

## HOUSE OF REPRESENTATIVES—Tuesday, March 17, 1992

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Remind us each day, O God, not only that the goals we seek in life should be tempered by the qualities of justice and truth, but also that the actions and words that we use in attaining our goals be words and actions that demonstrate respect for one another. With all the disagreements and quarrels and complaints that are a part of daily life we give thanks that we have the opportunity to do what we can to live together with reverence and honor to all people. Give us good and steadfast spirits, we pray, so we will be faithful stewards of the tasks before us. This is our earnest prayer. Amen.

### THE JOURNAL

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

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

### PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair will ask the gentleman from Iowa [Mr. NUSSLE] if he would kindly come forward and lead the membership in the Pledge of Allegiance.

Mr. NUSSLE led the Pledge of Allegiance as follows:

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

### LET'S PASS A GOOD CAMPAIGN FINANCE REFORM BILL

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

Mr. MAZZOLI. Mr. Speaker, having spent the weekend at home, I can say that people of my community and the country feel betrayed by what happened in the House bank, and the disclosure of the names of the Members is only one part of the curing and healing process.

There is much more which needs to be done. One of the matters, which to your great credit, Mr. Speaker, you have constantly put your reputation on the line in behalf of, is campaign reform. And, one aspect of campaign reform that I would like to address brief-

ly today is the issue of limited spending in congressional races.

Some races, as we know, for House seats will consume a million dollars or even more. The reform bill, which is pending in the conference committee with the other body, would put a limit of \$600,000 for each election cycle, certainly enough to finance an adequate campaign and enough also to keep races from being noncompetitive to a challenger.

Mr. Speaker, among the many reforms in the way the House proceeds with its business adopted in the months ahead would be to change the way people get here, change the way elections are conducted and, Mr. Speaker, I ask that you continue your excellent efforts in behalf of moving a campaign reform bill to passage in this Congress.

### COMPETITIVENESS COUNCIL

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

Mr. THOMAS of Wyoming. Mr. Speaker, overregulation and bureaucracy are among the major problems in the Government. Not only do they present unnecessary obstacles for citizens in their everyday lives—overregulation has a devastating impact on competitiveness and our ability to create jobs in the country.

Not only does the Congress allow, indeed demand more and more regulation, it often opposes efforts to make reductions in the regulatory jungle. That will be the case with a government operations subcommittee this week.

In November, the Food and Drug Administration released a new policy recommendation to speed up the process of approving new drugs to treat a variety of needs. They do not circumvent safety, they do not circumvent the law. They simply test and get necessary drugs into the hands of patients sooner.

For some reason, however, the House Government Operations Committee leadership objects to simplified regulations and a safe, but speedy approval process. It continues to put obstacles in the way of getting critical drugs in the marketplace.

The FDA, following the recommendations of Vice President QUAYLE's Competitiveness Council, has made positive steps to keep regulations to a minimum. Drugs will still go through the

regulatory process—they will not be hampered by unnecessary hoops to jump through. What is wrong with that?

Rather than blasting a good policy, Government Operations Committee should be praising the Vice President for helping people—which is really why we are here.

### ELECTION OF RESIDENT COMMISSIONER TO COMMITTEE ON INTERIOR AND INSULAR AFFAIRS AND COMMITTEE ON FOREIGN AFFAIRS

Mr. HOYER. Mr. Speaker, I offer a privileged resolution (H. Res. 400) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

#### H. RES. 400

*Resolved*, That the Resident Commissioner from Puerto Rico be, and is hereby elected to the following standing committees of the House of Representatives: Committee on Interior and Insular Affairs: Antonio J. Colorado, Puerto Rico. Committee on Foreign Affairs: Antonio J. Colorado, Puerto Rico.

The resolution was agreed to.

A motion to reconsider was laid on the table.

### FACE THE ISSUE

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

Mr. EARLY. Mr. Speaker, Members of this House, in my opinion an ethical investigation is supposed to be three things: private, confidential, and non-partisan.

The investigation going on with the check incident is neither. Saturday night sitting in my house, the television released an AP release that identified 24 Members as the major check abusers.

I stand in this well saying that I do not think I have ever bounced one check. My name was included on that list. That was Saturday.

On Monday I had to attend a visitors' board at Harvard Medical School, so I spent all day there, so I was not available.

I have not been notified yet about this investigation.

Mr. Speaker, and he just left this floor, and I asked him to stay, he has handled this situation as a disgrace, as a disgrace.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). The gentleman must proceed

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

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

according to the House rules. He must address the Chair.

Mr. EARLY. Mr. Speaker, I will do that. I apologize.

The SPEAKER pro tempore. Address the Chair rather than individuals.

Mr. EARLY. But I wish, if I am on that list, that I could be notified.

We voted last Thursday that every Member was to have 10 days if you are on that list. Mr. Speaker, I stand in the well, and I tell my constituents, I tell this gallery, I do not think I had one check.

I am not a rich man. I have eight children. My problem is this: When they said they used the standard that you would be overdrawn eight times in the 39-month period, Mr. Speaker, I sent seven of my eight kids through college. I am not copping any plea or making any excuses. I sent seven of my eight kids through college.

Each pay that I get, back in 1989, where all of America thinks the pays are excessive, my pay that is after the taxes and after the transfers for my kids' student loans is \$2,700.

Now, again, as of today, my pay, my net pay, that goes into my account is \$6,000.

I am reading in the paper that I have abused this. I can only say to my constituency, and I have got two groups that bother me most, two, well, three, all the United States, and I am concerned about what you people are thinking, but my wife and my kids, they are not entitled to this. My constituents are not entitled to this.

Mr. Speaker, face the issue.

#### PARENTS KNOW WHAT IS BEST FOR THEIR CHILDREN

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

Mr. DELAY. Mr. Speaker, I have a simple question that I would like an answer to: Why are we not giving \$700 million to schools that are working? Why are some Members of this body insisting on putting this money into educrats coffers to replenish a system that has failed? H.R. 4323 maintains the status quo. It does not provide for the reform that Americans are demanding. It does not provide for the reform our children so desperately need.

Parental choice in education is a simple, straightforward plan. It puts the power, the money, into parents' hands. From there the parents choose the best school, public or private, for their child. It is time for Government to remember that parents know what is best for their child—not the bureaucrats.

Mr. Speaker, this program is fair across the board. The poor and the middle class and the rich alike all receive the same amount of money, they all choose from the same selection of

schools, they all are empowered to make the absolute best choice for their children.

By introducing competition to the public school system, genuine reform is brought about by creating incentives for schools. The money goes to the parents, it does not get lost in the bureaucracy. The schools and therefore the students, succeed because their only option is to improve.

□ 1210

#### HOMELESS RELIEF ACT OF 1992

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

Mr. MCMILLEN of Maryland. Mr. Speaker, I will be introducing legislation today to allow the deductibility of donated housing for the purpose of sheltering homeless people.

This legislation was spawned not just by the need for such a deduction, but also by the astonishment that such donated housing currently is not deductible.

The shortage of affordable housing in the United States is acute. The irony is that the home construction industry is stagnant, real estate inventory is high, and yet there remains an extreme shortage of affordable housing and a growing homeless population.

The legislation I introduce today will encourage the donation of existing housing to be used by low income and homeless people.

Specifically, the bill allows a tax paying entity to deduct the fair market rental value for the lease of real or related personal property to a non-profit organization, 501(c)(3), as a cash charitable contribution deduction.

This bill will help redirect existing resources to those who desperately need it. While I make no claims that this is an ultimate solution, it is an important and necessary step in the right direction.

#### FACE THE ISSUE

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

Mr. FRANK of Massachusetts. Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. EARLY].

Mr. EARLY. Mr. Speaker, I want to thank my colleague, the gentleman from Massachusetts, for yielding to me.

Mr. Speaker, I come to this microphone to clarify one thing that I said, because I do not want to mislead anyone.

When I made the point of where I was Monday, as far as I told you Saturday was when this all broke and Sunday it has been in every newspaper in my

State and my district; but Monday when I was attending the Harvard Medical School Visitors' Board, I did get a call from the gentleman from New York [Mr. MCHUGH]. I did not get down here until 8 o'clock at night and I have not heard from the gentleman since, and that is the only point, because I want to be very clear in what I tell everybody.

#### DUCKING A VOTE ON THE BUDGET

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

Mrs. SCHROEDER. Mr. Speaker, I just think it is very important as we get back to the very serious business of this House this week and we discuss bringing down the walls in the budget that we point out there are many Members in this Chamber who voted for no budget at all. They did not vote for the President's budget. They did not vote for the gold standard budget. They did not vote for the Democratic budget, nor did they offer a budget.

