans. It is a company of tremendous talent, drive, and commitment and I wish it continued success in the future.

United Parcel Service, now the world's largest package delivery company, was founded in 1907 as a messenger company in Seattle, WA. Since that time, the corporation has been at the forefront of innovation and engineering in the transportation industry, growing from humble beginnings to become an international company serving 180 countries worldwide.

The first day of UPS' operation in Arkansas was May 27, 1971. Today UPS has 23 operating facilities in 18 cities in Arkansas employing 1,824 and serving 9,000 customers. Combined with UPS' own air fleet these dedicated employees offer Arkansas customers an efficient link to the world.

I salute not only UPS' success and growth, but also the many contributions it has made to Arkansas. UPS is an innovative employer, offering scholarship and gift-matching programs to educational institutions and charitable organizations such as day care centers, child abuse centers, and homeless centers. It has taken an active role in the communities in which it operates.

Mr. President, my friends at UPS have asked to thank the thousand of dedicated Arkansans who have joined their company; the thousands of loyal customers who use its services; and the citizens and local, State, and Federal officials who have nurtured an economic environment where business and families can thrive. It is my pleasure to pay tribute to this unique corporate citizen and its talented and dedicated people.●

PENSION DISTRIBUTION RULE CHANGES IN H.R. 5260, THE EMERGENCY UNEMPLOYMENT COMPENSATION AMENDMENTS OF 1992

● Mr. JEFFORDS. Mr. President, on June 19, the Senate passed an extension in unemployment insurance benefits, which was signed into public law on July 3. Millions of people across the country will benefit from this relief which is especially necessary given our Nation's lingering recession. Equally important, but much less noticed than the extension in unemployment benefits, are additional provisions in H.R. 5260, to change pension distribution rules. These changes will facilitate the portability of pension assets to make it more likely that American workers will have adequate pension income during their retirement to supplement Social Security.

Without pension portability, our Nation's retirement policy efforts, to encourage the growth and funding of employer-sponsored pension plans, are wasted efforts. For what good does it do to encourage companies to offer pension plans and workers to save, if workers spend their pension money for nonretirement purposes every time they leave a company? Numerous studies have shown that this is exactly what most workers do.

In 1993, approximately $100 billion will be eligible to be rolled over into IRA's because workers will be cashed out of their pension plan as they leave companies. Under prior law, we could expect 34 percent of all workers to spend the entire amount of the pension cashout. Only 11 percent of all workers would have saved the entire amount until retirement. Under the new law, workers will be more inclined to save their pension money because it will be directly transferred into an IRA account or the plan of their new employer.

Pension law is frequently passed on a tax or budget bill in the middle of the night. These changes in law are seldom contemplated in the deliberative fashion one would ideally expect for a matter so crucial to our economic well being. Similarly, the pension portability changes that became law in July were quickly passed on a bill more publicly noted for its short-term impact on unemployment than its long-term impact on pension policy.

However, these important pension portability rules can trace their roots to bipartisan legislation considered by the House Education and Labor Committee over a 5-year period starting in 1985. As the ranking member of this committee, I had the pleasure of introducing these ideas and working with a number of people who were committed to this cause. Thanks to the diligence of committee and subcommittee Chairmen Gus Hawkins and BILL CLAY, and Congresswoman MARGE ROUKEMA, a pension portability bill similar to the one just enacted passed the House of Representatives. It was passed not once, but twice, in 1987 and 1988.

During this 2-year period the House Education and Labor Committee also initiated extensive discussions with the Department of Labor on the importance of pension portability and worked to gain the administration's support for legislation. It was also in 1988 that Senate consideration of this issue seriously began. In July 1988, I testified before the Senate Finance Committee on the need for pension portability and the specific provisions of H.R. 1961, the House-passed portability bill.

When I moved from the House to the Senate in 1989, I began working with my distinguished colleagues in this Chamber on pension policy matters. Subsequently, the Senate Labor and Human Resources Committee marked up portability provisions in 1989 and 1990. Furthermore, in May 1990, Secretary of Labor Elizabeth Dole made her own specific recommendations in this area. Similar ideas were also incorporated in the Pension Simplification Act of 1990 and 1991, introduced by Senator LLOYD BENTSEN and Senator DAVID PRYOR. Companion pension simplification bills were also introduced by Congressmen DAN ROSTENKOWSKI, ROD CHANDLER, and BEN CARDIN.

And now finally, after at least 7 years of effort to build a consensus, a pension portability bill finally becomes public law. While many people are responsible for the passage of this bill, and millions of Americans will benefit from it, there is one person, without whom pension portability might still be a glimmer of an idea in its developmental stages. The genesis of pension portability and the promotion of this goal is the result of the fine staff work of Russ Mueller, professional staff member, House Education and Labor Committee.

A few years down the road, when the baby boom generation starts to retire and there are fewer workers to support them, there will be many who will be thankful that Congress enacted pension portability provisions to encourage workers to save their pension money for retirement purposes. While we still have a long way to go to improve upon our current pension policy, this is certainly an important step in the right direction. It is proof that Congress and the administration can collaborate to achieve important policy objectives. Again, I thank all who worked so hard to make this goal a reality.●

(At the request of Mr. MITCHELL, the following statement was ordered to be printed in the RECORD:)

TRIBUTE TO MRS. MARILYN HUPP HUDSON

● Mr. GORE. Mr. President, today I honor Mrs. Marilyn Hupp Hudson, of Kansas City, MO. Mrs. Hudson made many contributions to improving health care in her hometown during 13 years of service as office manager of the Kansas City Eye Bank, Inc. She retired in 1991. For her many years of service, an anonymous donor created an award in Mrs. Hudson's name to be given to people, like herself, who exhibit "the highest moral character, integrity, honesty and excellence in public, private and humanitarian services." The award carries with it a $1,000

donation to the recipient's charity of choice.

I had the distinct pleasure to meet Mrs. Hudson on August 22, 1992, albeit over the telephone. We spoke about our mutual commitment to our families, our communities, and our country. I was struck by her strong spirit and concern for the health of others, even during her battle with pancreatic cancer. She ultimately lost that battle a few days later, on August 25. The battle she won was for the hearts of many in Kansas City and the commitment of many to continue their good works.

Her service to the Kansas City community will be missed greatly. But many others will step up and try to fill the void she has left. I, too, will work to fulfill her great faith in me, because Mrs. Hudson honored me by bestowing upon me the first Marilyn Hupp Hudson Excellence in Service Award.

I know that the Senate will join me today in honoring Mrs. Marilyn Hupp Hudson.●

PLIGHT OF HAITIAN REFUGEES

● Mr. DECONCINI. Mr. President, once again I would like to address my concern about the unfair treatment of Haitian refugees. Almost a year ago, on September 30, 1991, the first democratically elected President of Haiti, Jean-Bertrand Aristide, was ousted in a coup by the military. Since that time, Haitians have become the innocent victims of continuous and random violence in their homeland.

Those Haitians who have fled their tiny island have been interdicted by the United States Coast Guard before reaching our shores. To date, about 38,000 Haitian boat people have sought refuge in the United States. More than 27,000 have been forcibly returned to Haiti and approximately 11,000 Haitians, who have been initially screened for asylum, face explusion in the future.

When the administration chose to begin forcibly repatriating Haitians in November 1991, a legal battle over the treatment of Haitian refugees began in our Federal courts. On several occasions the courts have found that the United States is violating international law by forcibly returning Haitians back to a politically volatile situation. Unfortunately, the administration has been successful in its efforts not only to forcibly repatriate the Haitian boat people, but to return them without a screening process.

Most disturbing to me is the President's Executive order of May 24, 1992, which instructs the United States Coast Guard to return Haitians picked up at sea directly to Haiti. This action, according to the administration, was in response to the large surge in Haitian boat people seeking to enter the United States and was necessary to protect the lives of the Haitians whose boats weren't equipped for the 600-mile sea journey. Haitians who fear persecution can now only go to our Embassy in Port-au-Prince for refugee processing. The administration justifies this action by stating that our international legal obligations under the United Nations protocol relating to the status of refugees and the United Nations convention relating to the status of refugees do not extend to persons located outside the territory of the United States.

However, the convention and the protocol, which establish the basic norm of nonrefoulement, prohibits states from expelling or returning refugees to frontiers or territories where they would be threatened on account of race, religion, nationality, or membership of a particular social group or political opinion.

While it is true that Haiti is one of the most economically depressed countries in the world, there are many Haitians leaving to escape the repression of the military forces. It is no secret that anyone who is a supporter of the Aristide government is in jeopardy of political persecution. On December 31, 1991, Americas Watch, the National Coalition for Haitian Refugees and Physicians for Human Rights, issued a report that states the following:

> In the period immediately following the coup, massacre, and widespread killings were the order of the day. Since then, techniques have become more refined but similarly brutal. Selected assassinations, disappearances, severe beatings and political unrests continue.
>
> Entire neighborhoods, particularly in the poor and populous shantytowns of Port-au-Prince and across the countryside that voted for Aristide almost unanimously, have been targeted for particularly brutal and concentrated attacks.
>
> Common people are arrested merely for having photographs of President Aristide in their home or for the possession of pro-Aristide literature.

Last month Amnesty International issued a report entitled "Haiti: Human Rights Held to Ransom." The report focuses attention on the arbitrary killings and arrests of Haitians by the military which matches the repression that occurred in Haiti during the Duvalier family dictatorship. It also condemns the United States for ignoring such abuses and returning Haitians without a hearing to determine whether they are fleeing persecution.

According to a recent New York Times article, just after the United States Coast Guard returned 158 Haitians to Port-Au-Prince on August 14, 1992, 154 of them were picked up by Haitian police and taken to police headquarters to be questioned about their departure.

A few months ago, a well-known Haitian pastor came to my office to describe his particular plight. The pastor was arrested and beaten by the military for delivering a political sermon, and then put in front of a firing squad with seven other men. After witnessing five executions, the pastor realized he had gone to school with several of the executioners and begged to be let free. Fortunately, he was released and spent 18 days at sea seeking protection in the United States. If the administration's policy of returning Haitians without even a screening process had been in effect when the pastor fled Haiti, he might not be alive today to tell his story.

The administration's policy to continue its in-country Refugee Processing Program as the only remedy for Haitian refugees minimizes the plight of victims of persecution. The indiscriminate forced repatriation of Haitians is not only deplorable, but in violation of international law.

Congress must act now to protect those Haitians who risk an uncertain fate if they are returned to Haiti. We should pass Senator KENNEDY's International Refugee Protection Act which ensures against the forced return of asylum seekers to countries where they would have a well-founded fear of persecution. In the case of Haitians, the Coast Guard would have to pick up Haitians and provide them with some kind of screening process for refugee status.

In response to the tragic situation in Haiti and my belief in the United States moral and humanitarian responsibility to protect those Haitians who have sought refuge in this country, I introduced legislation to provide temporary protected status [TPS] for Haitians. TPS is meant to protect nationals from a designated state who do not fit the textbook definition of "refugee" or "asylee," but need temporary protection from armed conflict or other extraordinary conditions that threaten their safety. In the past 2 years, the administration has granted TPS to nationals from Lebanon, Liberia, Kuwait, Somalia, and most recently Bosnia. It is time that we extend the same protection to nationals from Haiti until peace is restored in that country.

Mr. President, I urge my colleagues to support this legislation to alleviate the plight of the Haitian refugees. It is unconscionable for us not to provide them safe haven. We cannot continue to ignore their struggle.●

ORDERS FOR TOMORROW

Mr. DECONCINI. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m., Thursday, September 10; that following the prayer, the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; that immediately following the Chair's announcement there be 1 hour for debate equally divided between Senators ROCKEFELLER and HOLLINGS, or their designees, prior

to the cloture vote on the motion to proceed to S. 640, the product liability bill; that at the conclusion of that time the Senate vote on the motion to invoke cloture.

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

RECESS UNTIL 9 A.M. TOMORROW

Mr. DECONCINI. Mr. President, if there is no further business to come before the Senate today, I ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 8:20 p.m., recessed until Thursday, September 10, 1992, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate September 9, 1992:

DEPARTMENT OF STATE

ALVIN P. ADAMS, JR., OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PERU.

THE JUDICIARY

PAUL J. BARBADORO, OF NEW HAMPSHIRE, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF NEW HAMPSHIRE VICE SHANE DEVINE, RETIRED.

RICHARD E. DORR, OF MISSOURI, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MISSOURI VICE HOWARD F. SACHS, RETIRED.

STEVEN J. MCAULIFFE, OF NEW HAMPSHIRE, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF NEW HAMPSHIRE VICE NORMAN H. STAHL, ELEVATED.

DEPARTMENT OF JUSTICE

JAMES H. GROSSMAN, OF CALIFORNIA, TO BE CHAIRMAN OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES FOR THE TERM EXPIRING SEPTEMBER 30, 1994, VICE STANLEY L. GLOD, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

COPYRIGHT ROYALTY TRIBUNAL

EDWARD J. DAMICH, OF VIRGINIA, TO BE A COMMISSIONER OF THE COPYRIGHT ROYALTY TRIBUNAL FOR A TERM OF 7 YEARS, VICE J.C. ARGETSINGER, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

BRUCE D. GOODMAN, OF PENNSYLVANIA, TO BE A COMMISSIONER OF THE COPYRIGHT ROYALTY TRIBUNAL FOR A TERM OF 7 YEARS, VICE MARIO F. AGUERO, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

RANDALL HARVEY ERBEN, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE SKIRMA ANNA KONDRATAS.

SECURITIES AND EXCHANGE COMMISSION

JAMES MICHAEL REUM, OF ILLINOIS, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR THE TERM EXPIRING JUNE 5, 1997, VICE EDWARD H. FLEISCHMAN, RESIGNED.

DEPARTMENT OF THE TREASURY

DAVID J. RYDER, OF VIRGINIA, TO BE DIRECTOR OF THE MINT FOR A TERM OF 5 YEARS, VICE DONNA POPE, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

CONSUMER PRODUCT SAFETY COMMISSION

NANCY A. NORD, OF THE DISTRICT OF COLUMBIA, TO BE A COMMISSIONER OF THE CONSUMER PRODUCT SAFETY COMMISSION FOR A TERM OF 7 YEARS FROM OCTOBER 27, 1992, VICE CAROL GENE DAWSON, TERM EXPIRED.