Now, we have had all sorts of things going on here about people's personal budgets, but my goodness, I cannot think of anything worse than the Federal Government operating without any budget at all.

I think we are seeing people play all sorts of politics. It is so much easier to destroy than to build. Let us get back to the business at hand.

Let us point out that there are an awful lot of people who are just here to destroy, rather than build, and let us ask those Members who voted for no budget at all, why they even bothered to come if they do not care enough about the overall purpose of this institution, which is to direct this great country and set its priorities, and that is what a budget does.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV. Such roll call votes, if postponed, will be taken on Wednesday, March 18, 1992.

#### TECHNICAL AND MISCELLANEOUS CIVIL SERVICE AMENDMENTS ACT OF 1992

Mr. ACKERMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2850) to make technical and conforming changes in title 5, United States Code, and the Federal Employ-

ees Pay Comparability Act of 1990, and for other purposes as amended.

The Clerk read as follows:

H.R. 2850

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

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the "Technical and Miscellaneous Civil Service Amendments Act of 1992".

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Amendments to title 5, United States Code.
- Sec. 3. Amendments to the Federal Employees Pay Comparability Act of 1990.
- Sec. 4. Amendments to relating to the Ethics in Government Act of 1978.
- Sec. 5. Amendments to other provisions of law.
- Sec. 6. Miscellaneous provisions.
- Sec. 7. Effective dates.

**SEC. 2. AMENDMENTS TO TITLE 5, UNITED STATES CODE.**

Title 5, United States Code, is amended—

(1) in the analysis for part II by striking, in the item relating to chapter 12, "Individual Right of Action" and inserting "Employee Right of Action";

(2) by striking the heading for former section 1209 (the text of which was redesignated as sections 1205 and 1206 by paragraphs (9) and (10), respectively, of section 3(a) of the Whistleblower Protection Act of 1989 (Public Law 101-12; 103 Stat. 18));

(3) by striking the heading for former section 1204 (which was designated as section 1211(b) by section 3(a)(6) of the Whistleblower Protection Act of 1989 (Public Law 101-12; 103 Stat. 17));

(4) in section 1305 by striking "section 3105," and inserting "sections 3105,";

(5) in section 2302(b)(8)(B) by striking "Special Counsel of the Merit Systems Protection Board," and inserting "Special Counsel,";

(6) in section 2304(b) by striking "(b) the" and inserting "(b) The";

(7) in section 3104(a)—

(A) by striking "(not to exceed 517)"; and

(B) by amending the second sentence to read as follows: "Any such position may be established by action of the Director or, under such standards and procedures as the Office prescribes (including procedures under which the prior approval of the Director may be required), by agency action.";

(8) in section 3109(b) by striking "section 5332" and inserting "section 5376";

(9) by amending section 3152 to read as follows:

**"§ 3152. Limitation on pay**

"Members of the FBI-DEA Senior Executive Service shall be subject to the limitation under section 5307.";

(10) in section 3323(b)(1) by striking "annuitant as defined by section 8331 of this title" and inserting "annuitant, as defined by section 8831 or 8401,";

(11) in section 3324—

(A) by amending the heading to read as follows:

**"§ 3324. Appointments to positions classified above GS-15"**

and

(B) in subsection (a) by amending paragraph (1) to read as follows:

"(1) to which appointment is made by the Chief Judge of the United States Tax Court;"

(12) in section 3325(b) by striking "section 3104(a)(7) of this title" and inserting "section 3104(c)";

(13)(A) by striking section 3342; and

(B) in the table of sections for chapter 33 by striking the item relating to section 3342;

(14) by amending the heading for section 3373 to read as follows:

**"§ 3373. Assignment of employees to State or local governments";**

(15) in section 3401(1)(iv) by striking "Virgin Island" and inserting "Virgin Islands";

(16) in section 3594(c)(1)(A) by striking "5108," and inserting "5108,";

(17) in section 4109 by striking subsection (d);

(18) in section 4302(a) by striking the semicolon at the end and inserting a period;

(19) in section 4505a—

(A) in subsection (b)(2) by striking "chapter 12 or under" and inserting "chapter 12, chapter 71, or";

(B) in subsection (c) by inserting "of Personnel Management" after "Office"; and

(C) by striking subsection (d) and inserting the following:

"(d) The preceding provisions of this section shall be applicable with respect to any employee to whom subchapter III of chapter 53 applies, and to any category of employees provided for under subsection (e)."

"(e) At the request of the head of an Executive agency, the President may authorize the application of subsections (a) through (c) with respect to any category of employees within such agency who would not otherwise be covered by this section.";

(20) in the heading for subchapter III of chapter 45 by striking "OFFICER" and inserting "OFFICERS";

(21) by amending section 4521 to read as follows:

**"§ 4521. Definition**

"For the purpose of this subchapter, the term 'law enforcement officer' means—

"(1) a law enforcement officer within the meaning of section 5541(3) and to whom the provisions of chapter 51 apply;

"(2) a member of the United States Secret Service Uniformed Division;

"(3) a member of the United States Park Police;

"(4) a special agent in the Diplomatic Security Service;

"(5) a probation officer (referred to in section 3672 of title 18); and

"(6) a pretrial services officer (referred to in section 3153 of title 18).";

(22) in the table of sections for chapter 51 by striking the item relating to section 5108 and inserting the following:

"5108. Classification of positions above GS-15.";

(23) in section 5108(a)(2) by striking the semicolon at the end and inserting a period;

(24) in the table of sections for chapter 53—

(A) in the item relating to section 5379 by striking "repayment," and inserting "repayments.";

(B) by striking "Sec." immediately before the item relating to section 5391;

(25) in section 5302—

(A) in paragraph (1) by amending subparagraph (C) to read as follows:

"(C) chapter 74 of title 38, relating to the Veterans Health Administration (other than a position subject to section 7451 of title 38);"; and

(B) in paragraph (8)—

(i) in subparagraph (A) by striking "and" at the end; and

(ii) by adding after subparagraph (B) the following:

"(C) in the case of an employee receiving a retained rate of basic pay under section 5363, the rate of basic pay payable under such section; and";

(26) in section 5304—

(A) in subsection (a)(3)—

(i) by striking "Subject to paragraphs (4) and (5)," and inserting "Subject to paragraph (4)."; and by striking "a comparative payment" and inserting "a comparability payment";

(ii) in subparagraph (H) by inserting "and" after the semicolon; and

(iii) in subparagraph (I) by striking the semicolon and inserting a period;

(B) in subsection (d)(1)(A) by inserting "disregarding any described in section 5302(8)(C)" after "General Schedule", and by striking "annual";

(C) in subsection (e)—

(i) in paragraph (1) by inserting after the second sentence the following: "However, members under subparagraph (A) may be paid expenses in accordance with section 5703."; and

(ii) in paragraph (2)(A)(ii) by striking "annual survey" and inserting "surveys of pay localities", and by striking "industries," and inserting "industries";

(D) in subsection (g) by amending paragraph (2) to read as follows:

"(2) The applicable maximum under this subsection shall be level III of the Executive Schedule for—

"(A) positions under subparagraphs (A)–(E) of subsection (h)(1); and

"(B) any positions under subsection (h)(1)(F) which the President may determine.";

(E) in subsection (h)—

(i) in paragraph (1)—

(I) by amending subparagraph (F) to read as follows:

"(F) a position within an Executive agency not covered under the General Schedule or any of the preceding subparagraphs, the rate of basic pay for which is (or, but for this section, would be) no more than the rate payable for level IV of the Executive Schedule";

(II) in clause (i) by striking "or" at the end;

(III) in clause (ii) by striking the period at the end and inserting "; or"; and

(IV) by adding at the end the following:

"(iii) a position to which subchapter II applies (relating to the Executive Schedule).";

(i) in paragraph (2) by adding at the end the following:

"(C) Notwithstanding subsection (c)(4) or any other provision of law, but subject to paragraph (3), in the case of a category with positions that are in more than 1 Executive agency, the President may, on his own initiative, provide that each employee who holds a position within such category, and in the locality involved, shall be entitled to receive comparability payments."; and

(ii) in paragraph (3) by amending subparagraph (B) to read as follows:

"(B) shall take effect, within the locality involved, on the first day of the first applicable pay period commencing on or after such date as the President designates (except that no date may be designated which would require any retroactive payments), and shall remain in effect through the last day of the last applicable pay period commencing during that calendar year";

(27) in section 5306(a)(1)(B) by striking "166b-3" and inserting "166b-3a";

(28) in section 5314 by striking each of the following: "Under Secretary of Education."; "Under Secretary of Health and Human Services."; "Under Secretary of the Inte-

rior.", and "Under Secretary of Housing and Urban Development.";

(29) in section 5332 by amending subsection (a) to read as follows:

"(a)(1) The General Schedule, the symbol for which is 'GS', is the basic pay schedule for positions to which this subchapter applies. Each employee to whom this subchapter applies, except an employee covered by the performance management and recognition system established under chapter 54, is entitled to basic pay in accordance with the General Schedule.