NATIONAL INSTITUTE FOR LITERACY

BADI G. FOSTER, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL INSTITUTE BOARD FOR THE NATIONAL INSTITUTE FOR LITERACY FOR A TERM OF 3 YEARS. (NEW POSITION)

ENVIRONMENTAL PROTECTION AGENCY

LEWIS S.W. CRAMPTON, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF 5 YEARS. (NEW POSITION)

LEWIS S.W. CRAMPTON, OF THE DISTRICT OF COLUMBIA, TO BE CHAIRPERSON OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF 5 YEARS. (NEW POSITION)

ROBERT B. TAYLOR, OF TENNESSEE, TO BE A MEMBER OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF 5 YEARS. (NEW POSITION)

JACK ROBERT WITZ, OF CALIFORNIA, TO BE A MEMBER OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF 5 YEARS. (NEW POSITION)

IN THE COAST GUARD

THE FOLLOWING REGULAR OFFICERS OF THE U.S. COAST GUARD FOR PROMOTION TO THE GRADE OF CAPTAIN:

THOMAS B. RODINO
WILLIAM A. MCDONOUGH, JR.
JEFFREY T. PECK
JOSEPH G. MILO
LARRY M. WILSON
JAMES B. WILLIS
CHARLES E. BILLS
DONALD E. ESTES
DONALD P. MONTORO
WILLIAM J. WILKINSON III
RONALD D. RECK
JAMES W. UNDERWOOD
BRUCE W. PLATZ, JR.
RICHARD F. CARLSON
DAVID B. PASCOE
WILLIAM T. HORAN
JOHN G. WITHERSPOON
ALVIN A. SARRA, JR.
DENNIS C. BOSSO
RAYMOND E. MATTSON
GREGG W. SUTTON
PAUL C. GOLDEN
MICHAEL W. MASTENBROOK
DENNIS M. MAGUIRE
JOSEPH T. KUCHIN
TIMOTHY J. FLANAGAN
NORMAN S. PORTER
MICHAEL B. SLACK
GAETANO MARTINIA
BRUCE I. MERCHANT
WILLIAM A. CASSELS
LEONARD F. BOSMA
WILLIAM S. DAVIS
JACK L. BURI
ROGER T. ARGALAS
LARRY A. DOYLE
BRIAN G. BASEL
LAIRD H. HAIL
DENNIS G. BECK
RICHARD R. MEAD
GARY L. FRAGO
DENNIS M. EGAN
BIEVENIDO ABILES
THOMAS P. DOLAN
RICHARD A. KNEE
JAMES W. NORTON
EDWARD J. PEAK
THOMAS H. GILMOUR
WILLIAM H. WISSMAN
ARTHUR E. CROSTICK
JOSEPH A. STIMATZ
NORMAN B. HENSLEE
DENNIS D. ROME
EDMOND P. THOMPSON
TERRY W. NEWELL
RONALD C. GONSKI
THOMAS J. MEYERS
THOMAS G. LANDVOGT
HAROLD B. MORTON
LAWRENCE G. BRUDNICKI
JAMES M. ALDERSON
FREDRIC R. GILL
JIMMY NG
WALTER G. JOHNSON
THOMAS D. YEAROUT
CHARLES B. WILLIAMS
CLAY A. FUST
JAMES F. MCENTIRE, JR.
HENRY F. BALEY IV
ERROLL M. BROWN
HOHN W. WHITEHOUSE
ALAN D. SUMMY
JOSEPH H. JONES, JR.
TIM B. DOHERTY
WAYNE H. OGLE
EDWIN E. ROLLISON, JR.
EDWARD E. PAGE
BRADLEY J. NIESEN
ROBERT D. INNES, JR.
KENNETH T. VENUTO

THE FOLLOWING REGULAR OFFICERS OF THE U.S. COAST GUARD FOR PROMOTION TO THE GRADE OF COMMANDER:

ROGER W. BOGUE
GEORGE R. TURNER, JR.
DWIGHT G. HUTCHINSON III
ROBERT A. KUHN
THEODORE A. HOLLOMAN
GEOFFREY L. ABBOTT
DAVID G. WILDER, II
JAMES R. LACHOWICZ
JAMES D. WILLIAMSON
JEFFRY G. WAY
CARL A. CRAMPTON
SHAWN M. SMITH
BURTON E. CARR
JOHN P. CURRIER
WAYNE E. JUSTICE
WILLIAM R. WEBSTER
ERIC A. NICOLAUS
FLOYD G. LYSSY
ROBERT T. WRIGHT
PAUL R. GAUTHIER, JR.
ROBERT O. SMITH
CHARLES J. DICKENS
VICTOR M. POUNDS, JR.
HOWARD P. RHOADES
ROBERT D. ALLEN
JODY A. BRECKENRIDGE
RUSSELL N. TERRELL
GREGORY F. ADAMS
WILLIAM L. ROSS
BEVERLY G. KELLEY
REX M. TAKAHASHI
JOHN H. SIEMENS
RUBEN H. ARREDONDO
PAUL J. BERGMAN
ERNEST J. FINK
KEITH E. GRANT
MARION J. LEWANDOWSKI
WILLIAM R. PERRIN
ROBERT E. DUNN
LEONARD P. DEUTSCHMANN, JR.
PATRICK K. GREGORY
JOSEPH M. TOUZIN
JAMES A. FAVERO
JOHN W. SCHOEN
JAMES M. MCCOY
WILLIAM S. CHEEVER
DONALD R. GOLDSTEIN
THOMAS H. BRIGGS
JAMES A. DALE
COLLIN S. CAMPBELL
TIMOTHY L. BELTZ
WILLIAM A. KELSEY
DAVID G. WESTERHOLM
JOHN M. HOLMES
PETER J. HOPKINSON
KAY L. HICKMAN
RICHARD C. SIMONSON
BRIAN M. SALERNO
CYNTHIA A. COOGAN
MICHAEL G. WALLACE
ERNEST L. DELBUENO, JR.
RANDOLPH C. HELLAND
KIRK A. DAVIS
JOHN A. SCHOTT, JR.
GARY F. GREENE
STEPHEN L. WILHELM
GEORGE E. HOWE
THOMAS W. SPARKS
GREGORY T. JONES
JERRY K. THORUSEN
THOMAS P. LEVEILLE
JAY D. MAHAFFEY
LAWRENCE C. VOSE
JOSEPH E. WIGGINS
CATHERIN M. MCNALLY
BLAINE D. HORROCKS
MICHAEL N. POWERS
PETER L. SEIDLER II
ALAN L. PEEK
PHILLIP J. HEYL
ROBIN K. KUTZ
PHILIP E. COLETTI
EDMUND MARMOL
ROGER D. GIBSON
JAMES S. ANGERT
RICHARD F. BESELER
DAVID T. GLENN
BRIAN S. WHITE
JOHN E. HARRINGTON
JAMES B. HALL
JOSEPH L. NIMMICH
RAYMOND E. SEEBALD
KEVIN E. SCHUMACHER
DONALD E.WILT II
JAMES M. HASS IV
ROBERT J. MORRISON, JR.
ALBERT L. BARCO IV
GERALD R. WHEATLEY
DAVID P. PEKOSKE
ROBERT M. ELSENER
ROBERT J. QUIRK
PAUL F. ZUKUNFT
ARTHUR L. HALVORSON
RICHARD P. YATTO
JEFFREY Q. GAMBLE
JEROME A. ILTIS
MICHAEL R. MOORE
DANIEL R. BROWN
MICHAEL D. FARRELL
ROBERT S. BRANHAM
KENNETH M. BRADFORD
EDWARD S. CARROLL
RONALD B. HOFFMANN
DALE E. WALKER
KEITH G. JOHNSON
CRAIG E. BONE
ROBERT L. MCLAUGHLIN
LARRY E. JAEGER
SCOTT E. HARTLEY
ROBERT L. LACHOWSKY
KENNETH ARMSTRONG
GEORGE H. TEUTON III
WILLIAM G. SHULTZ
KEVIN P. JARVIS
THOMAS R. RICE,
MARK J. CAMPBELL
ERNEST W. FOX
JOHN C. MIKO
BURTON S. RUSSELL
MICHAEL P. SELAVKA
DOUGLAS D. WHITMER
KEITH D. CAMERON
EDWARD D. NELSON
THEODORE P. MONTGOMERY
MARK P. THOMAS
WILLIAM B. BAKER
DANIEL C. SLYKER
DAVID S. BRIMBLECOM
JOHN E. DEJUNG
BRUCE A. DRAHOS
ROBERT C. PARKER
CURTIS L. GUNN
MICHAEL B. KARR
RONALD E. KILROY
LOUIS R. SKORUPA
MARTIN L. PHILLIPS
JOHN J. O'BRIEN, JR.
DENNIS J. HAISE
JAMES T. POTDEVIN
FRANCIS X. O'BYRNE, JR.
JOSEPH J. OCKEN
KENNETH E. SCHOLZ
PAUL S. NEELD
JOHN S. BURHOE
THOMAS A. TANSEY
JEFFREY K. KARONIS
HUGH F. SAGE
DAVID M. ILLUMINATE
LISTON A. JACKSON
WILLIAM L. CAREY
MICHAEL J. BRENNAN
FRANCIS L. SHELLEY III

IN THE ARMY

THE FOLLOWING-NAMED MEDICAL CORPS OFFICERS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADES INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624(C):

To be permanent major general

BRIG. GEN. RONALD R. BLANCK, [redacted] U.S. ARMY.

To be permanent brigadier general

COL. VERNON C. SPAULDING, [redacted] U.S. ARMY.

THE FOLLOWING-NAMED MEDICAL SERVICE CORPS OFFICER FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624(C):

To be permanent brigadier general

COL. JEROME V. FOUST, [redacted] UNITED STATES ARMY.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR PERMANENT PROMOTION IN THE U.S. AIR FORCE, UNDER THE PROVISIONS OF SECTION 628, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

LINE OF THE AIR FORCE

To be colonel

BRUCE A. BROWN, [redacted]
DENNIS W. GOLDSTON, [redacted]
CHARLES K. LEONARD, [redacted]
ANDREW P. MEDLER, [redacted]
WILLIAM B. NIX, [redacted]
GEORGE YURCHAK, JR, [redacted]

To be lieutenant colonel

WAYNE W. ANDERSON, [redacted]
CHARLES L. ANDREWS, [redacted]
DWIGHT D. BEARD, [redacted]
RICHARD M. BURGESS, [redacted]
JOHN M. CHASTAIN, [redacted]
NICHOLAS S. COSTA, [redacted]
JAMES T. DAVENPORT, [redacted]
THOMAS J. EISENHUT, [redacted]
MICHAEL L. HURLEY, [redacted]
MARK A. MAYERSTEIN, [redacted]
MICHAEL L. MCKIM, [redacted]
JOHN N. MILLIGAN, [redacted]
JOSEPH P. NASTASI, [redacted]
HAROLD E. ROPER, [redacted]
JAMES P. TRON, [redacted]

To be major

HENRI J. BIGO, [redacted]
JEFFREY L. CATON, [redacted]
KEVIN F. CUNNINGHAM, [redacted]
GEORGE R. EGAN, [redacted]

THE FOLLOWING NAMED OFFICERS FOR PERMANENT PROMOTION IN THE U.S. AIR FORCE, UNDER THE PROVISIONS OF SECTION 628, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE. THE OFFICERS IDENTIFIED WITH AN ASTERISK ARE ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR AIR FORCE IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM THE DUTIES INDICATED, PROVIDED THAT IN NO CASE SHALL THE OFFICERS BE APPOINTED IN A GRADE HIGHER THAN INDICATED.

CHAPLAIN

To be colonel

RICHARD J. CATHY, xxx-xx-x...
RODNEY L.A. PRUSS, xxx-xx-x...

To be lieutenant colonel

*TERENCE M. MCDONOUGH, xxx-xx-x...

To be major

*BRUCE A. ARNOLD, xxx-xx-x...
*JAMES W. BYINGTON, xxx-xx-x...
*DAVID P. COTE, xxx-xx-x...
ROBERT P. HIGGINBOTHAM, xxx-xx-x...
*HILARION A. MIKALOFSKY, xxx-xx-x...
*BARRY E. RYAN, xxx-xx-x...
JOHN M. SAETHRE, xxx-xx-x...
MILLARD G. TIMMONS, xxx-xx-x...
JOSEPH R. WALLROTH, xxx-xx-xx...

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 531, WITH GRADES AND DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE PROVIDED THAT IN NO CASE SHALL THE OFFICERS BE APPOINTED IN A GRADE HIGHER THAN INDICATED.

LINE OF THE AIR FORCE

To be captain

DAVID A. JORGENSEN, xxx-xx-x...
BARRY D. PORTNER, xxx-xx-x...
MARC G. WILSON, xxx-xx-x...

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE U.S. OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE (EFFECTIVE DATE FOLLOWS SERIAL NUMBER).

LINE OF THE AIR FORCE

To be lieutenant colonel

MAJOR ROBERT K. BALDWIN, xxx-xx-x..., 5/8/92
MAJOR BRENT R. BARKER, xxx-xx-x..., 5/3/92
MAJOR MARK S. CHMAR, xxx-xx-x..., 6/2/92
MAJOR THOMAS E. LARSON, xxx-xx-x..., 5/5/92
MAJOR THOMAS J. LEINES, xxx-xx-x..., 5/15/92
MAJOR BRADLEY A. LIVINGSTON, xxx-xx-x..., 4/23/92
MAJOR MARCIA A. PREWITT, xxx-xx-x..., 5/5/92
MAJOR DAVID A. SPRENKLE, xxx-xx-x..., 4/5/92
MAJOR BLAINE K. TSUGAWA, xxx-xx-x..., 5/20/92
MAJOR DAVID L. VANDAGRIFF, xxx-xx-x..., 5/15/92
MAJOR GARY E. WATERHOUSE, xxx-xx-x..., 5/8/92

CHAPLAIN CORPS

To be lieutenant colonel

MAJOR VIRGIL D. COOPER, xxx-xx-x..., 5/21/92

MEDICAL SERVICE CORPS

To be lieutenant colonel

MAJOR JOHN ANZALONE, JR., xxx-xx-x..., 5/5/92

MEDICAL CORPS

To be lieutenant colonel

MAJOR JOHN P. MCGOFF, xxx-xx-x..., 5/3/92
MAJOR RICHARD L. STAHLMAN, xxx-xx-x..., 5/2/92

NURSE CORPS

To be lieutenant colonel

MAJOR LORAYNE M. WHITEHEAD, xxx-xx-x..., 5/17/92

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE U.S. OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C. SECTIONS 593(A) AND 3385:

ARMY PROMOTION LIST

To be colonel

CLARK H. BABL, xxx-xx-x...
CHERYL A. BROWN, xxx-xx-x...
JAMES A. BRUNO, xxx-xx-x...
FRANK M. BUTY, xxx-xx-x...
HOWARD S. FREEDLANDER, xxx-xx-x...
JERRY W. GRIZZLE, xxx-xx-xx...
GERALD E. JENSON, xxx-xx-xx...
THOMAS P. KAY, xxx-xx-x...
CHARLES M. LAYE, xxx-xx-x...
JERRY D. PARISH, xxx-xx-xx...
DANIEL C.B. RATHBUN, xxx-xx-x...
VERNE R. STEIN, xxx-xx-x...
CHARLES E. WEBER, JR., xxx-xx-xx...

JUDGE ADVOCATE GENERAL'S CORPS

To be colonel

PAUL G. SUMMERS, xxx-xx-x...

MEDICAL CORPS

To be colonel

JONATHAN P. HALCOVAGE, xxx-xx-x...
CHARLES D. RICHARDS, xxx-xx-x...

ARMY PROMOTION LIST

To be lieutenant colonel

RICHARD W. BENTON, xxx-xx-x...
SCOT A. BENTS, xxx-xx-x...
PAUL J. CUNNINGHAM, xxx-xx-x...
GUY E. GRIFFIN, xxx-xx-x...
GEORGE R. HILLIARD, xxx-xx-x...
JON L. HOWELL, xxx-xx-x...
WILLIAM R. LAZENBY, xxx-xx-x...
CHARLES L. MCCARTY, xxx-xx-x...
THOMAS W. PARKINS, xxx-xx-x...
DANIEL RADAKOVICH, xxx-xx-x...
JOHN J.W. REECE, JR., xxx-xx-xx...
JAMES O. SELF, xxx-xx-xx...
JOHN M. SPANN, xxx-xx-x...
CLIFFORD M. UNDERWOOD, xxx-xx-x...
GREGORY P. WALK, xxx-xx-x...

JUDGE ADVOCATE GENERAL'S CORPS

To be lieutenant colonel

GORDON E. WISE, xxx-xx-x...

MEDICAL SERVICE CORPS

To be lieutenant colonel

STEPHEN B. KING, xxx-xx-x...

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE.

ARMY

To be lieutenant colonel

DAVID A. BOOTHE, xxx-xx-x...
RONALD D. SPROTT, xxx-xx-x...
697X

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE.

ARMY

To be lieutenant colonel

PARTICK J. BERGER, xxx-xx-x...
JAMES M. BETTEKER, xxx-xx-xx...
FRANK P. BUSH, JR., xxx-xx-x...
MICHAEL A. COLE, xxx-xx-x...
RONALD H. DAVIDSON, xxx-xx-x...
STEPHEN P. DINKA, xxx-xx-x...
EDWARD F. FAGAN, xxx-xx-x...
AUGUST J. FUCCI, xxx-xx-x...
JERRY A. HOWARD, xxx-xx-x...
JOHN W. LAUB, xxx-xx-x...
TIMOTHY F. PARVIS, xxx-xx-x...
LOREN D. PORR, xxx-xx-x...
JOHN C. SCHOONOVER, xxx-xx-x...

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE. THE OFFICERS IDENTIFIED WITH AN ASTERISK ARE ALSO BEING NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE.

JUDGE ADVOCATE GENERAL'S CORPS

To be lieutenant colonel

DOUGLAS C. ANDREWS, xxx-xx-x...