"(2) The General Schedule is a schedule of annual rates of basic pay, consisting of 15 grades, designated 'GS-1' through 'GS-15', consecutively, with 10 rates of pay for each such grade. The rates of pay of the General Schedule are adjusted in accordance with section 5303.";

(30) in section 5347(g)—

(A) by striking "(g) Members" and inserting "(g)(1) Except as provided in paragraph (2), members";

(B) by striking the second sentence; and

(C) by adding at the end the following:  
 "(2) The position of Chairman shall be considered to be a Senior Executive Service position within the meaning of section 3132(a), and shall be subject to all provisions of this title relating to Senior Executive Service positions, including section 5383.";

(31) in section 5371(b)—

(A) by striking "chapter 73" and inserting "chapter 74"; and

(B) by inserting "subchapter V of chapter 55," after "61," each place it appears;

(32) in section 5372(c) by striking "shall," and inserting "shall";

(33) in section 5375(2) by striking "GS-8," and inserting "GS-8";

(34) in section 5377—

(A) in subsection (a)(2)—

(i) in subparagraph (C) by striking "and" at the end;

(ii) in subparagraph (D) by striking the period at the end and inserting a semi-colon; and

(iii) by adding after subparagraph (D) the following:

"(E) a position established under section 3104; and

"(F) a position in a category as to which a designation is in effect under subsection (i)."; and

(B) by adding at the end the following:

"(i)(1) For the purpose of this subsection, the term 'position' means the work, consisting of the duties and responsibilities, assignable to an employee, except that such term does not include any position under subsection (a)(2)(A)-(E).

"(2) At the request of an agency head, the President may designate 1 or more categories of positions within such agency to be treated, for purposes of this section, as positions within the meaning of subsection (a)(2).";

(35) in section 5383 by amending subsection (b) to read as follows:

"(b) Members of the Senior Executive Service shall be subject to the limitation under section 5307.";

(36) in subchapter IX of chapter 53 by striking the matter after the subchapter heading and before the heading for section 5391;

(37) in section 5401(1) by striking "(a)" and inserting "(A)", and by striking "(b)" and inserting "(B)";

(38) in section 5403(d) by striking "section 5305" and inserting "section 5303";

(39) in section 5519 by striking "section 6323(c) or (d) of this title" and inserting "section 6323(b) or (c)";

(40) in section 5541—

(A) in paragraph (1) by striking "and" at the end;

(B) in paragraph (2) by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(3) 'law enforcement officer' means an employee who—

"(A) is a law enforcement officer within the meaning of section 8331(20) OR 8401(17);

"(b) in the case of an employee who holds a supervisory or administrative position and is subject to subchapter III of chapter 83, but who does not qualify to be considered a law enforcement officer within the meaning of section 8331(20), would so qualify if such employee had transferred directly to such position after serving as a law enforcement officer within the meaning of such section;

"(C) in the case of an employee who holds a supervisory or administrative position and is subject to chapter 84, but who does not qualify to be considered a law enforcement officer within the meaning of section 8401(17), would so qualify if such employee had transferred directly to such position after performing duties described in section 8401(17) (A) and (B) for at least 3 years; and

"(D) in the case of an employee who is not subject to subchapter III of chapter 83 or chapter 84—

"(i) holds a position that the Office of Personnel Management determines would satisfy subparagraph (A), (B), or (C) if the employee were subject to subchapter III of chapter 83 or chapter 84; or

"(ii) is a special agent in the Diplomatic Security Service.";

(41) in section 5542—

(A) in subsection (a)(4)—

(i) by striking "officer (within the meaning of section 8331(20) or 8401(17))," and inserting "officer"; and

(ii) by moving the indentation for the matter following subparagraph (B) 2 ems to the right; and

(B) in subsection (c) by amending the second sentence to read as follows: "In the case of an employee who would, were it not for the preceding sentence, be subject to this section, the Office of Personnel Management shall by regulation prescribe what hours shall be deemed to be hours of work and what hours of work shall be deemed to be overtime hours for the purpose of such section 7 so as to ensure that no employee receives less pay by reason of the preceding sentence.";

(42) in section 5544—

(A) in paragraphs (2) and (3) of subsection (a) by striking "2,080" each place it appears and inserting "2,087";

(B) by amending the last two sentences of subsection (a) to read as follows: "The first and third sentences of this subsection shall not be applicable to an employee who is subject to the overtime pay provisions of section 7 of the Fair Labor Standards Act of 1938. In the case of an employee who would, were it not for the preceding sentence, be subject to the first and third sentences of this subsection, the Office of Personnel Management shall by regulation prescribe what hours shall be deemed to be hours of work and what hours of work shall be deemed to be overtime hours for the purpose of such section 7 so as to ensure that no employee receives less pay by reason of the preceding sentence."; and

(C) by adding at the end the following:

"(c) The provisions of this section, including the last two sentences of subsection (a), shall apply to a prevailing rate employee described in section 5342(a)(2)(B).";

(43) in section 5547(c) by striking paragraph (3);

(44)(A) by striking section 5550;

(B) in the table of sections for chapter 55 by striking the item relating to section 5550;

(C) in section 5548(b) by striking "sections 5545(d) and 5550 of this title." and inserting "section 5545(d).";

(D) in section 6123(a)(1) by striking "5543(a)(1), 5544(a), and 5550" and inserting "5543(a)(1) and section 5544(a)"; and

(E) in section 6128—

(1) in subsection (a) by striking "5542(a), 5544(a), and 5550(2)" and inserting "5542(a) and 5544(a)"; and

(ii) in subsection (c) by striking "5544(a), 5546(a), or 5550(1)" and inserting "5544(a) or 5546(a)";

(45)(A) in subchapter VI of chapter 55 by adding at the end the following:

**"§ 5553. Regulations**

"The Office of Personnel Management may prescribe regulations necessary for the administration of this subchapter."; and

(B) in the table of sections for chapter 55 by adding after the item relating to section 5552 the following:

"5553. Regulations.";

(46) in the table of sections for chapter 57—

(A) by striking the item relating to section 5723 and inserting the following:

"5723. Travel and transportation expenses of new appointees and student trainees."; and

(B) by adding after the item relating to section 5754 the following:

"5755. Supervisory differentials.";

(47) in the heading for section 5702 by striking "employee" and inserting "employees";

(48) in section 5723—

(A) by amending the heading to read as follows:

"§ 5723. Travel and transportation expenses of new appointees and student trainees"

and

(B) by striking subsection (d) and redesignating subsection (e) as subsection (d);

(49) in section 5724(a)(3)(A) by striking "Service;" and inserting "Service or as a director under section 4103(a)(8) of title 38 (as in effect on November 17, 1988);"

(50) in section 5901(a) by striking "5902." each place it appears and inserting "5902";

(51) in section 5948—

(A) in the first sentence of subsection (a) by striking "provisions of this section" and inserting "provisions of this section, section 5307.";

(B) in subsection (g)(1)—

(i) by amending subparagraph (D) to read as follows:

"(D) section 5371, relating to certain health care positions";

(ii) by striking "or" at the end of subparagraph (H);

(iii) by striking "and" at the end of subparagraph (I); and

(iv) by inserting after subparagraph (I) the following:

"(J) section 5376, relating to certain senior-level positions;

"(K) section 5377, relating to critical positions; or

"(L) subchapter IX of chapter 53, relating to special occupational pay systems; and";

(52) in section 6303(a) by amending the second sentence to read as follows: "In determining years of service, an employee is entitled to credit for all service of a type that would be creditable under section 8332, regardless of whether or not the employee is covered by subchapter III of chapter 83.";

(53) in the second sentence of section 6304(e) by striking "date of" and inserting "date";

(54) in section 7112 by redesignating subsection (a)(1) as subsection (a);

(55) in section 7113 by redesignating subsection (a)(1) as subsection (a);

(56) in section 7701(c)(1) by amending subparagraph (A) to read as follows:

"(A) in the case of an action based on unacceptable performance described in section 4303 or a removal from the Senior Executive Service for failure to be recertified under section 3393a, is supported by substantial evidence; or";

(57) in section 8331—

(A) in paragraph (1)—

(i) in subparagraph (L) by striking "section 8347(p)(1)" and inserting "section 8347(q)(1)"; and

(ii) in clause (ii) by striking "section 8347(p)(2)" and inserting "section 8347(q)(2)"; and

(B) in paragraph (7) by striking "Gallaudet College," and inserting "Gallaudet University,";

(58) in the last sentence of section 8332(b) by striking "paragraph (16)" and inserting "paragraph (16)";

(59) in section 8334(i) by redesignating the second paragraph (5) as paragraph (6);

(60) in section 8335(b) by amending the first sentence to read as follows: "A firefighter who is otherwise eligible for immediate retirement under section 8336(c) shall be separated from the service on the last day of the month in which such firefighter becomes 55 years of age or completes 20 years of service if then over that age.";

(61) in the second sentence of section 8337(a) by striking "if the employee if" and inserting "if the employee is";

(62) in section 8339 by redesignating the second subsection (c) as subsection (p);

(63) in section 8341 in subsections (b)(1) and (d) by striking "(o)," and inserting "(p).";

(64) in section 8347—

(A) by redesignating the second subsection (p) as subsection (q); and

(B) in paragraphs (1) and (2) of subsection (q) (as so redesignated) by amending subparagraph (A) of each to read as follows:

"(A) has not previously made an election under this subsection or had an opportunity to make an election under this paragraph";

(65) in section 8421(a)(2) by adding a period at the end;

(66) in section 8423(a)(1)(B)(i) by striking "multiplied" and inserting "multiplied";

(67) in section 8425(b)—

(A) by amending the first sentence to read as follows: "A member of the Capitol Police or firefighter who is otherwise eligible for immediate retirement under section 8412(d) shall be separated from the service on the last day of the month in which such member or firefighter becomes 55 years of age or completes 20 years of service if then over that age."; and

(B) in the second sentence by striking "become" and inserting "becomes";

(68) in section 8438(a)(7)(B) by striking "Federal Savings and Loan Insurance Corporation," and inserting "Federal Deposit Insurance Corporation.";

(69) in section 8440(a)(3) by inserting "section 401(k)(4)(B) of such Code and" after "subject to";

(70) in section 8440a(b)(1) by striking "subchapters III and VII of chapter 84 of this title" and inserting "this subchapter and subchapter VII";

(71) in section 8461(n)—

(A) in paragraphs (1) and (2) by amending subparagraph (A) of each to read as follows:

"(A) has not previously made an election under this subsection or had an opportunity to make an election under this paragraph"; and

(B) paragraph (2)(D) by striking "section 8347(p)" and inserting "section 8347(q)";

(72) in section 8478(a)(2)(B)(iii) by striking "Corporation or the Federal Savings and Loan Insurance";

(73) in the analysis for chapter 85 by adding after the item relating to section 8508 the following:

"8509. Federal Employees Compensation Account.";

(74) in section 8706 by redesignating subsection (g) as subsection (f);

(75) in section 8901—

(A) in paragraph (3)(A)(iv) by striking "section 8347(p)(2)" and inserting "section 8347(q)(2)"; and

(B) in paragraph (10)(C)(ii) by inserting a comma after "section 8341(h)";

(76) in section 8904(a) by striking "this section" each place it appears and inserting "this subsection";

(77) in section 8905—

(A) in subsection (b) by striking "this subchapter." and inserting "this chapter"; and

(B) in subsection (c)(1) by inserting a comma after "8341(h)"; and

(78) in section 8906—

(A) in subsection (b)(3) by inserting a period after "Office"; and

(B) in subsection (c) by striking "and except" and inserting "and (except)".

### SEC. 3. AMENDMENTS TO THE FEDERAL EMPLOYEES PAY COMPARABILITY ACT OF 1990.

The Federal Employees Pay Comparability Act of 1990, as contained in the Treasury, Postal Service and General Government Appropriations Act, 1991 (Public Law 101-509; 104 Stat. 1427), is amended—

(1) in each of paragraphs (1) and (2) of section 109(b) (104 Stat. 1451) by striking "section 5305" and inserting "section 5303";

(2) in section 203 (104 Stat. 1456) by striking "5545(D)" and inserting "5545(d)";

(3) in section 209(a) (104 Stat. 1460)—

(A) by striking "or" at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting "; or"; and

(C) by inserting at the end the following:

"(3) any combination of classes of positions described in paragraph (1) or (2) for which the President determines a recruiting difficulty exists.";

(4) in section 302 (104 Stat. 1462)—

(A) by striking "(A) DEFINITIONS.—" and inserting "(a) DEFINITIONS.—";

(B) by redesignating the second subsection (c) as subsection (d);

(C) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(D) by amending subsection (e) (as so redesignated) by striking "Code." and all that follows through the period and inserting the following: "Code (as in effect before the date of enactment of this Act), section 5305 of title 5, United States Code (as amended by section 101 of this Act), or any similar provision of law.";

(5) in section 403 (104 Stat. 1465) by striking "section 8331(20) or section 8401(17)" and inserting "section 5541(3)";

(6) in section 403(d) (104 Stat. 1465) by striking "section 303" and inserting "section 209";

(7) in section 404(a) (104 Stat. 1466) by striking "and any applicable special rate of pay under section 5305 of such title, as so amended, or any similar provision of law." and inserting "and, to the extent determined appropriate by the Office of Personnel Manage-

ment, any applicable special rate of pay under section 5305 of such title, as so amended, or any similar provision of law (other than section 403).";

(8) in section 404(b) (104 Stat. 1466)—

(A) by striking "(b) Except" and inserting "(b)(1) Except";

(B) by striking "Trenton" and inserting "Trenton"; and

(C) by adding at the end the following:

"(2) In the case of any area specified in paragraph (1) that includes a portion, but not all, of a county, the Office of Personnel Management may, at the request of the head of 1 or more law enforcement agencies, extend the area specified in paragraph (1) to include, for the purposes of this section, the entire country, if the Office determines that such extension would be in the interests of good personnel administration. Any such extension shall be applicable to each law enforcement officer whose post of duty is in the area of the extension.";

(9) in section 405(a) (104 Stat. 1466) by striking "403 and 404" and inserting "403, 404, and 407".

### SEC. 4. AMENDMENTS RELATING TO THE ETHICS IN GOVERNMENT ACT OF 1978.

(a) AMENDMENTS TO TITLE I OF THE ACT.—Title I of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

(1) in section 101(f)—

(A) in paragraph (3) by striking "whose position" and all that follows through "for GS-16" and inserting "who occupies a position classified above GS-15 of the General Schedule or, in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule";

(B) in paragraph (6) by striking "whose basic rate of pay" and all that follows through "GS-16" and inserting "who occupies a position for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule";

(2) in section 109—

(A) in paragraph (8) by striking "who is paid" and all that follows through "Schedule" and inserting "who occupies a position for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule";

(B) in paragraph (13)(B)(i) by striking "who is compensated" and all that follows through "Schedule" and inserting "who, for at least 60 days, occupies a position for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule"; and

(C) in paragraph (13)(B)(ii) by striking "compensated" and all that follows through "Schedule" and inserting "who occupies a position for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule."

(b) AMENDMENTS TO TITLE V.—Title V of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

(1) in section 501(a)(1) by striking "whose rate of basic pay is equal to or greater than the annual rate of basic pay in effect for grade GS-16 of the General Schedule under section 5332 of title 5, United States Code," and inserting "who occupies a position classified above GS-15 of the General Schedule or, in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of

the minimum rate of basic pay payable for GS-15 of the General Schedule.”;

(2) in section 501(a)(2) by striking “who becomes a Member or an officer or employee who is a noncareer officer or employee and whose rate of basic pay is equal to or greater than the annual rate of basic pay in effect for grade GS-16 of the General Schedule during a calendar year,” and inserting “who during a calendar year becomes a Member or an officer or employee who is a noncareer officer or employee and who occupies a position classified above GS-15 of the General Schedule or, in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule.”; and

(3) in section 502(a) by striking “whose rate of basic pay is equal to or greater than the annual rate of basic pay in effect for grade GS-16 of the General Schedule” and inserting “who occupies a position classified above GS-15 of the General Schedule or, in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule.”.

(c) AMENDMENTS TO GIFT PROVISIONS.—Section 314(g) of the Legislative Branch Appropriations Act, 1992 (Public Law 102-90; 105 Stat. 470) is amended to read as follows:

“(g)(1) The amendments made by subsections (b) through (f) shall take effect on January 1, 1992.