MEDICAL CORPS

To be lieutenant colonel

*WILLIAM S. BESSER, xxx-xx-x...

MEDICAL SERVICE CORPS

To be lieutenant colonel

RICHARD A. VARNEY, xxx-xx-x...
LARRY K. LEWIS, xxx-xx-x...

ARMY

To be major

*DAVID B. ANDREWS, xxx-xx-x...
*GRADY K. KELLY, xxx-xx-x...

MEDICAL CORPS

To be major

*JULIA A. MORGAN, xxx-xx-x...

IN THE AIR FORCE

THE FOLLOWING OFFICERS FOR PROMOTION AS RESERVES OF THE AIR FORCE, UNDER THE PROVISIONS OF SECTIONS 593, 8366, AND 8372, OF TITLE 10, UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8372 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE OF 12 JUNE 1992 AND PROMOTIONS MADE UNDER SECTION 8366 SHALL BE EFFECTIVE UPON COMPLETION OF SEVEN YEARS OF PROMOTION SERVICE AND TWENTY-ONE YEARS OF TOTAL SERVICE, UNLESS A LATER PROMOTION EFFECTIVE DATE IS REQUIRED BY SECTION 8372(C), OR THE PROMOTION EFFECTIVE DATE IS DELAYED IN ACCORDANCE WITH SECTION 8380(B) OF TITLE 10.

LINE OF THE AIR FORCE

To be lieutenant colonel

DONALD E. ABSTON, xxx-xx-x...
GRANT O. ADAMS, xxx-xx-x...
BRUCE M. ADKINS, xxx-xx-x...
FELIX P. ALCANTARA, xxx-xx-x...
DENNIS R. ALEXANDER, xxx-xx-x...
JOHN L. ALLEN, xxx-xx-x...
ROBERT L. ALLEY, xxx-xx-x...
ALBERT C. ALTEVOGT, JR, xxx-xx-x...
PAUL H. ALVATER, JR, xxx-xx-xx...
LARRY R. ALVEY, xxx-xx-x...
DEAN H. AMBROSE, xxx-xx-x...
WILLIAM F. AMES, xxx-xx-x...
MARK N. AMUNDSON, xxx-xx-x...
CAROLYN N. ANDERSON, xxx-xx-x...
DAVID W. ANDERSON, xxx-xx-x...
MARK W. ANDERSON, xxx-xx-x...
MICHAEL T. ANDERSON, xxx-xx-x...
SAMUEL M. ANDERSON, III, xxx-xx-x...
JOHN P. ANDROSKI, xxx-xx-x...
EDWARD L. ANGEL, xxx-xx-x...
THOMAS W. ARCHER, xxx-xx-x...
ROBERT C. ARMS, JR, xxx-xx-x...
JAMES H. ARMSTRONG, xxx-xx-x...
CHARLES W. ARNOLD, xxx-xx-x...
PATRICK J. ASHURA, xxx-xx-x...
SCOTT W. ASLETT, xxx-xx-x...
KENNETH R. ATKINS, xxx-xx-x...
CALVIN J. AUGUSTIN, xxx-xx-x...
STEPHEN L. AVERY, xxx-xx-x...
DAVID L. AVNER, xxx-xx-x...
TIMOTHY R. AYRES, xxx-xx-x...
EDWARD D. BABIUCH, xxx-xx-x...
DONALD W. BAGLEY, xxx-xx-x...
ROBERT E. BAILEY, JR, xxx-xx-xx...
JEANETTE M. BAKER, xxx-xx-x...
RICHARD A. BAKER, xxx-xx-x...
RICHARD E. BAKER, xxx-xx-x...
WILLIAM H. BAKER, III, xxx-xx-x...
RICHARD A. BALDWIN, JR, xxx-xx-x...
PHILLIP O. BARGER, xxx-xx-xx...
RONALD S. BARNICK, xxx-xx-x...
RICHARD E. BARR, JR, xxx-xx-x...
SUSAN S. BARRETT, xxx-xx-x...
DAVID J. BARTLEBAUGH, xxx-xx-x...
RAYMOND O. BARTON, III, xxx-xx-x...
THOMAS L. BASKIND, xxx-xx-x...
MICHAEL J. BATEMAN, xxx-xx-x...
JOE T. BATES, xxx-xx-x...
MARK A. BATHURST, xxx-xx-x...
WAYNE BATUNGBACAL, xxx-xx-x...
CLIFFORD M. BAUMLER, II, xxx-xx-x...
DANIEL A. BEARD, xxx-xx-x...
JANICE L. BECKERLEG, xxx-xx-x...
WESLEY E. BEHEL, JR, xxx-xx-xx...
ROBERT A. BEISWENGER, xxx-xx-x...
FRANCIS M. BELKO, xxx-xx-x...
ROBERT A. BELL, JR, xxx-xx-xx...
SPENCER P. BELL, xxx-xx-xx...
THEODORE R. BELL, xxx-xx-x...
GLENN A. BENDER, xxx-xx-x...
DAVID T. BENNETT, xxx-xx-x...
MICHAEL G. BERG, xxx-xx-x...
ROBERT E. BERGENDAHL, JR, xxx-xx-xx...
MICHAEL E. BERGER, xxx-xx-x...
JOHN A. BERHEIM, xxx-xx-x...
PAUL B. BERNEY, xxx-xx-x...
PHILIP C. BLACKBURN, xxx-xx-x...
RICHARD F. BLANSETT, JR, xxx-xx-xx...
GARY A. BLIHOVDE, xxx-xx-x...
ROBERT D. BLOUGH, JR, xxx-xx-x...
DAVID BOLEA, JR, xxx-xx-x...
HOWARD R. BOONE, xxx-xx-x...
JOHN H. BORDELON, JR, xxx-xx-x...
STEPHEN J. BOSCH, xxx-xx-x...
FRANCIS P. BOTT, xxx-xx-x...
RAYMOND F. BOURGOIN, xxx-xx-x...
JAMES A. BOUSKA, xxx-xx-x...
BOBBY L. BOWEN, xxx-xx-x...
HUGH S. BOWER, xxx-xx-x...
CHARLES A. BOYER, xxx-xx-x...
DAVID C. BRADFORD, xxx-xx-x...
WILLIAM R. BRADLEY, xxx-xx-x...
JOHN F. BRAILSFORD, xxx-xx-x...
RALPH E. BRANDS, xxx-xx-x...
ALLAN N. BREDENBERG, xxx-xx-x...
KYLE E. BREEDLOVE, xxx-xx-x...
KERRY D. BRIGGS, xxx-xx-x...
DALE L. BRIGHT, xxx-xx-x...
LAWRENCE H. BRINKER, xxx-xx-x...
WILLIAM B. BROCK, xxx-xx-x...
BARRY L. BROWN, xxx-xx-x...
DAVID R. BROWN, xxx-xx-x...
GERALD E. BROWN, xxx-xx-x...
JON A. BROWN, xxx-xx-x...
PETER B. BROWN, xxx-xx-x...
RICHARD A. BROWN, xxx-xx-x...
JAMES B. BRYANT, xxx-xx-x...
GARY M. BUCKLEY, xxx-xx-x...
PARKER L. BUCKLEY, xxx-xx-x...
MICHAEL J. BUNDSHUH, xxx-xx-x...
JAMES A. BURESH, xxx-xx-x...
RAY W. BURGESS, JR, xxx-xx-x...
GILBERT N. BURNET, xxx-xx-x...

MARK B. BURQUEST, xxx-xx-x...
JAMES P. BURY, xxx-xx-x...
JOHN D. BUTTS, xxx-xx-x...
JOSEPHINE A. BYRNE, xxx-xx-x...
ZYGMUNT BYSTRON, xxx-xx-x...
THADDEUS K. BYTHEWOOD, JR. xxx-xx-x...
FLOYD W. CALDWELL, xxx-xx-x...
PORTER B. CALHOUN, xxx-xx-x...
DONALD A. CAMERON, xxx-xx-x...
RAYMOND D. CANADA, JR. xxx-xx-x...
RICHARD E. CANNISTRA, xxx-xx-x...
LANCE G. CAREY, xxx-xx-x...
JOEL F. CARON, xxx-xx-x...
JON R. CARTER, xxx-xx-x...
BRUCE T. CARTWRIGHT, xxx-xx-x...
BLANCHE A. CASEY, xxx-xx-x...
JOHN L. CASEY, xxx-xx-x...
PATRICK J. CASEY, xxx-xx-x...
JOE E. CASLER, xxx-xx-x...
RICHARD B. CAVINESS, xxx-xx-x...
DAVID R. CELMER, xxx-xx-x...
ERNESTO R. CESPEDES, xxx-xx-xx...
JAMES T. CHAFIN, III xxx-xx-xx...
ROBERT R. CHALEFF, xxx-xx-x...
LYNDON G. C. CHAPPELL, xxx-xx-x...
LARRY H. CHASTEEN, xxx-xx-x...
ROBERT T. CHATFIELD, xxx-xx-x...
STANLEY L. CHESKE, xxx-xx-x...
JOSEPH F. CIRRINCIONE, xxx-xx-xx...
JOSEPH M. CLAFFEY, xxx-xx-xx...
KENT D. CLARK, xxx-xx-x...
THOMAS A. CLARKE, xxx-xx-x...
PHILIP E. CLAYTON, xxx-xx-x...
WILLIAM H. CLEINO, xxx-xx-x...
JAMES H. CLEVELAND, III xxx-xx-xx...
LARRY E. CLICK, xxx-xx-x...
MICHAEL W. CLOUATRE, xxx-xx-x...
GERALD R. CLUSKEY, JR. xxx-xx-xx...
EDWARD S. CLYDE, xxx-xx-x...
STEVEN M. COBB, xxx-xx-x...
LOUIS J. COCO, JR. xxx-xx-x...
ANITA IRENE COHEN, xxx-xx-x...
DONALD I. COHEN, xxx-xx-x...
JOHN R. COLE, xxx-xx-x...
JAMES M. COLES, xxx-xx-x...
JOHN R. COLLER, xxx-xx-x...
JOHN M. COMPTON, JR. xxx-xx-x...
WILLIAM A. CONN, xxx-xx-x...
JACK H. CONNELLY, xxx-xx-x...
JOHN E. CONNERS, JR. xxx-xx-xx...
DENNIS C. COOK, xxx-xx-x...
RICHARD H. COOK, JR. xxx-xx-x...
SHELDON B. COOPER, xxx-xx-x...
DAVID M. COPE, xxx-xx-x...
ROBERT L. CORLEY, xxx-xx-x...
ROY A. CORNELLA, xxx-xx-x...
HARRY L. COSTYK, xxx-xx-x...
PAUL N. COUVUTSAKIS, xxx-xx-x...
DENNIS W. COY, xxx-xx-x...
ROBERT L. CRAFT, xxx-xx-x...
LAWRENCE A. CRAIN, xxx-xx-x...
WILLIAM E. CRAWFORD, xxx-xx-x...
EDWARD J. CREEHAN, JR. xxx-xx-xx...
SHARREL K. CUMMINGS, xxx-xx-x...
STEPHEN E. CUMMINGS, xxx-xx-x...
ROBERT F. CUNNINGHAM, xxx-xx-x...
PAUL M. CURRER, xxx-xx-x...
RICHARD W. CURRY, xxx-xx-x...
KELLY C. CURTIS, xxx-xx-x...
ROBERT E. CUSHMEYER, xxx-xx-x...
JOHN B. CYRIACKS, xxx-xx-x...
HENRY J. DAHLQUIST, xxx-xx-x...
BRIAN J. DALTON, xxx-xx-x...
LARRY J. DALTON, xxx-xx-x...
DARRYL B. DARGITZ, xxx-xx-x...
JAMES E. DAVENPORT, JR. xxx-xx-xx...
KENNETH E. DAVIDSON, xxx-xx-x...
GARY M. DAVIS, xxx-xx-x...
RAYMOND J. DAVIS, xxx-xx-x...
ROY A. DAVIS, xxx-xx-x...
RICHARD H. DAWSON, xxx-xx-x...
MAGDALENA DEBLOCK, xxx-xx-x...
WILLIAM C. DEJAGER, xxx-xx-x...
ELIZABETH A. DENNARD, xxx-xx-x...
RUSSELL DENNIS, JR. xxx-xx-xx...
JAMES D. DESHEFY, xxx-xx-xx...
PETER F. DEXTER, xxx-xx-xx...
ROBERT T. DHAMER, xxx-xx-x...
WILLIAM DIETERICH, xxx-xx-x...
WILLIAM J. DIFFLEY, xxx-xx-xx...
MARGARET A. H. DIONNE, xxx-xx-x...
STEVEN DOCTORCHIK, xxx-xx-x...
CHARLES DOERLICH, III xxx-xx-x...
CARL T. DOFELMIER, xxx-xx-x...
WALTER C. DONOVAN, JR. xxx-xx-x...
BRIAN P. DOYLE, xxx-xx-x...
WILLIAM E. DRIVER, xxx-xx-x...
JOHN M. DUDLEY, xxx-xx-x...
ROBERT G. DUMVILLE, xxx-xx-x...
ROBERT P. DUNCAN, JR. xxx-xx-xx...
JOHN P. DURBIN, xxx-xx-x...
JAMES C. DURKIN, xxx-xx-x...
ROBERT C. DUTTON, xxx-xx-x...
RICHARD W. DYER, xxx-xx-x...
DONALD E. DYRDA, xxx-xx-x...
ELIZABETH A. DZIATKIEWICZ, xxx-xx-x...
GARY V. EARL, xxx-xx-x...
WILLIAM T. EARNEST, JR. xxx-xx-xx...
GERALD L. EDDY, xxx-xx-x...
JON J. EDWARDS, xxx-xx-x...
JAMES M. EITEL, II xxx-xx-xx...
DONALD A. ELDHART, xxx-xx-x...
WILBURT J. ELLIOTT, xxx-xx-xx...
DALE L. ELLIS, xxx-xx-x...
DAVID T. ELLIS, xxx-xx-x...
NANCY T. ELLIS, xxx-xx-x...
STEVEN D. ELLIS, xxx-xx-x...
WILLIAM R. ELLIS, xxx-xx-x...
DARYL L. EMERSON, xxx-xx-x...
TIMOTHY G. ENGQUIST, xxx-xx-x...
ERIC C. ERICKSON, xxx-xx-x...
THOMAS C. ERICKSON, xxx-xx-x...
JOHN T. EVANS, JR. xxx-xx-xx...
MICHAEL L. EVANS, xxx-xx-x...
ROBERT L. EVERSON, xxx-xx-x...
ROBERT E. FANCHER, JR. xxx-xx-xx...
GRANT B. FARIS, xxx-xx-x...
JOHN C. FARMER, xxx-xx-x...
RICHARD K. FARRELL, xxx-xx-x...
RICHARD C. FERNALLD, xxx-xx-x...
JON W. FERRALL, xxx-xx-x...
MICHAEL J. FILUCCI, xxx-xx-x...
JULIETTE C. FINKENAUER, xxx-xx-xx...
LEE A. FISHER, xxx-xx-x...
DONALD E. FISK, xxx-xx-x...
DANIEL J. FLAK, xxx-xx-x...
MARION R. FLOYD, xxx-xx-x...
FREDERICK F. FOGEL, xxx-xx-x...
ALLEN P. FORSYTH, II xxx-xx-xx...
CARMINE J. FORZONO, xxx-xx-x...
GEORGE M. FOSTER, xxx-xx-x...
KENNETH B. FOSTER, JR. xxx-xx-xx...
DONALD R. FRASER, xxx-xx-x...
MARTIN M. FRITSCH, xxx-xx-x...
ALEXANDER FRITZ, JR. xxx-xx-xx...
JAMES R. FULLER, xxx-xx-xx...
ERIC FURNESS, JR. xxx-xx-xx...
WALTER R. FUS, JR. xxx-xx-xx...
LUCIEN P. GABRICK, JR. xxx-xx-x...
ROBERT L. GAFFNEY, xxx-xx-x...
JOHN E. GAFFORD, xxx-xx-x...
ALBERT J. GALKO, xxx-xx-x...
ROYAL M. GARDNER, xxx-xx-x...
MICHAEL R. GAREY, xxx-xx-x...
FRANK G. GARNER, JR. xxx-xx-x...
HENRY B. GARRETT, xxx-xx-x...
GERALD L. GASS, xxx-xx-x...
RUSSELL P. GATES, III xxx-xx-xx...
ROBERT J. GAUTHIER, xxx-xx-x...
JOHN C. GAWELEK, xxx-xx-x...
DON K. GAYLOR, xxx-xx-x...
DENNIS W. GEARY, xxx-xx-x...
STEVEN J. GELFAND, xxx-xx-xx...
JOSEPH J. GELINGER, xxx-xx-xx...
RONALD H. GERTSEN, xxx-xx-x...
MARIAN F. GETZELMAN, xxx-xx-x...
WILLIAM J. GILLIES, xxx-xx-xx...
PAUL F. GILLIS, xxx-xx-xx...
JOSEPH A. GIOVANNIELLO, xxx-xx-x...
HOWARD E. GIRER, xxx-xx-x...
ROBERT L. GLENDENING, xxx-xx-x...
JOE A. GLYNN, xxx-xx-x...
LARRY N. GOFF, xxx-xx-x...
MARIO GOICO, xxx-xx-x...
RONALD J. GOINS, xxx-xx-x...
FRANK P. GONZALES, xxx-xx-x...
ALEXANDER C. GOODALE, xxx-xx-x...
JAMES S. GOODWIN, xxx-xx-x...
JAY R. GOULD, xxx-xx-x...
DAVID S. GRACEY, xxx-xx-x...
ROBERT P. GRADLE, xxx-xx-x...
WAYNE P. GRANE, xxx-xx-x...
PETER E. GRAY, xxx-xx-x...
FRANKLYN N. GREENE, JR. xxx-xx-xx...
ALAN C. GREENHALGH, xxx-xx-x...
ALVA D. GREENUP, xxx-xx-x...
HAROLD W. GRIFFITH, xxx-xx-x...
MICHAEL W. GRIFFITH, xxx-xx-x...
WILLIAM J. GRIMM, xxx-xx-x...
LARRY C. GROTH, xxx-xx-x...
ROBERT A. GUILLETT, xxx-xx-x...
RAY A. GUILLORY, xxx-xx-x...
STEVEN D. GUINTER, xxx-xx-x...
DENNIS H. HAESSIG, xxx-xx-x...
GARY C. HALE, xxx-xx-x...
FREDERICK S. HALL, xxx-xx-x...
THOMAS A. HALL, xxx-xx-x...
KATHRYN M. HALVORSON, xxx-xx-x...
RICHARD C. HAMLEY, xxx-xx-x...
RAYMOND T. HAMLYN, xxx-xx-x...
KENNEY W. HAMM, xxx-xx-x...
ADELINE F. HAMMOND, xxx-xx-x...
WALTER E. HAMMOND, xxx-xx-x...
DANIEL W. HANDLIN, JR. xxx-xx-x...
GREGORY HANSON, xxx-xx-x...
LEE F. HARDEMAN, xxx-xx-x...
STEVEN W. HARDEN, xxx-xx-x...
JAMES C. HARDIN, xxx-xx-x...
EDWARD A. HARDING, JR. xxx-xx-x...
GARY A. HARDING, xxx-xx-x...
NORMAN B. HARRELL, xxx-xx-x...
LARRY J. HARRIS, xxx-xx-x...
DAVID G. HARRISON, xxx-xx-x...
THOMAS H. HART, xxx-xx-x...
BRUCE M. HARTLEY, xxx-xx-x...
ALBERT S. HARTMAN, III xxx-xx-x...
AUBREY G. HARVEY, xxx-xx-x...
STEPHEN P. HARVEY, xxx-xx-x...
JAMES D. HEETER, xxx-xx-x...
MICHAEL J. HEIDINGSFIELD, xxx-xx-xx...
CHARLES J. HENDERSON, xxx-xx-x...
WARREN B. HENDRICKSON, xxx-xx-x...
ROSEMARY A. HEREDY, xxx-xx-x...
EDWARD H. HERGER, xxx-xx-x...
JOHN F. HERMACK, xxx-xx-x...
EDWARD T. HERMAN, III, xxx-xx-x...
CHRISTOPHER C. HILL, xxx-xx-x...
DOUGLAS H. HILL, xxx-xx-x...
MARY V. HILL, xxx-xx-x...
RALPH H. HILL, JR. xxx-xx-xx...
LONNIE G. HITCHCOCK, xxx-xx-x...
JAMES D. HITE, xxx-xx-x...
GEORGE T. HODGES, xxx-xx-x...
PAUL F. HOECKEL, xxx-xx-x...
WILLIAM B. HOELSCHER, JR. xxx-xx-x...
ALAN R. HOFELDT, xxx-xx-x...
LEON D. HOFER, xxx-xx-x...
FREDERICK S. HOFFMAN, xxx-xx-x...
GEORGE E. HOFFMAN, JR. xxx-xx-x...
RONALD C. HOLDER, xxx-xx-x...
DONALD L. HOLMES, xxx-xx-x...
JEFFREY HOLSHOUSER, xxx-xx-xx...
HENRY H. HOLT, xxx-xx-x...
RICHARD D. HOMAN, JR. xxx-xx-x...
MARK C. HOOPER, xxx-xx-x...
ROBERT K. HORNSEY, xxx-xx-x...
LAWSON W. HOUSE, III, xxx-xx-x...
DAMIAN HOUSMAN, xxx-xx-x...
ROBERT R. HOVDEN, xxx-xx-x...
GEOFFRY S. HOWARD, xxx-xx-x...
H. ROBERT HOWARD, xxx-xx-x...
LLOYD V. HOWARD, xxx-xx-x...
FREDERICK W. HOWE, xxx-xx-x...
RICHARD C. HUENS, xxx-xx-x...
DANNY D. HUEY, xxx-xx-x...
LAWRENCE D. HUFF, xxx-xx-x...
GLEN S. HUGHES, xxx-xx-x...
JAMES E. HULSEY, xxx-xx-xx...
PAUL E. HUNDLEY, xxx-xx-x...
CRAIG C. HUNSBERGER, xxx-xx-x...
RICHARD L. HUNTER, xxx-xx-x...
WILLIAM B. HUNTINGTON, xxx-xx-x...
THOMAS R. HUPP, xxx-xx-x...
SHELLYE A. HUTCHINSON, JR. xxx-xx-x...
RONALD R. HYSLOP, xxx-xx-x...
JOHN G. INGMAN, xxx-xx-x...
ROBERT D. IRETON, xxx-xx-x...
JERRY E. IRWIN, xxx-xx-x...
WILLARD D. IRWIN, xxx-xx-x...
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TIMOTHY J. WRIGHTON xxx-xx-x...
HARRY M. WYATT xxx-xx-x...
ALTON W. YATES xxx-xx-x...
ROBERT F. YOUNG xxx-xx-x...
JONATHON S. YOUNKER xxx-xx-x...
DAVID H. ZACHARY xxx-xx-x...
STEPHEN X. ZELTMANN xxx-xx-xx...
DENNIS I. ZICHA xxx-xx-x...

DENTAL CORPS

To be lieutenant colonel

JACKSON L. ANDERSON, JR. xxx-xx-xx...
DARLA M. DUNN xxx-xx-x...
THOMAS O. DUSEK xxx-xx-x...
DAVID T. EARNEST xxx-xx-x...
MARK P. EGGERT xxx-xx-x...
BURTON R. FINKEL xxx-xx-x...
PAUL W. FRAYSURE, JR. xxx-xx-xx...
DANIEL D. GAMMAGE xxx-xx-x...
RICHARD D. HARMON xxx-xx-x...
JAMES C. HIGGINS, JR. xxx-xx-xx...
GREGORY K. LOVE xxx-xx-x...
JOHN M. MCCRILLIS xxx-xx-x...
BRIAN D. MUDD xxx-xx-x...
BLAINE R. PIERSON xxx-xx-x...
LAWRENCE M. STEWART xxx-xx-x...
JOSEPH W. TARNOWSKI xxx-xx-x...
RONALD E. WHITCOMB xxx-xx-x...

MEDICAL CORPS

To be lieutenant colonel

SISSAY AWOKE xxx-xx-x...
MICHAEL S. BRONSTEIN xxx-xx-x...
WILLIAM M. CASKEY xxx-xx-x...
KIM C. CHRISTENSEN xxx-xx-x...
TIMOTHY E. DAVIS xxx-xx-x...
FERNANDO G. DIAZ xxx-xx-x...
JOHN R. DIMAR, II xxx-xx-x...
MICHAEL DUDNICK xxx-xx-x...
VAL D. DUNN xxx-xx-x...
MANUEL C. GUZMAN xxx-xx-x...
STEVEN R. HORN xxx-xx-x...
DANIEL K. JENS xxx-xx-xx...
MICHAEL D. JONES xxx-xx-x...
ANDREW L. KULIK xxx-xx-x...
CAROL A. LEE xxx-xx-x...
CLEMENT L. MCCASKILL xxx-xx-x...
JEFFREY S. MEINTS xxx-xx-xx...
WILLIAM F. MORGAN, JR. xxx-xx-x...
GARY R. NEWSOM xxx-xx-x...
LUZVIMINDA B. ORDONEZDOLAR xxx-xx-x...
CHARLES L. OTOOLE, JR. xxx-xx-xx...
FRED L. PASTERNACK xxx-xx-x...
BHASKARA M. PONNURU xxx-xx-x...
PAMELA E. PRETE xxx-xx-xx...
WILLIAM M. PRICE xxx-xx-x...
ROBERT A. RICE xxx-xx-x...
WAFA I. RIZK xxx-xx-x...
ALAN R. ROWLEY xxx-xx-x...
WOLFGANG SCHEELE xxx-xx-x...
WESTON P. SCOTT xxx-xx-x...
EDWARD H. SEELIGER, JR. xxx-xx-xx...
ROBERT A. TAYLOR xxx-xx-x...

NURSE CORPS

To be lieutenant colonel

ALTON R. ALDRIDGE xxx-xx-x...
NANCY D. ANDERSON xxx-xx-x...
PATRICIA R. BALLENTINE xxx-xx-xx...
BARBARA L. BEY xxx-xx-x...
MARJORIE S. BOYD xxx-xx-x...
MARY C. BUTTINO xxx-xx-x...
PATRICIA A. CARLILE xxx-xx-x...
PATRICIA S. CHRISTIE xxx-xx-xx...
KATHLEEN M. CONRY xxx-xx-x...
DOLA G. CORDONI xxx-xx-x...
IRWINETTE R. CRITE xxx-xx-x...
MARY J. CUNNEEN xxx-xx-x...
CLAUDIA D. DEHNER xxx-xx-x...
MARIE C. DEJOHN xxx-xx-x...
JOAN E. DENN xxx-xx-x...
REBECCA E. DIFRANGIA xxx-xx-x...
CHRISTINE J. DRAKE xxx-xx-xx...
JONELL FALCON xxx-xx-x...
BARBARA E. FAMULARO xxx-xx-x...
BARBARA J. FIELDING xxx-xx-xx...
MARTHA E. FINN xxx-xx-x...
JANET M. FONG xxx-xx-x...
JESSICA C. GARDOM xxx-xx-x...
LINDA D. GOMLICKER xxx-xx-x...
LYNN M. GULICK xxx-xx-x...
VIRGINIA E. GUTH xxx-xx-x...
NINA L. HANSEN xxx-xx-x...
PAULETTE K. HASKINS xxx-xx-x...
JANICE E. HAWKINS xxx-xx-x...
CHERYL A. HEYWARD xxx-xx-x...
SHARON L. HICK xxx-xx-x...
ANITA M. HICKEY xxx-xx-x...
PATRICIA HOLDERNESS xxx-xx-x...
LOISANN M. HOPKIN xxx-xx-x...
ELAINE S. HOUSER xxx-xx-x...
EILEEN V. KALOW xxx-xx-x...
KAREN G. KERRIGAN xxx-xx-x...
SHERRY L. LINDLEY xxx-xx-x...
LINDA M. LOYE xxx-xx-x...
CHERYL S. LUIS xxx-xx-x...
CAROL A. LUNGER xxx-xx-x...
PATRICIA M. MACPHERSON xxx-xx-x...
ELISSA MACRI xxx-xx-x...
MAUREEN E. MAY xxx-xx-x...
JANIE L. MCKENZIE xxx-xx-x...
JANICE M. MCKIBBAN xxx-xx-x...
PAUL R. MCPHERSON xxx-xx-x...
SHARON A. MIKRUT xxx-xx-x...
MARY H. MILLWEE xxx-xx-x...
MARCIA K. MUNTON xxx-xx-x...
KATHLEEN M. MURRAY xxx-xx-x...
BARBARA A. NEGLES xxx-xx-x...
JUDITH A. J. OHAVER xxx-xx-x...
SANDRA L. OLEAN xxx-xx-x...
MARGARET B. PAY xxx-xx-x...
KATHLEEN T. PORTER xxx-xx-x...
SHIRLEY RIBAK xxx-xx-x...
JEANNE C. RICHARD xxx-xx-x...
KATHRYN E. ROBERTSON xxx-xx-x...
LINDA M. ROBINSON xxx-xx-x...
JACQUELINE S. ROCK xxx-xx-x...
SHEILA K. ROTH xxx-xx-x...
DIANA C. RYDER xxx-xx-x...
CAROL A. SCHER xxx-xx-x...
LINDA M. SIMMONS xxx-xx-x...
DEBORAH O. SMITH xxx-xx-x...
PEGGY A. STAAK xxx-xx-x...
MARY C. STEVENS xxx-xx-x...
LINDA K. TEMPLETON xxx-xx-x...
ROBIN R. THOMPSON xxx-xx-x...
PATRICIA A. VERA xxx-xx-x...
CAROL A. WESTBERRY xxx-xx-x...
MARY A. WILDER xxx-xx-x...
JEAN M. WILLIAMSON xxx-xx-x...
JEAN R. WILSON xxx-xx-x...
PAMELA D. ZINK xxx-xx-x...

MEDICAL SERVICE CORPS

To be lieutenant colonel

MICHAEL ACHEY xxx-xx-x...
GERALD L. ANDRICK xxx-xx-x...
OWEN L. BARNETT xxx-xx-x...
JORGE M. DEJESUS xxx-xx-xx...
ROBERT E. DREHER xxx-xx-x...
STEVEN J. GENTLING xxx-xx-x...
JAMES S. GRESHAM xxx-xx-x...
RAY L. JOHNSON xxx-xx-x...
JOHN R. MCCASTLE xxx-xx-x...
MICHAEL P. MCLAUGHLIN xxx-xx-x...
RICHARD J. MORRIS xxx-xx-x...
SEYMOUR WIENER xxx-xx-x...

BIOMEDICAL SERVICE CORPS

To be lieutenant colonel

JAMES N. BAILEY xxx-xx-x...
BRUCE A. BROWN xxx-xx-x...
JEANINE G. COLBURN xxx-xx-x...
LEROY C. JAN xxx-xx-x...
BENNIE C. KATILUS xxx-xx-x...
MAURICE H. LAUGHLIN xxx-xx-x...
KRISTINA R. LUDWIGSEN xxx-xx-x...
PATRICK H. NAM xxx-xx-x...
THOMAS L. NOORDSY xxx-xx-x...
EDWIN W. NORDAN xxx-xx-x...
RICHARD C. PERALTA xxx-xx-x...
RODOLFO C. PRUNEDA xxx-xx-x...
JOHN C. RAMOS xxx-xx-x...
RONALD L. ROBERTS xxx-xx-x...
RICHARD C. ROLLER xxx-xx-x...
RICHARD V. SHAWLEY xxx-xx-x...
CARL A. SWANSON xxx-xx-x...
VALERIE B. WHITING xxx-xx-x...
WAYNE A. WIATROWSKI xxx-xx-x...

THE FOLLOWING OFFICERS FOR RESERVE OF THE AIR FORCE APPOINTMENT, IN THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTION 593, TITLE 10, UNITED STATES CODE. RETIRED RESERVE

LINE OF THE AIR FORCE

To be colonel

JAMES G. ABBEE xxx-xx-x...