“(2) The amendment made by subsection (a) shall take effect on January 1, 1993.”.

**SEC. 5. AMENDMENTS TO OTHER PROVISIONS OF LAW.**

(a) OMNIBUS BUDGET RECONCILIATION ACT OF 1990.—The Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508; 104 Stat. 1388) is amended—

(1) in section 7101(c)(2) (104 Stat. 1388-332) by striking “took effect, subject to section 7104.” and inserting “took effect.”; and

(2) in section 7202(n) (104 Stat. 1388-340)—  
(A) in paragraph (2) by striking “section 8347(p)(1)” each place it appears and inserting “section 8347(q)(1)”;

(B) in paragraph (4) by striking “section 8347(p)(2)” and inserting “section 8347(q)(2)”.

(b) FEDERAL PAY COMPARABILITY ACT OF 1970.—Section 5(a) of the Federal Pay Comparability Act of 1970 (2 U.S.C. 60a-2(a)) is amended by inserting “of title 5, United States Code,” after “Whenever an adjustment under section 5303”.

(c) PUBLIC LAW 100-446.—Section 8(c)(2) of Public Law 100-446 (2 U.S.C. 178g(c)(2); 102 Stat. 1786) is amended by striking the second sentence.

(d) PUBLIC LAW 102-198.—Section 7(c)(4) of Public Law 102-198 (105 Stat. 1625) is amended—

(1) in subparagraph (A) by striking “2440d” and inserting “8440d”;

(2) in subparagraph (B) by striking “subchapter III of”.

(e) AGE LIMITS FOR ORIGINAL APPOINTMENTS TO CERTAIN POSTAL POSITIONS.—Section 410(b)(1) of title 39, United States Code, is amended by inserting “section 3307(d)-(e) (age limits for original appointments to certain positions),” after “section 3110 (restrictions on employment of relatives).”.

(f) PUBLIC LAW 102-233.—Section 21A(b)(9)(B)(i) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(9)(B)(i)), as amended by section 201 of the Resolution Trust Corporation Refinancing, Restructuring, and Improvement Act of 1991 (Public

Law 102-233; 105 Stat. 1765), is amended by striking the last 3 sentences.

**SEC. 6. MISCELLANEOUS PROVISIONS.**

(a) ELIMINATION OF DUPLICATIVE AMENDMENTS MADE BY THE DEFENSE ACQUISITION WORK FORCE IMPROVEMENT ACT.—Subsections (i) and (j) of section 1206 of the Defense Acquisition Work Force Improvement Act, as contained in the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1662, 1663), are repealed, and title 5, United States Code, shall read as if such subsections had not been enacted.

(b) PROVISIONS RELATING TO COMPARABILITY PAYMENTS IN 1994 AND 1995.—Notwithstanding section 5304 of title 5, United States Code, for purposes of any comparability payments scheduled to take effect under such section during calendar years 1994 and 1995, respectively—

(1) the report required by subsection (d)(1) of such section may be submitted not later than 1 month before the start of the calendar year for purposes of which it is prepared; and

(2) the surveys conducted by the Bureau of Labor Statistics for use in preparing any such report may be other than annual surveys, and shall, to the greatest extent practicable, be completed not later than 4 months before the start of the calendar year for purposes of which the surveys are conducted.

**SEC. 7. EFFECTIVE DATES.**

(a) IN GENERAL.—Except as otherwise provided in this section, this Act and the amendments made by this Act shall take effect as of the date of enactment of this Act.

(b) EXCEPTIONS.—(1) The amendment made by section 4(c) shall be effective as of December 31, 1991.

(2) The amendments made by section 5(d) shall be effective as of December 9, 1991.

(3) The amendments made by sections 2(13) and 2(17) shall be effective as of October 1, 1991.

(4) The amendments made by sections 2(11), 2(19), 2(29), and 2(38) shall be effective as of May 4, 1991.

(5) The amendments made by section 2(25) shall be effective as of February 3, 1991.

(6) The provisions of section 6(a) and the amendments made by sections 2(57)(A), 2(60), 2(64), 2(67), 2(71), 2(75)(A), 3(1), 3(4), 3(6), and 5(a) shall be effective as of November 5, 1990.

(7) The amendment made by section 2(52) shall be effective as of January 1, 1989, except that no amount shall become payable, as a result of the enactment of such amendment, under—

(A) subchapter VI of chapter 55 of title 5, United States Code, based on a separation that takes effect or an election that is made before the date of enactment of this Act; or

(B) section 5551(b) of title 5, United States Code, which is attributable to an individual's being excepted from subchapter I of chapter 63 of such title before the date of enactment of this Act.

(8) The amendment made by section 2(69) shall be effective as of November 10, 1988.

(9) The amendments made by sections 2(40), 2(41), 2(42), 2(43), and 3(5) shall be effective as of the first day of the first applicable pay period beginning on or after the date of enactment of this Act.

(10) The amendments made by section 2(28) shall be effective as of the first day of the first applicable pay period beginning on or after November 5, 1990.

(11) The amendment made by section 2(49) shall apply with respect to a separation that takes effect on or after the date of enactment of this Act.

(12) The amendment made by section 5(f) shall apply with respect to any action (described in subclause (I) or (II) of the provisions struck by such amendment) occurring on or after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. ACKERMAN] will be recognized for 20 minutes, and the gentleman from Maryland [Mrs. MORELLA] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. ACKERMAN].

**GENERAL LEAVE**

Mr. ACKERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on H.R. 2850, the bill now under consideration.

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

The was no objection.

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

Mr. Speaker, H.R. 2850, the Technical and Miscellaneous Civil Service Amendments Act of 1992, was introduced on July 10, 1991, by Chairman CLAY, Mr. GILMAN, Mr. MYERS, and myself, at the request of the administration.

The bill is intended to correct technical flaws in title 5, United States Code and the Federal Employees Pay Comparability Act of 1990. H.R. 2850 would ease the implementation of pay reform.

On March 11, 1992, the Committee on Post Office and Civil Service ordered H.R. 2850 favorably reported with an amendment in the nature of a substitute.

The amendment consists of various additional technical amendments suggested by the Office of Personnel Management as well as the Office of Law Revision Counsel. The committee has been working closely with OPM on the amendment and OPM supports its adoption.

I urge my colleagues to support H.R. 2850.

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

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

I am pleased to rise in support of H.R. 2850, the Technical and Miscellaneous Civil Service Amendments Act of 1992.

This bill was passed unanimously, by voice vote, on March 11, 1992 by the Committee on Post Office and Civil Service.

H.R. 2850 amends the Federal Employees Pay Comparability Act of 1990. These amendments to Title 5 of the United States Code are purely technical and noncontroversial. Furthermore, this bill was requested by the administration and has no pay-as-you-go ramifications.

Mr. PANETTA. Mr. Speaker, I would like to rise to express my strong concern regarding the Post Office and Civil Service's recommendation of H.R. 2850, making technical corrections to the Federal Employees Pay Comparability Act of 1990 [FEPCA].

In recognition of severe recruiting and retention problems, the Treasury, Postal Service and General Governments Appropriations Act for fiscal year 1991 provided Federal law enforcement officers in six consolidated metropolitan statistical areas [CMSA's] and two metropolitan statistical areas [MSA's] with special compensation increases ranging from 4 to 16 percent. On a number of occasions throughout the last year, I requested the Post Office and Civil Service Committee and the Office of Personnel Management [OPM] to closely examine and compare the Salinas-Seaside-Monterey MSA with these other eight areas—particularly the San Francisco consolidated metropolitan statistical area [CMSA] which borders Monterey—to include the Monterey MSA in future legislation. Because statistics show that comparisons of the public/private pay differentials and high cost-of-living between Monterey and the eight targeted areas are similar, I fought hard to include the Monterey MSA in H.R. 2850. Unfortunately, the committee would not add all deserving areas such as the Salinas-Seaside-Monterey MSA.

It is my understanding that following the enactment of the Federal Employees Pay Comparability Act of 1990, it became evident that a clearly unique situation existed which warranted technical corrections. The CMSA which contains the area in reference excludes a portion of a county that did not receive a special increase. This is where the New Haven, CT FBI regional office is located. The special increase to one portion of the county allowed some FBI personnel in Bridgeport, CT—who are on a lower pay schedule, and who report to the New Haven regional office—to receive an increase greater than those on a higher pay schedule in New Haven. The FBI has specifically indicated to the Office of Personnel Management [OPM] that this inequity is unacceptable. Following an exclusive agreement between the FBI and OPM, these new parameters were adopted by the Post Office and Civil Service Committee.