THE FOLLOWING OFFICERS FOR RESERVE OF THE AIR FORCE APPOINTMENT, IN THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTION 593, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM THE DUTIES INDICATED. READY RESERVE

MEDICAL CORPS

To be lieutenant colonel

ROSEMARIE A. FERRER xxx-xx-x...
CLIFTON M. PATTON xxx-xx-x...

THE FOLLOWING REGULAR OFFICERS FOR RESERVE OF THE AIR FORCE APPOINTMENT, IN THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTION 593, TITLE 10, UNITED STATES CODE. READY RESERVE

LINE OF THE AIR FORCE

To be lieutenant colonel

WALTER K. KANEAKUA, JR. xxx-xx-x...
ROGER B. MCGRATH xxx-xx-x...

IN THE ARMY

THE FOLLOWING–NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 593(A) AND 3383:

ARMY PROMOTION LIST

To be colonel

ALBERT L. FRAZIER xxx-xx-x...
CLIFFORD FRIEDMAN xxx-xx-x...
ROBERT M. HARTLEY xxx-xx-x...
CHARLES H. MAJOR xxx-xx-x...
DENNIS R. OECHSNER xxx-xx-x...
WARREN H. POARCH xxx-xx-x...
PETER P. POCHOWSKI xxx-xx-x...
WILLIAM C. REITAN xxx-xx-x...

CHAPLAIN CORPS

To be colonel

RAYMOND D. RUDDLE xxx-xx-x...

MEDICAL CORPS

To be colonel

JOHN F. AITA xxx-xx-x...
JOHN F. CLARKE, JR xxx-xx-xx...
HAYWOOD S. GILLIAM xxx-xx-x...

MEDICAL SERVICE CORPS

To be colonel

RICHARD D. REPP xxx-xx-x...

ARMY PROMOTION LIST

To be lieutenant colonel

RONALD W. ACKER xxx-xx-x...
THOMAS M. BRYSON xxx-xx-x...
ROBERT A. CABASUG xxx-xx-x...
WAYNE T. CAMERON xxx-xx-x...
HARRY R. COLLINS xxx-xx-x...
JIMMY G. CROWNOVER xxx-xx-x...
ROGER A. CULBERT xxx-xx-x...
MICHAEL J. DIAMOND xxx-xx-x...
STEPHEN W. FIRKINS xxx-xx-xx...
CLIFFORD N. FLORES xxx-xx-xx...
CHARLES R. GEIGER xxx-xx-x...
NOBUO KIWADA xxx-xx-x...
DOUGLAS W. LEVETT xxx-xx-x...
JOSEPH F. LOCALLO xxx-xx-x...
BRIAN M. LUDERA xxx-xx-x...
DONALD D. MEYER xxx-xx-x...
RICHARD W. MOLLICA xxx-xx-x...
DOUGLAS M. O'COYNE xxx-xx-x...
CHARLES G. OLMSTEAD xxx-xx-x...
ALLEN D. PALMER xxx-xx-x...
FREDERICK L. PICCO xxx-xx-x...
JERRY B. RANIA xxx-xx-x...
ROSENDO C. REYES xxx-xx-x...
JAMES P. RUMMAGE xxx-xx-...
MILES T. SAKAGUCHI xxx-xx-x...
ALISON L. SIMMONS xxx-xx-x...
JAMES E. SPIESS xxx-xx-xx...
JACK C. STULTZ, JR xxx-xx-xx...
EARL G. STUMPF, JR xxx-xx-xx...
PAUL J. STURM xxx-xx-x...
EDWIN W. TAYLOR xxx-xx-x...
WILLIAM E. TAYLOR xxx-xx-x...
MICHAEL T. WHEALY xxx-xx-x...

CHAPLAIN CORPS

To be lieutenant colonel

RONALD V. DUNCAN xxx-xx-x...
EDWARD J. PECK, JR xxx-xx-xx...

MEDICAL SERVICE CORPS

To be lieutenant colonel

ELROY CARSON xxx-xx-x...

THE FOLLOWING–NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 593(A), 3370 AND 1552:

ARMY PROMOTION LIST

To be colonel

TEDDY D. BUTLER xxx-xx-x...
SALVATOR CARBONARO xxx-xx-x...
ARTHUR J. HURTADO xxx-xx-x...
ELLIOTT I. TEPPER xxx-xx-xx...

CHAPLAIN CORPS

To be colonel

CLARE H. LEDUM, JR xxx-xx-x...

MEDICAL SERVICE CORPS

To be colonel

MAURICE A. YARTER xxx-xx-x...

VETERINARY CORPS

To be colonel

LEROY G. BURNHAM xxx-xx-x...

THE FOLLOWING–NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 593(A), 3366 AND 1552:

ARMY PROMOTION LIST

To be lieutenant colonel

VINCENT T. BEANS xxx-xx-x...
THOMAS P. BROWN xxx-xx-x...
MICHAEL L. DORSETT xxx-xx-x...
MICHAEL L. GIBSON xxx-xx-x...
ROGER L. SEEGER xxx-xx-x...
DAVID G. SHERRARD xxx-xx-x...
THOMAS P. WHITE xxx-xx-x...

CHAPLAIN CORPS

To be lieutenant colonel

DUANE B. ANDERSON xxx-xx-x...

ARMY NURSE CORPS

To be lieutenant colonel

SUSAN P. CARTWRIGHT xxx-xx-x...

DENTAL CORPS

To be lieutenant colonel

BRUCE N. ROGERS xxx-xx-x...

THE FOLLOWING–NAMED INDIVIDUALS FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 593(A), 594(A), AND 3359:

DENTAL CORPS

To be lieutenant colonel

THOMAS BUTTERFOSS xxx-xx-xx...
JOHN R. SCUBA xxx-xx-x...

MEDICAL CORPS

To be lieutenant colonel

RAND J. CUTHBERTSON xxx-xx-x...
QUENTIN A. HUMBERD xxx-xx-x...

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE. THE OFFICERS INDICATED BY ASTERISK ARE ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE:

MEDICAL SERVICE CORPS

To be colonel

DAVE ARNOT xxx-xx-x...
STUART W. BAKER xxx-xx-x...
MICHAEL B. BALL xxx-xx-x...
JOHNSTON BEACH xxx-xx-x...
RICHARD BEAUCHEMIN xxx-xx-x...
HAL R. BLAIR xxx-xx-x...
PAUL E. BLUTEAU xxx-xx-x...
VAN R. BOOTH xxx-xx-x...
WILLIAM C. BROWNING xxx-xx-x...
RAYMOND T. BURDEN xxx-xx-x...
JOHN H. CLARKE xxx-xx-x...
WILLIAM T. CLAYTON xxx-xx-x...
HERBERT A. COLEY xxx-xx-x...
JAMES E. CRISSEY xxx-xx-x...
EDMUND L. DAVIS xxx-xx-x...
DAN H. DAWSON xxx-xx-x...
RODNEY G. DAY xxx-xx-x...
RICHARD A. DENNIS xxx-xx-x...
MARTIN J. FISHER xxx-xx-xx...
ROBERT H. GEMMILL xxx-xx-x...
FREDERICK E. GERBER xxx-xx-x...
JOHN F. GLENN xxx-xx-x...
JOSEPH P. GONZALES xxx-xx-xx...
DANIEL W. GOWER xxx-xx-x...
DENNIS J. GRILL xxx-xx-x...
FRANK W. HILLER xxx-xx-x...
RUTH L. HOOPER xxx-xx-x...
JAMES H. HOPKINS xxx-xx-x...
DOUGLAS A. LAKE xxx-xx-x...
JOEL R. LAMY xxx-xx-x...
KENNETH W. LEISHER xxx-xx-x...
JAMES S. LITTLE xxx-xx-xx...
WILLIAM M. MANTIA xxx-xx-x...
SAMUEL G. MCQUEEN xxx-xx-x...
WILBUR K. MILHOUS xxx-xx-x...
JESSE P. NEWBORN xxx-xx-x...
FRANK H. NOVIER xxx-xx-x...
JOHN C. OBRIEN xxx-xx-x...
LAMONT G. OLSEN xxx-xx-x...
PETER V. PERKINS xxx-xx-xx...
EDWARD P. PHILLIPS xxx-xx-xx...
ROGER P. POTYK xxx-xx-x...
JOHN M. REMBOLD xxx-xx-x...
CHESTER R. ROBERTS xxx-xx-x...
DAVID L. SCHROEDER xxx-xx-x...
FREDERICK J. SEIDEL xxx-xx-xx...
STEVEN J. STONE xxx-xx-x...
RICHARD L. URSONE xxx-xx-x...
JOHNNY M. WALKER xxx-xx-x...
JOHN W. YASALONIS xxx-xx-x...

ARMY MEDICAL SPECIALIST CORPS

To be colonel

BONITA L. BEATTIE xxx-xx-x...
JAMES L. ROUSEY xxx-xx-x...
JUDITH M. TURCOTTE xxx-xx-x...

VETERINARY CORPS

To be colonel

WALLACE B. BAZE xxx-xx-x...
DALE D. BOYLE xxx-xx-x...
RONALD E. DUTTON xxx-xx-x...
LARRY W. HARTKE xxx-xx-x...
STEPHANIE SHERMAN xxx-xx-x...

ARMY NURSE CORPS

To be colonel

DIANNE M. BECHTOLD xxx-xx-x...
DEBORAH A. BELL xxx-xx-x...
MOLLY C. BURGESS xxx-xx-x...
LINDA CARTERSOUTH xxx-xx-x...
ALICE L. DEMARAIS xxx-xx-x...
SHARON *. FEENEYJONES xxx-xx-x...
CHRISTINE GALANTE xxx-xx-x...
BARBARA M. GREEN xxx-xx-x...
RITA C. *. JACQUES xxx-xx-x...
MILDRED JOHNSON xxx-xx-x...
MARY P. KING xxx-xx-x...
ANGELA V. KLAR xxx-xx-x...
PATRICIA E. *. LAFOND xxx-xx-x...
L. MCCLENNEYELLIOTT xxx-xx-x...
CHERYL L. MORGAN xxx-xx-x...
WILFREDO NIEVES xxx-xx-x...
DENA A. NORTON xxx-xx-x...
JAYNE P. ODONNELL xxx-xx-x...
PATRICIA PRENTISS xxx-xx-x...
JEAN M. REEDER xxx-xx-x...
CAROL I. REINECK xxx-xx-x...
IRENE A. RICH xxx-xx-x...
PATRICIA *. ROBISON xxx-xx-x...
KATHLEEN M. ROEHR xxx-xx-x...
PATRICIA A. ROSS xxx-xx-x...
KAREN A. SEIPP xxx-xx-x...
KATHLE SRSICSTOEHR xxx-xx-x...
ELLEN C. SYNOVEC xxx-xx-x...
LAURIE K. SZOKA xxx-xx-x...
HELEN S. TIERNAN xxx-xx-x...
MARIA D. TIJERINA xxx-xx-x...
KATHLEEN M. TRACY xxx-xx-x...
JANE A. YAWS xxx-xx-x...

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE. THE OFFICERS INDICATED BY ASTERISK ARE ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE:

ARMY

To be lieutenant colonel

GARY K. ABE xxx-xx-x...
MICHAEL H. ABREU xxx-xx-x...
CRUZ ACEVEDO xxx-xx-x...
SALVADOR V. ACOSTA xxx-xx-x...
ANTHONY J. ADAMS xxx-xx-x...
JAMES C. ADAMS xxx-xx-x...
THOMAS K. ADAMS xxx-xx-x...
ROBERT B. ADOLPH xxx-xx-x...
JOSEPH W. ALBRIGHT xxx-xx-x...
KENNETH D. ALDRIDGE xxx-xx-x...
RONALD H. ALEXANDER xxx-xx-x...
STEVEN M. ALEXANDER xxx-xx-x...
ROBERT L. ALFORD xxx-xx-x...
THOMAS G. ALFSEN xxx-xx-x...
WILLIAM V. ALLEN xxx-xx-x...
CHARLES R. ALLISON xxx-xx-x...
ROBERT L. ALMOND xxx-xx-x...
DONALD L. ALSDURF xxx-xx-x...
GILBERT ALVARADO xxx-xx-x...
KEVIN P. ANASTAS xxx-xx-x...
JAMES D. ANDERSON xxx-xx-x...
JOSEPH E. ANDRADE xxx-xx-x...
STEVEN ANDRASCHKO xxx-xx-x...
JOHN J. ANGELL xxx-xx-x...
TERRY G. ANTEE xxx-xx-x...
HENRY G. ANTON xxx-xx-x...
FELIX APONTE xxx-xx-x...
DAVID R. APT xxx-xx-x...
CHESTER J. ARD xxx-xx-x...
REAMER W. ARGO xxx-xx-x...
ROBERT F. ARNONE xxx-xx-x...
RICHARD G. ARNTSON xxx-xx-x...
JAN W. ARNY xxx-xx-x...
MICHAEL K. ASADA xxx-xx-x...
THOMAS R. ASKINS xxx-xx-x...
DANIEL A. AUGUSTINE xxx-xx-x...
MAYNARD A. AUSTIN xxx-xx-x...
NANCY S. AUSTIN xxx-xx-x...
ROBERT L. AVERETT xxx-xx-x...
ARTURO A. AYALA xxx-xx-x...
STEPHEN R. AYLWARD xxx-xx-x...
MICHAEL A. BABB xxx-xx-x...
JAMES F. BABBITT xxx-xx-x...
BYRON S. BAGBY xxx-xx-x...
CHRISTOPHE BAGGOTT xxx-xx-x...
JAMES E. BAGLEY xxx-xx-x...
ALBERT E. BAILEY xxx-xx-x...
JAMES H. BAKER xxx-xx-x...
PATRICK J. BALCAZAR xxx-xx-x...
STEPHEN G. BALDWIN xxx-xx-x...
SHERRIE L. BALKO xxx-xx-x...
CHARLES R. BALL xxx-xx-x...
JOHN L. BALLANTYNE xxx-xx-x...
CRAIG J. BALZER xxx-xx-x...
RICHARD G. BANKS xxx-xx-x...
DENNIS L. BARBA xxx-xx-x...
PATTY S. BARBOUR xxx-xx-x...
LANCE W. BARDSLEY xxx-xx-x...
DENNIS M. BARLETTA xxx-xx-x...
WELLSFORD V. BARLOW xxx-xx-x...
JOHN R. BARNES xxx-xx-x...
LUKE J. BARNETT xxx-xx-x...
VAUGHN D. BARNETT xxx-xx-x...
HARLEY C. BARR xxx-xx-x...
MICHAEL C. BARRON xxx-xx-x...
ARTHUR M. BARTELI xxx-xx-x...
JOHN R. BARTLEY xxx-xx-x...
CHRISTINE M. BARTON xxx-xx-x...
ROBERT H. BATES xxx-xx-x...
MOLLY A. BAUMERT xxx-xx-x...
LAWRENCE T. BAVIS xxx-xx-x...
MICHAEL D. BEALE xxx-xx-x...
GLENN P. BEARD xxx-xx-x...
LOIS C. BEARD xxx-xx-x...