I believe that with the committee's adoption of OPM's recommendation making exception to certain areas previously not included under the Federal Employees Pay Comparability Act of 1990, the FEPCA deserves further examination.

Given the discrepancy involving the New Haven, CT, MSA, I am in agreement that this one area warrants a technical change. However, I also believe these specific parameters should not prohibit other deserving MSA's, such as the Salinas-Seaside-Monterey MSA, from making their case to the Committee on Post Office and Civil Service for a locality pay adjustment in the future.

It is my understanding that the Office of Personnel Management will be making recommendations to the Congress no later than January 1, 1993, to address the entire Federal pay system for special service employees. I would encourage my colleagues in the Committee on Post Office and Civil Service to urge OPM to expedite their proposal. It is my sin-

cere hope that current continuing inequities between those MSA's granted an increase and other deserving areas that have been excluded from the deal made by the FBI and OPM will soon be corrected.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. ACKERMAN] that the House suspend the rules and pass the bill, H.R. 2850, as amended.

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

A motion to reconsider was laid on the table.

#### FEDERAL EMPLOYEE RESERVIST BENEFIT EXTENSION ACT OF 1992

Mr. ACKERMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3209) to amend title 5, United States Code, to ensure that the level of compensation for a Federal employee ordered to military duty during the Persian Gulf conflict is not less than the level of civilian pay last received; to allow Federal employees to make up any thrift savings contributions forgone during military service; to preserve the recertification rights of senior executives ordered to military duty; and for other purposes, as amended.

The Clerk read as follows:

H.R. 3209

*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 "Federal Employee Reservist Benefit Extension Act of 1992".

#### SEC. 2. DEFINITIONAL AMENDMENT

(a) IN GENERAL.—Subchapter II of chapter 35 of title 5, United States Code, is amended by adding at the end the following:

#### "§ 3552. Sources of authority for ordering an employee to active duty

"The provisions of law cited in this section, relating to sources of authority for ordering an employee to active duty (other than for training), are sections 672, 673, 673b, 674, 675, and 688 of title 10."

(b) TABLE OF SECTIONS.—The table of sections for chapter 35 of title 5, United States Code, is amended by inserting after the item relating to section 3551 the following:

"3552. Sources of authority for ordering an employee to active duty."

#### SEC. 3. SPECIAL PAY DIFFERENTIAL.

(a) ENTITLEMENT.—(1) A Federal employee, permanent or temporary indefinite, who, under any of the provisions of law cited in section 3552 of title 5, United States Code, is ordered to active duty (other than for training), for duty during the Persian Gulf conflict as a member of a reserve component of the armed forces, and who is subsequently restored to or reemployed in a Government

position pursuant to chapter 43 of title 38, United States Code, is entitled to a special pay differential for each month of such duty in which the monthly military compensation of that individual is less than the monthly civilian compensation of that individual.

(2) The amount of the special pay differential to which an individual is entitled under this section for a month is equal to the difference between the monthly civilian compensation of such individual and the monthly military compensation of such individual.

(3) A special pay differential under this section shall not be payable for any days for which the individual involved continues to receive pay by reason of any annual leave, military leave, or other form of paid leave taken from such individual's last civilian position with the Government of the United States.

(b) SOURCE AND NATURE OF PAYMENT.—(1) A special pay differential under this section—

(A) shall be paid, in a lump sum, by the agency of the United States in which the individual involved is restored or reemployed (as the case may be); and

(B) shall be paid out of funds or appropriations available for salaries and expenses of such agency.

(2) A payment under this section shall not be considered to constitute basic pay.

(c) REGULATIONS.—(1)(A) The Office of Personnel Management, in consultation with the Secretary of Defense, shall prescribe such regulations as may be necessary to carry out this section with respect to employees within the executive branch.

(B) Such regulations shall include provisions for the proration of amounts in cases in which the special pay differential is for less than the entirety of a month.

(2) Regulations necessary to carry out this section with respect to employees within the legislative or judicial branch may be prescribed by the appropriate appointing authority for the employees involved. To the extent practicable, any regulations under this paragraph shall be consistent with regulations prescribed under paragraph (1).

(d) DEFINITIONS.—For purposes of this section—

(1) the term "Federal employee" means—

(A) an employee, as defined by section 2105 of title 5, United States Code; and

(B) an employee of the United States Postal Service or the Postal Rate Commission;

(2) the term "active duty" has the meaning given that term in section 101(22) of title 10, United States Code;

(3) the term "Persian Gulf conflict" means the period beginning on August 2, 1990, and ending on the date prescribed by Presidential proclamation or by law;

(4) the term "reserve component" has the meaning given that term in section 101(24) of title 37, United States Code;

(5) the term "armed forces" has the meaning given that term in section 2101(2) of title 5, United States Code;

(6) the term "monthly civilian compensation" means the monthly amount resulting from averaging the net amount of basic pay (including any pay adjustment under section 302 or 404 of the Federal Employees Pay Comparability Act of 1990) received for service performed as a Federal employee over the 12-month period ending on the individual's last day of service as such an employee before entering upon active duty or, if employed for a shorter period, over the total period of service, with each amount weighted by the length of time over which it was received; and

(7) the term "monthly military compensation" means the amount of regular com-

pensation (as defined in section 101(25) of title 37, United States Code), special and incentive pays, and allowances paid under that title to the individual involved for a month.

(e) **EFFECTIVE DATE.**—This section shall be effective as of August 2, 1990, and shall apply with respect to compensation for active duty performed on or after that date.

**SEC. 4. POSTPONEMENT OF SES RECERTIFICATION DEADLINES FOR FEDERAL EMPLOYEES WHILE SERVING ON ACTIVE DUTY.**

Section 3393a of title 5, United States Code, is amended by adding at the end the following:

“(g)(1) For the purpose of this subsection, the term ‘reserve component’ has the meaning given that term in section 101(24) of title 37.

“(2) If a career appointee performs military service as a result of being ordered to active duty (other than for training) pursuant to any of the provisions of law cited in section 3552, the period of that military service shall be disregarded in determining—

“(A) the duration of such appointee’s continuous employment as a senior executive (and the duration of any break in such employment) for purposes of determining whether the appointee is due for recertification;

“(B) in the case of a career appointee who is conditionally recertified, whether recertification occurs within the time required under subsection (e)(2)(D) in order to avoid removal; and

“(C) in the case of a career appointee who is conditionally recertified or not recertified, whether the appointee files a petition with the Merit Systems Protection Board to appeal that action, or to review a decision rendered by the Board or other authority under chapter 77 thereon, within the time prescribed.”.

**SEC. 5. THRIFT SAVINGS PLAN.**

(a) **IN GENERAL.**—(1) Title 5, United States Code, is amended by inserting after section 8432a the following:

**“§ 8432b. Contributions of persons who perform military service**

“(a) This section applies to an employee who—

“(1) separates or enters leave-without-pay status in order to perform military service; and

“(2) is subsequently restored to or reemployed in a position which is subject to this chapter, pursuant to chapter 43 of title 38.

“(b)(1) Each employee to whom this section applies may contribute to the Thrift Savings Fund, in accordance with this subsection, an amount not to exceed the amount described in paragraph (2).

“(2) The maximum amount which an employee may contribute under this subsection is equal to—

“(A) the contributions under section 8432(a) which would have been made, over the period beginning on date of separation or commencement of leave-without-pay status (as applicable) and ending on the day before date of restoration or reemployment (as applicable)—

“(i) assuming a contribution rate of 10 percent; and

“(ii) not counting any amounts which would be attributable to any period during which such employee was not or would not have been eligible to contribute due to subparagraph (A), (B), or (C) of section 8432(b)(2) (except that section 8432(b)(2)(C) shall not be a basis for discounting any amounts if the election to terminate contributions involved is made within 2 months before commencing military service); reduced by

“(B) any contributions under section 8432(a) actually made by such employee over the period described in subparagraph (A) (in the matter before clause (i) thereof).

“(3) Contributions under this subsection—

“(A) shall be made at the same time and in the same manner as would any contributions under section 8432(a);

“(B) shall be made over the period of time specified by the employee under paragraph (4)(B); and

“(C) shall be in addition to any contributions then actually being made under section 8432(a).

“(4) The Executive Director shall prescribe the time, form, and manner in which an employee may specify—

“(A) the total amount such employee wishes to contribute under this subsection with respect to any particular period of military service (as referred to in paragraph (2)(B)); and

“(B) the period of time over which the employee wishes to make contributions under this subsection (not shorter than the period referred to in paragraph (2)(B) and not longer than 4 times such period).

“(c) If an employee makes contributions under subsection (b), the employing agency shall make contributions to the Thrift Savings Fund on such employee’s behalf—

“(1) in the same manner as would be required under section 8432(c)(2) if the employee contributions were being made under section 8432(a); and

“(2) disregarding any contributions then actually being made under section 8432(a) and any agency contributions relating thereto.

“(d)(1) An employee to whom this section applies is entitled to have contributed to the Thrift Savings Fund on such employee’s behalf an amount equal to—

“(A) 1 percent of such employee’s basic pay (as determined under subsection (e)) for the period referred to in subsection (b)(2)(B); reduced by

“(B) any contributions actually made on such employee’s behalf under section 8432(c)(1) with respect to the period referred to in subsection (b)(2)(B)

“(2) An amount under this subsection shall be paid—

“(A) by the agency to which the employee is restored or in which such employee is reemployed;

“(B) from the same source as would be the case under section 8432(e) with respect to sums required under section 8432(c); and

“(C) within the time prescribed by the Executive Director.

“(e) For purposes of any computation under this section, an employee shall, with respect to the period referred to in subsection (b)(2)(B), be considered to have been paid at the rate which would have been payable over such period had such employee remained continuously employed in the position which such employee last held before separating or entering leave-without-pay status to perform military service.

“(f)(1) For purposes of section 8432(g), in the case of an employee to whom this section applies—

“(A) a separation from civilian service in order to perform the military service on which the employee’s restoration or reemployment rights are based shall be disregarded; and

“(B) such employee shall be credited with a period of civilian service equal to the period referred to in subsection (b)(2)(B).

“(2)(A) An employee to whom this section applies may elect, for purposes of section

8433(d), or paragraph (1) or (2) of section 8433(h), as the case may be, to have such employee’s separation (described in subsection (a)(2)) treated as if it had never occurred.

“(B) An election under this paragraph shall be made within such period of time after restoration or reemployment (as the case may be) and otherwise in such manner as the Executive Director prescribes.

“(g) For purposes of section 8432(d), contributions made under this section shall be treated as if made under section 8432.

“(h) The Executive Director shall prescribe regulations to carry out this section.”.

(2) The table of sections for chapter 84 of title 5, United States Code, is amended by inserting after the item relating to section 8432a the following:

“8432b. Contributions of persons who perform military service.”.

(b) **PRESERVATION OF CERTAIN RIGHTS.**—(1) Section 8433(d) of title 5, United States Code, is amended by striking “subsection (e).” and inserting “subsection (e), unless an election under section 8432b(f)(2) is made to treat such separation for purposes of this subsection as if it had never occurred.”.

(2) Paragraphs (1) and (2) of section 8433(h) are each amended by striking the period at the end and inserting “; or unless an election under section 8432b(f)(2) is made to treat such separation for purposes of this paragraph as if it had never occurred.”.

(c) **ELECTION TO RESUME REGULAR CONTRIBUTIONS UPON RESTORATION OR REEMPLOYMENT.**—Section 8432 of title 5, United States Code, is amended by adding at the end the following:

“(i)(1) This subsection applies to any employee—

“(A) to whom section 8432b applies; and

“(B) who, during the period of such employee’s absence from civilian service (as referred to in section 8432b(b)(2)(B))—

“(i) is eligible to make an election described in subsection (b)(1); or

“(ii) would be so eligible but for having either elected to terminate individual contributions to the Thrift Savings Fund within 2 months before commencing military service or separated in order to perform military service.

“(2) The Executive Director shall prescribe regulations to ensure that any employee to whom this subsection applies shall, within a reasonable time after being restored or reemployed (in the manner described in section 8432b(a)(3)), be afforded the opportunity to make, for purposes of this section, any election which would be allowable during a period described in subsection (b)(1)(A).”.

(d) **APPLICABILITY TO EMPLOYEES UNDER CSRS.**—Section 8351(b) of title 5, United States Code, is amended by adding at the end the following:

“(1) In applying section 8432b to an employee contributing to the Thrift Savings Fund after being restored to or reemployed in a position subject to this subchapter, pursuant to chapter 43 of title 38—

“(A) any reference in such section to contributions under section 8432(a) shall be considered a reference to employee contributions under this section;

“(B) the contribution rate assumed under section 8432b(b)(2)(A)(i) shall be the maximum percentage allowable under subsection (b)(2) of this section; and

“(C) subsections (c) and (d) of section 8432b shall be disregarded.”.

(e) **EFFECTIVE DATE; APPLICABILITY.**—This section and the amendments made by this section—

(1) shall take effect on the date of enactment of this Act; and

(2) shall apply to any employee whose release from military service, discharge from hospitalization, or other similar event making the individual eligible to seek restoration or reemployment under chapter 43 of title 38 occurs on or after August 2, 1990.

(F) RULES FOR APPLYING AMENDMENTS TO EMPLOYEES RESTORED OR REEMPLOYED BEFORE EFFECTIVE DATE.—In the case of any employee (described in subsection (e)(2)) who is reemployed or restored (in the circumstances described in section 8432b(a) of title 5, United States Code, as amended by this section) before the date of enactment of this Act, the amendments made by this section shall apply to such employee, in accordance with their terms, subject to the following:

(1) The employee shall be deemed not to have been reemployed or restored until—

(A) the date of enactment of this Act, or  
(B) the first day following such employee's reemployment or restoration on which such employee is or was eligible to make an election relating to contributions to the Thrift Savings Fund,

whichever occurs or occurred first.

(2) If the employee changed agencies during the period between date of actual reemployment or restoration and the date of enactment of this Act, the employing agency as of such date of enactment shall be considered the reemploying or restoring agency.

(3)(A) For purposes of any computation under section 8432b of such title, pay shall be determined in accordance with subsection (e) of such section, except that, with respect to the period described in subparagraph (B), actual pay attributable to such period shall be used.

(B) The period described in this subparagraph is the period beginning on the first day of the first applicable pay period beginning on or after the date of the employee's actual reemployment or restoration and ending on the day before the date determined under paragraph (1).

(4) Deem section 8432(b)(2)(A) of such title to be amended, in the matter before clause (i), by striking "ending on the day before date of restoration or reemployment (as applicable)" and inserting "ending on the date determined under section 5(f)(1) of the Federal Employee Reservist Benefit Extension Act of 1992".

**SEC. 6. CONTINUED ELIGIBILITY FOR LIFE INSURANCE AND HEALTH BENEFITS; EXTENSION RELATING TO AN ALTERNATIVE FORM OF ANNUITY.**

(a) LIFE INSURANCE.—Chapter 87 of title 5, United States Code, is amended—

(1) in section 8706—

(A) by redesignating subsection (g) as subsection (f); and

(B) by adding at the end the following:

"(g)(1) Notwithstanding subsection (a), the insurance of an employee who enters on leave without pay as a result of being ordered to active duty (other than for training) pursuant to any of the provisions of law cited in section 3552 shall continue for so long as the employee remains in nonpay status, but not beyond—

"(A) the date on which active duty ends,

"(B) if reemployment or restoration rights are available after active duty ends, the last day on which such rights are available, or

"(C) the last day through which insurance would otherwise continue under subsection (a),

whichever is latest.

"(2) Upon termination of continued coverage under this subsection, the employee shall be afforded a temporary extension of

life insurance coverage and the opportunity to convert to an individual policy of life insurance, to the same extent and in the same manner as if the insurance had stopped as provided by subsection (a).";

(2) in section 8714a(c), by adding at the end the following:

"(4)(A) The optional insurance of an employee who enters on leave without pay as a result of being ordered to active duty (other than for training) pursuant to any of the provisions of law cited in section 3552 shall continue for so long as the employee remains in nonpay status, but not beyond—

"(i) the date on which active duty ends,

"(ii) if reemployment or restoration rights are available after active duty ends, the last day on which such rights are available, or

"(iii) the last day through which insurance would otherwise continue under paragraph (1),

whichever is latest.

"(B) Upon termination of continued coverage under this paragraph, the employee shall be afforded a temporary extension of life insurance coverage and the opportunity to convert to an individual policy of life insurance, to the same extent and in the same manner as if the insurance had stopped as provided by paragraph (1).";

(3) in section 8714b(c), by adding at the end the following:

"(3)(A) The additional optional insurance of an employee who enters on leave without pay as a result of being ordered to active duty (other than for training) pursuant to any of the provisions of law cited in section 3552 shall continue for so long as the employee remains in nonpay status, but not beyond—

"(i) the date on which active duty ends,

"(ii) if reemployment or restoration rights are available after active duty ends, the last day on which such rights are available, or

"(iii) the last day through which insurance would otherwise continue under paragraph (1),

whichever is latest.