WYLIE K. BEARUP, xxx-xx-x...
ROBERT R. BEAUCHAMP, xxx-xx-x...
RICHARD E. BEDWELL, xxx-xx-x...
RONALD K. BEER, xxx-xx-x...
MICHAEL D. BEGHTOL, xxx-xx-x...
ROBERT R. BEIMLER, xxx-xx-x...
DOUGLAS G. BELEY, xxx-xx-x...
PHILLIP F. BELIN, xxx-xx-xx...
GERALD P. BELKNAP, xxx-xx-x...
JAMES C. BELL, xxx-xx-x...
MICHAEL L. BELL, xxx-xx-x...
MARCUS BEMBENISTA, xxx-xx-x...
CRAIG F. BENEDICT, xxx-xx-x...
RICHARD P. BENNETT, xxx-xx-x...
KELLY P. BENNION, xxx-xx-x...
MICHAEL P. BERGMAN, xxx-xx-x...
KIRK M. BERGNER, xxx-xx-x...
DAVID BERKOWITZ, xxx-xx-x...
ROBER BERKSTRESSER, xxx-xx-x...
FAIRBANKS A. BERRY, xxx-xx-x...
KURT O. BIELEFELDT, xxx-xx-xx...
BARBARA J. BINNS, xxx-xx-x...
MARIETTA BIRDSELL, xxx-xx-x...
DONALD K. BIRDSEYE, xxx-xx-x...
DAVID R. BISSELL, xxx-xx-x...
RODNEY C. BISSELL, xxx-xx-x...
DAVID L. BLACK, xxx-xx-x...
LEVELL BLANCHARD, xxx-xx-x...
ARTHUR J. BLAND, xxx-xx-x...
TODD E. BLOSE, xxx-xx-x...
RAYFORD O. BLUE, xxx-xx-x...
DEWEY L. BLYTH, xxx-xx-x...
MICHAEL W. BOARDMAN, xxx-xx-x...
JAMES D. BOBBITT, xxx-xx-x...
BEVERLY BODENHAMER, xxx-xx-x...
RICHARD L. BOGUSKY, xxx-xx-x...
FRANKLIN C. BOHLE, xxx-xx-x...
JAMES A. BOLAND, xxx-xx-x...
DANIEL P. BOLGER, xxx-xx-xx...
KENNETH H. BOLL, xxx-xx-x...
STEVEN J. BOLTZ, xxx-xx-xx...
JOHN J. BOMBARD, xxx-xx-x...
KARL D. BOMBAUGH, xxx-xx-x...
JOHN H. BORDWELL, xxx-xx-x...
GREGORY R. BORNHOFT, xxx-xx-x...
CHRISTOPHER BORUCH, xxx-xx-x...
KENNETH BOSTELMAN, xxx-xx-x...
GEORGE K. BOSTICK, xxx-xx-x...
THOMAS P. BOSTICK, xxx-xx-x...
EDWARD R. BOTHE, xxx-xx-x...
STEVEN A. BOURGEOIS, xxx-xx-x...
MICHAEL R. BOZEMAN, xxx-xx-x...
GARY A. BRACHT, xxx-xx-x...
SUSAN K. BRADSHAW, xxx-xx-x...
FRANK B. BRAGG, xxx-xx-x...
HOWARD T. BRAMBLETT, xxx-xx-x...
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RUFUS T. BRINN, xxx-xx-x...
WADE H. BRINSON, xxx-xx-x...
WILLIAM F. BRISCOE, xxx-xx-x...
RICHARD A. BRISSON, xxx-xx-x...
PAMELA A. BRITO, xxx-xx-x...
JERROLD BRODOWSKI, xxx-xx-x...
HOWARD B. BROMBERG, xxx-xx-x...
DOYLE D. BROOME, xxx-xx-x...
DWIGHT C. BROWER, xxx-xx-x...
JOHN R. BROWER, xxx-xx-x...
LOUIS H. BROWN, xxx-xx-x...
MARK L. BROWN, xxx-xx-x...
MICHAEL T. BROWN, xxx-xx-x...
MICHAEL W. BROWN, xxx-xx-x...
RANSOM S. BROWN, xxx-xx-x...
WILLIAM F. BROWN, xxx-xx-x...
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JEFFREY M. BRUCKNER, xxx-xx-xx...
BRADFORD J. BRYANT, xxx-xx-x...
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MICHAEL C. BUCHIERI, xxx-xx-x...
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RANDALL P. BURDETTE, xxx-xx-x...
LOUIS G. BURGESS, xxx-xx-x...
MICHAEL J. BURKE, xxx-xx-x...
FRANKLIN J. BURKETT, xxx-xx-xx...
LARRY BURKS, xxx-xx-x...
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JOHN C. BURSLEY, xxx-xx-x...
GREGORY E. BUSH, xxx-xx-x...
ROBERT P. BUSICK, xxx-xx-x...
JOSEPH M. BUSTOS, xxx-xx-x...
RANDALL J. BUTLER, xxx-xx-x...
SAMUEL J. BUTLER, xxx-xx-x...
WILLIAM R. BYNUM, xxx-xx-x...
JAY P. BYRNE, xxx-xx-x...
PATRICK E. BYRNE, xxx-xx-x...
SEAN J. BYRNE, xxx-xx-x...
TIMOTHY M. BYRNE, xxx-xx-x...
JOHN M. CAL, xxx-xx-x...
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PETER R. CANNON, xxx-xx-x...
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JOHN M. CARMICHAEL, xxx-xx-x...
JOHN P. CARROLL, xxx-xx-x...
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PHILLIP E. CARTER, xxx-xx-xx...
JAMES M. CASEY, xxx-xx-x...
MARY A. CASS, xxx-xx-x...
JAMES M. CASTLE, xxx-xx-x...
MARY O. CATTEN, xxx-xx-x...
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TIMOTHY P. CLARK, xxx-xx-x...
BRIAN C. CLEARMAN, xxx-xx-x...
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JAMES H. COCKLE, xxx-xx-x...
DONNA L. COFFMAN, xxx-xx-x...
MICHEAL J. COLEMAN, xxx-xx-x...
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RODGER E. COMAN, xxx-xx-x...
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MARK C. COOMER, xxx-xx-x...
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MARK CURLEY, xxx-xx-x...
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TIMUR J. EADS, xxx-xx-xx...
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DAVID FINKELSTEIN, xxx-xx-x...
CRAIG R. FIRTH, xxx-xx-x...
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TERENCE FONG, xxx-xx-x...
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RICHARD P. FORMICA, xxx-xx-x...
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STEVEN L. FROBERG, xxx-xx-x...
FRANCIS X. FRUGOLI, xxx-xx-x...
ROBERT J. FRUSHA, xxx-xx-x...
ROBERT L. FULLER, xxx-xx-x...
BRENT H. FULLERTON, xxx-xx-x...
PETER H. GABRIEL, xxx-xx-x...
LISE M. GAGNE, xxx-xx-x...
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FRANKIE J. GAMMON, xxx-xx-x...
RANDY L. GARNER, xxx-xx-x...
JOHNNY L. GARRETT, xxx-xx-x...
THOMAS M. GARRETT, xxx-xx-x...
RANDY GARVER, xxx-xx-x...
KEITH E. GAY, xxx-xx-x...
JOHN M. GEDDES, xxx-xx-x...
CRAIG A. GEPHART, xxx-xx-x...
ERIC S. GERENCSER, xxx-xx-x...
DAVID A. GERINGER, xxx-xx-x...
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CARLOS R. GLOVER, xxx-xx-x...
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BERNARD J. GODEK, xxx-xx-x...
NATHAN A. GODWIN, xxx-xx-x...
JOHN L. GOETCHIUS, xxx-xx-x...
BONNIE M. GOLDSMITH, xxx-xx-x...
ELLIS W. GOLSON, xxx-xx-x...
HIRAM GONZALEZ, xxx-xx-x...
VICKIE E. GORACKE, xxx-xx-x...
NILE H. GOUKER, xxx-xx-x...
MARK A. GRAHAM, xxx-xx-x...
RICHARD D. GRAHAM, xxx-xx-x...
MICHAEL L. GRAVES, xxx-xx-x...
JULIE M. GRAY, xxx-xx-x...
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LARRY W. GROOME, xxx-xx-x...
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IRA R. GRUPPER, xxx-xx-x...
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JAMES C. HANKINS, xxx-xx-x...

JAMES S. HANSEN xxx-xx-x...
CRAIG E. HANSON xxx-xx-x...
LYNN C. HANSON xxx-xx-x...
STEPHEN A. HANSON xxx-xx-x...
DAVID E. HARDAWAY xxx-xx-x...
ALLAN C. HARDY xxx-xx-x...
RICHARD HARRINGTON xxx-xx-x...
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CARLTON E. HARRIS xxx-xx-x...
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CHARLES HARRISON xxx-xx-x...
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WALTER L. HAWKINS xxx-xx-x...
AARON B. HAYES xxx-xx-x...
JOHN G. HELM xxx-xx-x...
FRANK G. HELMICK xxx-xx-x...
CHARLES HENDERSON xxx-xx-x...
SHERRILL HENDRICKS xxx-xx-x...
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MARIANNE B. HOOK xxx-xx-x...
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MARK D. KITCHEN xxx-xx-x...
PHILIP T. KLAPAKIS xxx-xx-xx...
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AHMED E. LABAULT xxx-xx-x...
ROBERT J. LACEY xxx-xx-x...
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RAYMOND M. LAMBERT xxx-xx-x...
DAVID W. LAMM xxx-xx-x...
JAMES E. LAMPKIN xxx-xx-x...
MARK S. LANDRITH xxx-xx-x...
ALAN D. LANDRY xxx-xx-x...
STEVEN M. LANDRY xxx-xx-x...
HARVE LANDWERMEYER xxx-xx-x...
TONY M. LANE xxx-xx-x...
WILLIAM E. LANE xxx-xx-x...
MILTON R. LARSON xxx-xx-x...
WILLIAM T. LASHER xxx-xx-x...
MARK B. LATHAM xxx-xx-x...
ROBERT J. LAUNSTEIN xxx-xx-x...
JOSEPH L. LAVACHE xxx-xx-x...
JAMES E. LAWSON xxx-xx-x...
WILLIAM A. LAYMON xxx-xx-x...
RICHARD F. LEACH xxx-xx-x...
MAUREEN K. LEBOEUF xxx-xx-x...
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DAVID G. LEE xxx-xx-x...
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BILLY J. LEWIS xxx-xx-x...
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HOWARD S. LINCOLN xxx-xx-x...
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STEVEN A. LINDSAY xxx-xx-x...
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DAVID R. LITTLE xxx-xx-x...
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RICHARD LLITERAS xxx-xx-x...
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WILLIAM C. LOCKWOOD xxx-xx-x...
RONALD L. LOGAN xxx-xx-x...
SAMUEL R. LOMBARDO xxx-xx-x...
FRANKLIN A. LONG xxx-xx-x...
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JOHN A. LORAH xxx-xx-x...
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KENNETH LOVE xxx-xx-x...
TERRY A. LOVE xxx-xx-x...
PAUL A. LOVELESS xxx-xx-x...
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LANCE J. LUFTMAN xxx-xx-x...
JEANINE A. LUGO xxx-xx-x...
WILLIAM J. LUK xxx-xx-x...
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DUD M. LUNDY xxx-xx-x...
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ELIZABETH MACGUIRE xxx-xx-x...
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MICHAEL MASKALERIS xxx-xx-x...
ELMER J. MASON xxx-xx-x...
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BRUCE W. MASTERS xxx-xx-x...
MARK A. MATHISON xxx-xx-x...
CHARLES D. MATTHEWS xxx-xx-x...
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JOHN E. MATTHEWS xxx-xx-x...
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GARY A. MAY xxx-xx-x...
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SCARLETT MCBRAYER xxx-xx-x...
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MICHAEL J. OHARA xxx-xx-x...
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MICHAEL Z. SWISHER xxx-xx-x...
DANNY R. SYHRE xxx-xx-x...
CHRISTOPHER SYLVIA xxx-xx-x...
GEORGE H. SYNOWIEC xxx-xx-x...
GARY N. SYPOLT xxx-xx-x...
ANDREW D. SZELIGA xxx-xx-x...
JOHN D. SZOKA xxx-xx-x...
SAMUEL E. TANNER xxx-xx-x...
JAMES G. TAPHORN xxx-xx-x...
PAUL A. TATE xxx-xx-x...
ALAN S. TAYLOR xxx-xx-x...
LUCIUS A. TAYLOR xxx-xx-x...
WILLIAM H. TAYLOR xxx-xx-x...
JAMES D. TERRELL xxx-xx-xx...
JAMES L. TERRY xxx-xx-xx...
ROBERT J. TEZZA xxx-xx-x...
FRANK J. THEISING xxx-xx-xx...
ROBERT W. THERIOT xxx-xx-x...
DWIGHT E. THOMAS xxx-xx-x...
LARRY L. THOMAS xxx-xx-x...
MARVIN L. THOMAS xxx-xx-x...
DENNIS L. THOMPSON xxx-xx-x...
EUGENE L. THOMPSON xxx-xx-x...
MICHAEL J. THOMPSON xxx-xx-x...
RANDY R. TIBBS xxx-xx-x...
MARK E. TILLOTSON xxx-xx-x...
PATRICK A. TIMM xxx-xx-x...
EDWARD T. TINSLEY xxx-xx-x...
GARYJOHN TOCCHET xxx-xx-x...
BRIN A. TOLLIFFE xxx-xx-x...
HARRY A. TOMLIN xxx-xx-x...
JAMES W. TOMPKINS xxx-xx-x...
HECTOR E. TOPETE xxx-xx-x...
GEORGE L. TOPIC xxx-xx-x...
JAMES D. TOUHILL xxx-xx-x...
MICHAEL W. TRAHAN xxx-xx-x...
ROBERT M. TRANTIN xxx-xx-x...
JAMES L. TRAVIS xxx-xx-x...
JAMES A. TREADWELL xxx-xx-x...
GARY A. TREDE xxx-xx-x...
DENNIS R. TRUJILLO xxx-xx-xx...
GWYNN A. TUCKER xxx-xx-x...
PETER F. TUEBNER xxx-xx-xx...
CHARLES W. TURNAGE xxx-xx-x...
FRANK D. TURNER xxx-xx-x...
THOMAS E. TURNER xxx-xx-x...
CHARLES S. TURPIN xxx-xx-x...
THOMAS H. TUTT xxx-xx-x...
MARY A. TYSON xxx-xx-x...
JOHN A. TYTLA xxx-xx-x...
JAMES D. VAAS xxx-xx-x...
ANDREW F. VAIL xxx-xx-x...
CONSTANTINE VAKAS xxx-xx-x...
MARK VANDOORNE xxx-xx-x...
PETER M. VANGJEL xxx-xx-x...
ALBERT M. VARGESKO xxx-xx-x...
GLENN S. VAVRA xxx-xx-x...
GERALD N. VEVON xxx-xx-x...
JOSEPH J. VINS xxx-xx-xx...
CHARLES F. VONDRA xxx-xx-x...
H. VONFISCHERBENZON xxx-xx-x...
JAMES R. VONHOLLE xxx-xx-x...
ROBERT A. VRTIS xxx-xx-x...
STERLING WAFFORD xxx-xx-x...
LLOYD S. WAGNER xxx-xx-x...
MARK A. WALDRON xxx-xx-x...
LARRY D. WALKER xxx-xx-x...
ROSE A. WALKER xxx-xx-x...
TOMMY T. WALL xxx-xx-x...
JOHN W. WALLACE xxx-xx-x...
STEPHEN O. WALLACE xxx-xx-x...
CRAIG A. WALLING xxx-xx-x...
MICHAEL J. WALSH xxx-xx-x...
THOMAS P. WALSH xxx-xx-x...
WILLIAM H. WALSH xxx-xx-x...
MICHAEL R. WALTERS xxx-xx-x...
JAMES J. WARD xxx-xx-x...
DONALD W. WARNER xxx-xx-x...
JERRY B. WARNER xxx-xx-x...
ERNEST WASHINGTON xxx-xx-x...
DAVID M. WATERS xxx-xx-x...
RUSSELL D. WATKINS xxx-xx-x...
KURT A. WEAVER xxx-xx-x...
LOUIS W. WEBER xxx-xx-x...
CECIL R. WEBSTER xxx-xx-x...
KURT WEIDENTHAL, II xxx-xx-x...
CURTIS G. WELBORN xxx-xx-x...
DOUGLAS A. WELCH xxx-xx-x...
CHARLES K. WELLIVER xxx-xx-x...
RICHARD M. WERNER xxx-xx-x...
BRUCE L. WEYRICK xxx-xx-x...
FREDERICK F. WHAM xxx-xx-x...
DOUGLAS W. WHEELER xxx-xx-x...
HAROLD G. WHEELER xxx-xx-x...
JILL M. WHISKER xxx-xx-x...
RICHARD J. WHITAKER xxx-xx-x...
DANIEL P. WHITE xxx-xx-x...
GEORGE A. WHITE xxx-xx-x...
JAMES A. WHITE xxx-xx-x...
JEFFERY F. WHITE xxx-xx-xx...
JAMES W. WHITEHEAD xxx-xx-x...
JOSEPH W. WHITLEY xxx-xx-x...
WILLIE P. WHITLOCK xxx-xx-x...
SAMUEL A. WHITSON xxx-xx-x...
STANLEY WHITTLESEY xxx-xx-x...
JOHN H. WHITWORTH xxx-xx-x...
ARNET J. WHORLEY xxx-xx-x...
KARL A. WICKIZER xxx-xx-x...
SAMMY WIGLESWORTH xxx-xx-x...
DENNIS C. WILDE xxx-xx-x...
EVAN L. WILLIAMS xxx-xx-x...
HAROLD E. WILLIAMS xxx-xx-x...
HOWARD M. WILLIAMS xxx-xx-x...
RICHARD A. WILLIAMS xxx-xx-x...
RONALD B. WILLIAMS xxx-xx-x...
RONALD D. WILLIAMS xxx-xx-x...
JOHN M. WILLIAMSON xxx-xx-x...
KIRK T. WILLS xxx-xx-x...
BERNARD C. WILSON xxx-xx-x...
JOHN R. WILSON xxx-xx-x...
SCOTT A. WILSON xxx-xx-x...
WILLIAM L. WIMBISH xxx-xx-x...
ROBERT WINDEMAKER xxx-xx-x...
MARTIN J. WISDA xxx-xx-x...
CHRISTOPHER WOJTAL xxx-xx-x...
DON H. WOLF xxx-xx-x...
WILLIAM R. WOLFE xxx-xx-x...
JAMES K. WOMACK xxx-xx-x...
DAVID A. WOOD xxx-xx-x...
MICHAEL R. WOOD xxx-xx-x...
DAVID M. WOODRUFF xxx-xx-x...
HUBERT B. WOOTEN xxx-xx-x...
NEAL T. WRIGHT xxx-xx-x...
JOSEPH P. WYATT xxx-xx-xx...
ALVIN J. YARDLEY xxx-xx-x...
DAVID A. YATTO xxx-xx-x...
JOANN C. YORK xxx-xx-x...
THOMAS E. YORK xxx-xx-x...
BRYON J. YOUNG xxx-xx-x...
MARK A. YOUNGREN xxx-xx-x...
BRIAN R. ZAHN xxx-xx-x...
CHRISTOPHER ZAKLAN xxx-xx-x...
CHARLES J. ZARUBA xxx-xx-x...
DONALD H. ZEDLER xxx-xx-x...
AUDIE D. ZIMMERMAN xxx-xx-x...
ERIC B. ZIMMERMAN xxx-xx-x...
BERNARD F. ZIPF xxx-xx-x...
BRUCE K. ZOPHY xxx-xx-x...
x...K
x...K
x...K
x...K
x...K

IN THE ARMY

THE FOLLOWING NAMED RESERVE OFFICERS' TRAINING CORPS CADETS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES, IN THE GRADE OF SECOND LIEUTENANT, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 531, 532, 533, AND 2106:

JEFFREY M. ABEL xxx-xx-xx...
MARC A. ABEL xxx-xx-x...
TIMOTHY H. ALEXANDER xxx-xx-x...
BRIAN M. ALLIN xxx-xx-x...
ERIC C. ANDERSON xxx-xx-x...
MICHAEL R. ANDERSON xxx-xx-x...
VERNON D. ANDERSON xxx-xx-x...
ANTHONY J. AQUINO xxx-xx-x...
MARIANO I. AQUINO xxx-xx-x...
KENNETH G. AREVALO xxx-xx-x...
PHILIP E. ARIOLA xxx-xx-x...
LIMANMAN L. ARMSTRONG xxx-xx-x...
JOHN D. ARRINGTON xxx-xx-x...
BRENT E. ARSEMENT xxx-xx-x...
ERIC E. ASLAKSON xxx-xx-x...
TIMOTHY J. ATKINS xxx-xx-x...
CRAIG M. AVERY xxx-xx-x...
CHARLES E. BACA xxx-xx-x...
MICHAEL B. BAILEY xxx-xx-x...
DAMON G. BAINE xxx-xx-x...
ROBIN J. BAKER xxx-xx-x...
MATTHEW C. BALLARD xxx-xx-x...
JOSEPH A. BALSAN xxx-xx-x...
NOEL B. BARBER xxx-xx-x...
JAMES W. BARKER xxx-xx-x...
ANTHONY J. BARNES xxx-xx-x...
THOMAS A. BARNES xxx-xx-x...
DARRELL D. BASCOM xxx-xx-x...
DERRICK E. BATES xxx-xx-x...
JAIME T. BAZIL xxx-xx-x...
CYNTHIA S. BEARD xxx-xx-x...
THOMAS P. BELKOFER xxx-xx-x...
HEATHER K. BENSON xxx-xx-x...
LISA J. BENZSCHAWEL xxx-xx-x...
CRAIG S. BESAW xxx-xx-x...
AMY J. BESTERFELDT xxx-xx-xx...
CHRISTOPHER J. BEVERIDGE xxx-xx-xx...
BRANDEN C. BICKLEY xxx-xx-x...
MATTHEW BIGGE xxx-xx-x...
JAMES A. BIRD xxx-xx-x...
DAVID E. BITNER xxx-xx-x...
GEORGE M. BLAIR xxx-xx-x...
GLENN R. BOLLINGER, III xxx-xx-xx...
DANIEL G. BONNICHSEN xxx-xx-x...
ROBERT S. BOONE, III xxx-xx-x...
SCOTT A. BOVEE xxx-xx-x...
GREGORY K. BOVINO xxx-xx-x...
DIANA L. BOYLE xxx-xx-x...
JOHN E. BRENNAN xxx-xx-x...
MARSHALL W. BRIDGES xxx-xx-x...
ANDREA Y. BRILL xxx-xx-x...
COURTNEY R. BROOKS xxx-xx-x...
WINSTON P. BROOKS, JR xxx-xx-x...
ANDREW R. BROWN xxx-xx-x...
BORIS C. BROWN xxx-xx-x...
CHARLES M. BROWN xxx-xx-x...
EVAN J. BROWN xxx-xx-x...
SAMANTHA A. BROWN xxx-xx-x...
AMY L. BRUNER xxx-xx-x...
KIRK W. BUCHANAN xxx-xx-x...
JOHN M. BUCK xxx-xx-x...
ERNESTO BUENO, JR xxx-xx-x...
CATHERINE M. BURKE xxx-xx-x...
FERDINAND BURNS, III xxx-xx-x...
CHRIS A. BYLER xxx-xx-x...
CARLOS M. CACERESSANTANA xxx-xx-x...
WILLIAM J. CAIN, JR xxx-xx-xx...
EARL D. CALEB, JR xxx-xx-x...
EDWIN J. CALLAHAN, III xxx-xx-x...
CHRISTINE L. CALLEN xxx-xx-x...
JOEL D. CAMPBELL xxx-xx-x...
JOSEPH W. CAMPBELL xxx-xx-x...
PATRICK R. CAMPBELL xxx-xx-x...
MARK P. CANDELORE xxx-xx-x...
DEBORA G. CANION xxx-xx-x...
BRETT D. CANTER xxx-xx-x...
GEORGE V. CAPTAIN xxx-xx-x...
CHRISTOPHER M. CARBONNEAU xxx-xx-x...
TIMOTHY S. CARLSON xxx-xx-x...
JASON A. CARRICO xxx-xx-x...
JOSE G. CARRILLO xxx-xx-x...
STEVEN M. CARROLL xxx-xx-x...
TIMOTHY W. CHAMBERS xxx-xx-x...
MATTHEW H. CHANTINY xxx-xx-x...
ROBERT F. CHARLESWORTH xxx-xx-x...
WESLEY G. CHRISTOPHERSON xxx-xx-x...
DONALD J. CLARKSON xxx-xx-x...
THELMA L. CLAY xxx-xx-x...
GREGORY H. COLE xxx-xx-x...
JOHN E. COLE xxx-xx-x...
MATTHEW D. CONKLIN xxx-xx-x...
RYAN E. CONNELLY xxx-xx-x...
JOHN W. CONNOR xxx-xx-x...
FRANCISCO D. CONSTANTINO, JR xxx-xx-x...
AARON J. COOK xxx-xx-x...
ERIC H. COOMBS xxx-xx-x...
DERRICK A. CORBETT xxx-xx-x...
AMY L. CORSELLO xxx-xx-x...
PAUL G. COSTA xxx-xx-x...
LUIS COTTOARROYO xxx-xx-x...
KEVIN B. CRANMER xxx-xx-x...
ROBERT D. CROCKETT xxx-xx-x...
MICHAEL A. CSISILA xxx-xx-x...
TIMOTHY D. CURRIE xxx-xx-x...
SAMUEL W. CURTIS xxx-xx-x...
WILLIAM P. CZAJKOWSKI, JR xxx-xx-x...
LARRY W. DANIEL xxx-xx-x...
GUY J. DANIELS xxx-xx-x...
NADINE L. DAVIS xxx-xx-x...
STEPHEN E. DAWSON xxx-xx-x...
MITCHELL K. DAY xxx-xx-x...
MARK DEBALD xxx-xx-x...
ELIZABETH DELBRIDGE xxx-xx-x...
JEFFREY C. DENIS xxx-xx-xx...
JASON S. DENNEY xxx-xx-x...
SHERYL E. DESIONGCO xxx-xx-x...
SCOTT DICKEY xxx-xx-x...
DAVID D. DIDONNA xxx-xx-x...
JAMES K. DOOGHAN xxx-xx-x...
ROBERT B. DOSHI xxx-xx-x...
MARK H. DOTSON xxx-xx-x...
MICHAEL A. DRAKE xxx-xx-x...
RUSSELL G. DRAPER xxx-xx-xx...
JEFFREY L. DUHRSEN xxx-xx-xx...
CHRISTOPHER R. DURHAM xxx-xx-x...
TED A. EBERT xxx-xx-x...

GARY L. EDMONDS, xxx-xx-x...
DEBRA L. EDROZO, xxx-xx-x...
DONALD W. EDWARDS, JR, xxx-xx-x...
ROBERTA S. EDWARDS, xxx-xx-x...
RUSSELL J. ELIZONDO, xxx-xx-xx...
THEODORE A. ELLEFSON, xxx-xx-x...
CHRISTOPHER J. ELLIS, xxx-xx-xx...
ISAAC W. ELLISON, xxx-xx-x...
MICHAEL T. ERTMER, xxx-xx-x...
DANIEL J. ESPARZA, xxx-xx-xx...
JOE A. ESPINOSA, JR, xxx-xx-xx...
STEVEN P. EVANS, xxx-xx-x...
DAVID P. EWING, xxx-xx-x...
ROBERT A. FAGO, xxx-xx-x...
JEFFREY M. FERGUSON, xxx-xx-xx...
MICHELLE L. FERRARO, xxx-xx-x...
RAMON I. FEWELL, xxx-xx-x...
GREGORY B. FISHER, xxx-xx-x...
JOHN K. FOLEY, xxx-xx-x...
SUSAN M. FOLEY, xxx-xx-x...
JAMES S. FOLLANSBEE, xxx-xx-x...
ALEX B. FORSHAGE, xxx-xx-x...
TRACY A. FOSTER, xxx-xx-x...
CARL H. FRAZER, xxx-xx-x...
ERIK S. FULLER, xxx-xx-xx...
GREGORY S. FULLER, xxx-xx-xx...
JOHN R. FULLER, xxx-xx-xx...
KRIS D. FULTON, xxx-xx-x...
DANIEL L. FURBER, xxx-xx-x...
ROLAND M. GADDY, JR, xxx-xx-x...
JOHN E. GARRETSON, xxx-xx-x...
RANDY A. GARRIDO, xxx-xx-x...
KESTUTIS J. GEDMINTAS, xxx-xx-xx...
HERMAN GENDERSON, xxx-xx-x...
WILLIAM R. GENTER, xxx-xx-x...
TODD M. GENTRY, xxx-xx-x...
PIETER M. GEUZE, xxx-xx-xx...
DARIUS D. GIBSON, xxx-xx-x...
DAVID J. GILBRIDE, xxx-xx-x...
CLINTON D. GILDER, xxx-xx-x...
GEORGE P. GLAZIER, xxx-xx-x...
CARLOS E. GONZALEZ, xxx-xx-x...
JOEL P. GOOD, xxx-xx-x...
NICHOLAS GORSKY, xxx-xx-x...
ERTHA M. GOVAN, xxx-xx-x...
GILBERT T. GOZALO, xxx-xx-x...
MARKO K. GRAHAM, xxx-xx-x...
RICHARD S. GRAMMER, xxx-xx-x...
JAMES C. GRAVAGNA, xxx-xx-x...
LISA A. GRAY, xxx-xx-x...
DANIEL A. GREENE, xxx-xx-x...
TIMOTHY M. GREENHAW, xxx-xx-x...
ALEXANDER E. GREENWICH, xxx-xx-x...
ADRIAN C. GRENIER, xxx-xx-x...
LAURA J. GRITZ, xxx-xx-x...
THOMAS G. GROGGETT, xxx-xx-x...
THEODORE M. GROPP, xxx-xx-x...
JUSTIN D. HADLEY, xxx-xx-x...
BRETT A. HAMRICK, xxx-xx-x...
TODD A. HAMULA, xxx-xx-x...
BLAISE M. HANSEN, xxx-xx-x...
STEVEN G. HANSON, xxx-xx-x...
ERINN S. HARDAWAY, xxx-xx-x...
BRUCE W. HARDEN, xxx-xx-x...
BRENT T. HARRAH, xxx-xx-x...
LARRY D. HARRISON, II, xxx-xx-x...
BYRON K. HARTZOG, xxx-xx-x...
LISA M. HARVEY, xxx-xx-x...
GREGORY A. HATCH, xxx-xx-x...
ANTHONY L. HAYCOCK, xxx-xx-x...
DOUGLAS C. HAYS, xxx-xx-x...
CYNTHIA A. HAZEL, xxx-xx-x...
DAVID E. HEFLIN, xxx-xx-x...
JON D. HENDERSON, xxx-xx-x...
THOMAS C. HENSLEY, xxx-xx-x...
WILLIAM E. HERBERT, IV, xxx-xx-xx...
EDGAR HERNANDEZ, JR, xxx-xx-x...
KENNETH J. HEYDA, xxx-xx-x...
KEVIN L. HILL, xxx-xx-x...
NICHOLAS J. HOELZ, xxx-xx-x...
ZACHARY J. HOFFMAN, xxx-xx-x...
MARK A. HOLLER, xxx-xx-x...
MARK A. HOLLIS, xxx-xx-x...
FREDERICK E. HOLMES, JR, xxx-xx-xx...
NED C. HOLT, xxx-xx-x...
CARTER E. HONEYCUTT, JR, xxx-xx-xx...
CHRISTINE HOSKINS, xxx-xx-x...
MATTHEW L. HOWELL, xxx-xx-x...
JOHN A. HOFFMAN, xxx-xx-x...
CLIFTON E. HUGHES, III, xxx-xx-xx...
PAMELA T. HULL, xxx-xx-x...
KENNETH P. HYNES, xxx-xx-x...
GREGORIO IGLESIACRUZ, xxx-xx-x...
KIMBERLY B. INGERSLEW, xxx-xx-xx...
WILBER D. IRICK, xxx-xx-x...
MARGUERITE D. IRVINE, xxx-xx-xx...
CHARLES I. JACKSON, xxx-xx-x...
ERIC L. JACKSON, xxx-xx-x...
TIMOTHY W. JACKSON, xxx-xx-x...
ALANA L. JEPSON, xxx-xx-xx...
BENJAMIN S. JOHNSON, xxx-xx-xx...
MARK A. JOHNSON, xxx-xx-x...
WILLIAM C. JOHNSON, JR, xxx-xx-xx...
ELMORE J. JONES, JR, xxx-xx-xx...
SADIE L. JONES, xxx-xx-xx...
WILLIAM E. JONES, JR, xxx-xx-xx...
HANS M. KARDEL, xxx-xx-x...
STEPHEN R. KECK, xxx-xx-x...
TAMIKA C. KEYS, xxx-xx-x...
CHARLES F. KIMBALL, xxx-xx-x...
KRISTIAN KIND, xxx-xx-x...
JENNIFER M. KISHIMORI, xxx-xx-xx...
CHARLES R. KITCHIN, xxx-xx-x...
KENNETH J. KLIETHERMES, xxx-xx-x...
JOHN W. KNIGHT, xxx-xx-x...
DOUGLAS A. KRIESEL, xxx-xx-xx...
DIRK E. KUENZLER, xxx-xx-xx...
JASON I. KUROIWA, xxx-xx-x...
LINDA B. KUROWSKI, xxx-xx-x...
LEE K. KVALEVOG, xxx-xx-x...
DAVID R. LAFONTAINE, xxx-xx-x...
TERRY M. LAFRANCE, xxx-xx-x...
ALBERT A. LAHOOD, JR, xxx-xx-x...
JASON G. LAKY, xxx-xx-x...
CHRISTOPHER LAMBESIS, xxx-xx-xx...
ROBERT LAMPKIN, JR, xxx-xx-xx...
BRIAN T. LAMSON, xxx-xx-x...
CHARLES E. LANFORD, xxx-xx-x...
TIFFANY J. LANG, xxx-xx-xx...
RICHARD J. LAWLESS, xxx-xx-x...
DENNIS T. LAWTER, JR, xxx-xx-xx...
TAMARA D. LAWTER, xxx-xx-x...
MATTHEW L. LEACH, xxx-xx-x...
MICHAEL R. LEAR, xxx-xx-x...
VARGAS R. LEBRON, xxx-xx-x...
ALVIN D. LEWIS, xxx-xx-x...
THOMAS E. LEWIS, JR, xxx-xx-xx...
TODD C. LIEBIG, xxx-xx-x...
JON S. LINDELL, xxx-xx-x...
GEORGE T. LINKENHOKER, xxx-xx-x...
LAWRENCE J. LLOYD, xxx-xx-x...
CHUEPHENG C. LO, xxx-xx-x...
JOSEPH G. LOCK, xxx-xx-x...
DANIEL F. LONG, xxx-xx-x...
TRENTON H. LOUCKS, xxx-xx-x...
ANN M. LOVELL, xxx-xx-x...
KENNETH S. LUTHER, xxx-xx-xx...
LONNY J. MACDONALD, xxx-xx-x...
CHRISTOPHER J. MACIEJCZYK, xxx-xx-xx...
BRIAN D. MACK, xxx-xx-x...
LAURA A. MAHER, xxx-xx-x...
DONALD J. MAHONEY, xxx-xx-x...
GREGORY A. MAHONEY, xxx-xx-x...
STACIE I. MALLAK, xxx-xx-x...
CATHERINE A. MARCINAK, xxx-xx-x...
MARK T. MARIK, xxx-xx-x...
STEVEN M. MARKS, xxx-xx-x...
JOANNE MARTIN, xxx-xx-x...
MARY L. MARTIN, xxx-xx-x...
ERIC A. MARTINEZACOSTA, xxx-xx-x...
SCOTT D. MASSEY, xxx-xx-x...
LAUREL B. MASTROMONICO, xxx-xx-x...
MICHAEL L. MATHEWS, xxx-xx-x...
HEIDI L. MAUNU, xxx-xx-x...
MARK A. MAYORAS, xxx-xx-x...
DANIEL E. MAZZEI, xxx-xx-x...
ROBERT K. MCCASKELL, xxx-xx-x...
WILLIAM J. MCCLARY, xxx-xx-x...
DAVID J. MCCONNELL, xxx-xx-x...
TIMOTHY MCCRAY, xxx-xx-x...
PETER L. MCCULLOUGH, xxx-xx-x...
BARRY S. MCDOWELL, xxx-xx-x...
ALICIA L. MCELROY, xxx-xx-x...
JAMES T. MCGHEE, xxx-xx-x...
MATTHEW M. MCHALE, xxx-xx-x...
KENNETH R. MCKINLEY, xxx-xx-x...
MATTHEW R. MCKINLEY, xxx-xx-x...
SIBYL V. MCMILLON, xxx-xx-x...
JOHN H. MCMULLEN, III, xxx-xx-x...
WILLIAM J. MCNEELY, xxx-xx-x...
RICHARD M. MEREDITH, xxx-xx-x...
DONNIE M. MILLER, xxx-xx-x...
RONALD J. MILLER, xxx-xx-xx...
STEVEN M. MILLIKEN, xxx-xx-xx...
ANDREW D. MILLS, xxx-xx-x...
KENNETH R. MILLS, xxx-xx-x...
CATHERINE L. MIXSELL, xxx-xx-xx...
KELLY A. MIZELL, xxx-xx-x...
MARIA C. MOJICA, xxx-xx-x...
ANTHONY F. MOLLOY, xxx-xx-x...
DANIEL C. MOORE, xxx-xx-x...
MAXIMO A. MOORE, xxx-xx-x...
VAN J. MORRIS, xxx-xx-x...
JOSEPH R. MORROW, xxx-xx-x...
JAMES R. MORTON, xxx-xx-x...
KEITH E. MOSER, xxx-xx-x...
MICHAEL S. MOUNTAIN, xxx-xx-x...
CLEVELAND K. MURPHY, xxx-xx-x...
LISA Y. MURPHY, xxx-xx-x...
JAMES A. MURRAY, xxx-xx-x...
RUSSELL T. MURRELL, xxx-xx-xx...
MICHAEL T. NAIFEH, xxx-xx-x...
ROBERT W. NASH, xxx-xx-x...
NANCY A. NESBITT, xxx-xx-x...
CHRISTOPHER M. NEUBECKER, xxx-xx-x...
GAMAR A. NEWMAN, xxx-xx-x...
HOC T. NGUYEN, xxx-xx-x...
ROBERTO J. NOGUERAS, xxx-xx-x...
MARTY D. NORVEL, xxx-xx-x...
WILLIAM T. NUCKOLS, JR, xxx-xx-x...
HENRY S. OFECIAR, xxx-xx-x...
MICHAEL L. OGDEN, xxx-xx-x...
TOM T. OH, xxx-xx-x...
JOSEPH A. OSTROWSKI, xxx-xx-xx...
KIMMIE M. OWENS, xxx-xx-x...
CARVER D. PACE, JR, xxx-xx-xx...
RONALD C. PADGETT, xxx-xx-x...
GEORGE PADILLA, xxx-xx-x...
SHAWN W. PAUL, xxx-xx-x...
BRIAN A. PAYNE, xxx-xx-x...
JEFFREY W. PEARCE, xxx-xx-xx...
PIERCE D. PEARSON, xxx-xx-xx...
TIMOTHY A. PEARSON, xxx-xx-x...
STEPHANIE E. PEDERSON, xxx-xx-xx...
TIMOTHY J. PENASACK, xxx-xx-x...
MATTHEW C. PEORIA, xxx-xx-x...
LUIS M. PEREZ, xxx-xx-x...
MICHAEL A. PETRUNYAK, xxx-xx-x...
JAMES M. PHELPS, xxx-xx-xx...
CHARLES G. PHILLIPS, xxx-xx-xx...
MICHAEL S. PICKETT, xxx-xx-x...
RICHARD M. PIERCE, xxx-xx-x...
PAUL E. PIERSON, xxx-xx-x...
KERRY S. PIETRAS, xxx-xx-x...
RICHARD A. PLAGEMAN, xxx-xx-x...
CHRISTOPHER F. POLITES, xxx-xx-x...
JAMES H. POPE, xxx-xx-x...
ARTHUR B. POWERS, xxx-xx-x...
DAMIAN J. PRATT, xxx-xx-x...
TODD A. PURDY, xxx-xx-x...
DANIEL T. PUREFOY, xxx-xx-x...
RICHARD J. QUIRK, xxx-xx-x...
WILLIAM H. RABE, III, xxx-xx-x...
TROY A. RADER, xxx-xx-x...
JOHN L. RAFFERTY, JR, xxx-xx-xx...
TIMOTHY A. RAY, xxx-xx-x...
DWIGHT T. REED, JR, xxx-xx-x...
GARY G. RIDENHOUR, xxx-xx-x...
JEFFREY L. RIDLEY, xxx-xx-xx...
MARK A. RIGNEY, xxx-xx-x...
JOSEPH O. RITTER, xxx-xx-xx...
ERIC J. ROGERS, xxx-xx-x...
LARRY D. ROGERS, xxx-xx-x...
PAUL D. ROMAGNOLI, xxx-xx-x...
BRADLEY D. ROSECKE, xxx-xx-x...
GEORGE L. ROSS, xxx-xx-x...
SCOTT E. ROTH, xxx-xx-x...
THOMAS E. RUDE, xxx-xx-x...
MELISSA R. RUSSELL, xxx-xx-xx...
SHELLEY A. RUSSELL, xxx-xx-x...
CHARLES J. RUSSO, xxx-xx-x...
SCOTT R. RUTHERFORD, xxx-xx-x...
BRIAN E. SANDERS, xxx-xx-x...
ERIC F. SAUER, xxx-xx-x...
MARIA L. SCALES, xxx-xx-x...
MICHELLE D. SCANNELL, xxx-xx-x...
ROBBY R. SCARBERRY, xxx-xx-x...
MICHELLE D. SCHARFF, xxx-xx-x...
KIMBERLY M. SCHEFFER, xxx-xx-x...
GORDON D. SCHMIDT, xxx-xx-x...
CAROLYNN J. SCIBA, xxx-xx-x...
GERALD R. SCOTT, xxx-xx-x...
DONALD A. SCULLI, xxx-xx-x...
AUGUST C. SEEBER, xxx-xx-x...
SUSAN C. SETLER, xxx-xx-x...
THEODORE SEVERN, xxx-xx-x...
PAULA D. SHARP, xxx-xx-x...
EDWARD L. SHEPHERD, xxx-xx-x...
JOHN B. SHERMAN, xxx-xx-x...
OTT M. SIEBERT, xxx-xx-x...
CHARLES A. SIEGLER, xxx-xx-x...
DOC W. SIMMONS, xxx-xx-x...
SHANNON M. SINGER, xxx-xx-x...
DALE K. SLADE, xxx-xx-x...
ROBERT E. SMALLS, xxx-xx-x...
FELTON E. SMITH, JR, xxx-xx-xx...
FRANK A. SMITH, xxx-xx-x...
ROBERT W. SMITH, JR, xxx-xx-x...
SCOTT A. SMITH, xxx-xx-x...
MARC A. SPINUZZI, xxx-xx-x...
KATHRYN A. SPLETSTOSER, xxx-xx-x...
KENNETH SPRINGER, xxx-xx-x...
RUSSELL M. SPRY, xxx-xx-x...
CHRISTOPHER K. STANSBURY, xxx-xx-x...
KAREN F. STAPLETON, xxx-xx-x...
TERESA L. STARKS, xxx-xx-xx...
ROBERT F. STEED, III, xxx-xx-xx...
SCOTT A. STEPHENS, xxx-xx-x...
JOHN A. STEPPE, xxx-xx-xx...
CURT L. STEWART, xxx-xx-x...
MARK T. STINER, xxx-xx-x...
BRIAN L. STONE, xxx-xx-xx...
TERRY D. STPETER, xxx-xx-xx...
TANYA H. STRAMOWSKI, xxx-xx-x...
GLENN M. STRAPP, xxx-xx-x...
RYAN D. STRONG, xxx-xx-x...
PAUL M. STRUCK, xxx-xx-x...
ANN L. SUMMERS, xxx-xx-x...
BENETT P. SUNDS, xxx-xx-x...
DALE E. SURRATT, xxx-xx-x...
STEPHANIE L. SUTHERLAND, xxx-xx-x...
DAVID O. SUTTON, xxx-xx-x...
JAMES K. SWANSON, xxx-xx-x...
ROBERT L. SWEETLAND, JR, xxx-xx-xx...
MICHAEL A. SWINFORD, xxx-xx-x...
KIMBERLY K. TACKETT, xxx-xx-x...
BETH A. TAKACS, xxx-xx-x...
CHRISTOPHER T. TANK, xxx-xx-x...
JENNIFER L. THOMAS, xxx-xx-x...
BRENDA L. THOMPSON, xxx-xx-x...
RICHARD D. THOMPSON, xxx-xx-x...
TRAVIS S. THOMPSON, xxx-xx-x...
RANDALL L. THRASH, xxx-xx-x...
TIMOTHY N. TIMMONS, xxx-xx-x...
JAMES H. TIPPETTS, II, xxx-xx-xx...
ROY L. TISDALE, xxx-xx-x...
JULIAN J. TORO, xxx-xx-x...
MARK J. TOWERY, xxx-xx-x...
MARK E. TOWNSEND, xxx-xx-x...
TIMOTHY M. TRIMBEL, xxx-xx-x...
JONATHAN N. TSCHETTER, xxx-xx-x...
HEATHER L. TUPPER, xxx-xx-xx...
TIMOTHY C. TURLEY, xxx-xx-x...
BRIAN T. UNGERER, xxx-xx-x...
MICHELLE L. VALDEZ, xxx-xx-x...
AMINTA S. VANDYKEN, xxx-xx-x...

LUIS A. VELEZCORTES [redacted]
LYNNETTE A. VELZKE [redacted]
DOUGLAS G. VINCENT [redacted]
JOHN M. VOSE [redacted]
BRUCE J. WADE [redacted]
RICHARD J. WAGNER [redacted]
DANIEL K. WAKABAYASHI [redacted]
CHAD R. WALKER [redacted]
KIMBERLY K. WALKER [redacted]
PETER D. WALSH [redacted]
LAURA A. WARD [redacted]
RANDOLPH S. WARDLE [redacted]
THOMAS A. WATSON [redacted]
SEAN M. WATTS [redacted]
DALRIC WEBB [redacted]
JASON F. WEECE [redacted]
JED A. WELDER [redacted]
FRED D. WEST [redacted]
MICHAEL A. WEST [redacted]
LISA M. WHELAN [redacted]
CLARENCE W. WHITE [redacted]
TIMOTHY W. WHITE [redacted]
SEAN M. WHITNEY [redacted]
BRUCE J. WILLIAMS [redacted]
HOPE F. WILLIAMS [redacted]
BRIAN D. WILSON [redacted]
JOHN K. WILSON [redacted]
STEPHEN M. WILSON [redacted]
JOHN T. WIMBERLEY [redacted]
SONYA D. WITHERSPOON [redacted]
JEFFREY D. WITT [redacted]
NORMAN WITT [redacted]
MARK A. WITTE [redacted]
KEVIN P. WOLFLA [redacted]
EDWARD A. WOOD [redacted]
JOHN K. WOODWARD [redacted]
BARRY S. WRIGHT [redacted]
THOMAS H. WRICHT [redacted]
CHRISTOPHER P. ZACHAREWICZ [redacted]
PAUL M. ZEPS, JR [redacted]
FREDERICK E. ZIEROLD [redacted]
PETER D. ZIKE [redacted]

ARMY NURSE CORPS

EURENIO GARCIA, JR [redacted]
TORI H. GROSSER [redacted]
ANDREA A. HARKSEN [redacted]
KENNETH R. KOVATS, JR [redacted]
JAMES R. REED [redacted]
ROBYN D. TIBBITTS [redacted]

CONFIRMATION

Executive nomination confirmed by the Senate September 9, 1992:

THE JUDICIARY

EDWARD E. CARNES, OF ALABAMA, TO BE U.S. CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT.

WITHDRAWALS

Executive message transmitted by the President to the Senate on September 9, 1992, withdrawing from further Senate consideration the following nominations:

U.S. NAVY

THE NOMINATIONS OF THE U.S. NAVY OFFICERS NAMED HEREIN FOR APPOINTMENT IN THE GRADE OF VICE ADMIRAL, WHICH WERE SENT TO THE SENATE ON APRIL 28, 1992:

To be vice admiral

VICE ADMIRAL JERRY O. TUTTLE [redacted] U.S. NAVY.
VICE ADMIRAL JERRY L. UNRUH [redacted] U.S. NAVY,
REAR ADMIRAL (SELECTEE) JOSEPH W. PRUEHER, [redacted] U.S. NAVY.