"(B) Upon termination of continued coverage under this paragraph, the employee shall be afforded a temporary extension of life insurance coverage and the opportunity to convert to an individual policy of life insurance, to the same extent and in the same manner as if the insurance had stopped as provided by paragraph (1)."; and

(4) in section 8714c(c), by adding at the end the following:

"(3)(A) the optional life insurance on family members of an employee who enters on leave without pay as a result of being ordered to active duty (other than for training) pursuant to any of the provisions of law cited in section 3552 shall continue for so long as the employee remains in nonpay status, but not beyond—

"(i) the date on which active duty ends,

"(ii) if reemployment or restoration rights are available after active duty ends, the last day on which such rights are available, or

"(iii) the last day through which insurance would otherwise continue under paragraph (1),

whichever is latest.

"(B) Upon termination of continued coverage under this paragraph, temporary extension of life insurance coverage and opportunity for conversion to individual policies of life insurance, shall be afforded to the same extent and in the same manner as if the insurance had stopped as provided by paragraph (1).";

(b) HEALTH BENEFITS.—Section 8906(e) of title 5, United States Code, is amended by adding at the end the following:

"(3)(A) In the case of an employee enrolled in a health benefits plan under this chapter who enters on leave without pay as a result of being ordered to active duty (other than for training) pursuant to any of the provisions of law cited in section 3552, coverage of the employee and coverage of members of the employee's family shall continue for so long as the employee remains in nonpay status, but not beyond—

"(i) the date on which active duty ends,

"(ii) if reemployment or restoration rights are available after active duty ends, the last day on which such rights are available, or

"(iii) the last day through which coverage would otherwise continue under paragraph (1),

whichever is latest.

"(B) During the period of continued coverage under this paragraph, the employee and Government contributions shall be paid by the employee's employing agency.".

(c) ALTERNATIVE FORM OF ANNUITY.—Sections 8343a(f)(2) and 8420a(f)(2) of title 5, United States Code, are each amended—

(1) in subparagraph (A), by striking the final "or";

(2) in subparagraph (B), by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(C) who is separated from Government service voluntarily and—

"(i) was a member of the armed forces who, before December 1, 1990, was ordered to active duty (other than for training) pursuant to any of the provisions of law cited in section 3552 in connection with Operation Desert Shield;

"(ii) is entitled to an annuity payable out of the Civil Service Retirement and Disability Fund, based on such individual's service, having a commencement date not later than the first day of the first month beginning at least 90 days after termination of that period of active duty; and

"(iii) would have been eligible to make an election under this section as of November 30, 1990.".

(d) EFFECTIVE DATES.—(1) Except as provided in paragraph (2), the amendments made by this section—

(A) shall take effect as of the 60th day after the date of enactment of this Act; and

(B) shall apply to any employee who enters on leave without pay as a result of being ordered to active duty (other than for training), pursuant to any of the provisions of law cited in section 3552 of title 5, United States Code (as amended by section 2), on or after August 2, 1990.

(2) The amendments made by subsection (c) shall take effect as of December 1, 1991.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. ACKERMAN] will be recognized for 20 minutes, and the gentleman from Maryland [Mrs. MORELLA] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. ACKERMAN].

**GENERAL LEAVE**

Mr. ACKERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on H.R. 3209, the bill now under consideration.

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

There was no objection.

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

Mr. Speaker, more than 17,000 Federal and postal employees were called to military service during Operation Desert Shield and Desert Storm.

We owe these brave men and women a debt of gratitude, and we should also recognize that many of these employees fought for our country at great financial sacrifice. The financial obligations which these individuals had incurred as civilian employees did not end when they were called to active duty.

Many State and local governments and private companies have recognized this sacrifice and provided benefits for their employees who were called to active military duty.

For example, New York State provided a wage supplement for its employees, the city of Chicago continued the salaries of its employees, and in the private sector the New York Power Authority, AT&T, IBM, General Electric, and GTE provided some pay differential for employees called to active duty.

The Federal Government should join with these, and other enlightened employees, to provide a financial safety net for military reservists.

H.R. 3209 would provide a special pay differential for Federal and postal employees. The differential will make up any disparity between an employee's civilian pay and his or her military pay and will come from funds already appropriated for salaries and expenses.

The bill also allows Federal and postal employees to make up contributions to the thrift savings plan missed because of military service, and extends health and life insurance to Federal and postal employees for the duration of the military callup instead of the 1-year extension in current law.

Mr. Speaker, the amendment to H.R. 3209 clarifies that the salary differential will be paid from funds already appropriated for salaries and expenses. The amendment also makes clear that Federal and postal employees who perform any kind of military service may make up missed contributions to the thrift savings plan, and that the make-up is not limited to those who served in the National Guard or Reserves.

Last, the amendment removes claims court judges, bankruptcy judges, and magistrates from those employees who would be eligible to make up contributions to the thrift savings plan. The Committee on Post Office and Civil Service has been advised that, because of the nature of their appointments, these employees are never placed in a leave without pay status and therefore have no need to make up contributions.

Mr. Speaker, I want to salute my colleagues Mr. SIKORSKI, Mr. DURBIN, Mrs. MORELLA, and Mr. SOLOMON, all of whom introduced bills to help Federal

employees who served in the Persian Gulf.

I also want to point out that the American Legion, the Reserve Officers Association of the United States, as well as Federal and postal employee organizations support H.R. 3209, and I urge my colleagues to support the bill.

□ 1220

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

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

Mr. Speaker, I rise in support of H.R. 3209, the Federal Employee Reservist Benefit Extension Act and commend the chairman of the Subcommittee on Compensation and Employee Benefits for introducing this legislation and for shepherding it through the hearing process and through the Committee on Post Office and Civil Service where it passed 22 to 0 by recorded vote.

I am pleased to be an original cosponsor of this important bill. It is similar to H.R. 1308, legislation I had introduced to address concerns regarding Federal reservists. I am pleased that my chairman and I have similar goals to assist Federal employees.

Mr. Speaker, a year ago, our Nation was at war—a war in which our troops emerged victorious. At that time we gave our military the highest praise. We acknowledged that our volunteer military force was supported professionally by reservists who fought shoulder to shoulder in all aspects of that endeavor.

At the conclusion of that effort, in the private sector, some of our Fortune 500 companies, including IBM, Mobil, and General Electric sought to minimize their employees' financial anxiety by offering a monetary supplement to the reservists' military pay. Many Members felt that this gesture should be extended to reservists who are Federal employees. Mr. Speaker, H.R. 3209 provides this pay differential to Federal employee reservists; the differential is the difference between the employees' Federal pay and the amount paid to the reservist by the military.

The amount of money used to pay the differential is money already appropriated to Federal agencies for expenses. If this money is not spent on salaries, it could be spent by the agencies for other items, such as furnishings, supplies, and so forth. There is no mandate that this money has to be returned to the Treasury.

H.R. 3209 protects the recertification rights of Senior Executive Service employees who served in the Persian Gulf war. Additionally, the bill provides the mechanism for Federal employees to continue contributing to the thrift savings plan, which is an important component of the retirement system. My loss of contributions may reduce, and therefore adversely affect, an employee's retirement benefits. This bill also

provides for an alternative form of annuity to be paid to reservists under certain circumstances.

Mr. Speaker, the Federal Government should be a leader in protecting employee rights. It should do no less than some large private companies. In fact, the Federal Government should be a leader.

If we are to continue to attract reservists from the Federal Government, we cannot ask people to forfeit their regular salary for lesser compensation when called to active military service on behalf of this great Nation.

Almost 90 years ago, Theodore Roosevelt declared,

A man (and in this era, a woman) who is good enough to shed his/her blood for (t)his country is good enough to be given a square deal afterwards.

Mr. Speaker, I again want to commend the gentleman from New York for his work in bringing H.R. 2903 to the floor and to the chairman of the Committee on Post Office and Civil Service for expediting this bill. I urge my colleagues to approve this legislation.

Mr. Speaker, I yield such time as he may consume, up to a maximum of 5 minutes, to my distinguished colleague, the gentleman from Arizona [Mr. RHODES].

Mr. RHODES. Mr. Speaker, I thank the gentlewoman from Maryland [Mrs. MORELLA] for yielding this time to me, and I assure her that I shall not go beyond my maximum 5 minutes.

Mr. Speaker, I reluctantly rise in opposition to this bill. I certainly recognize what it is that the committee is trying to do, and I do not necessarily disagree with it. But I have three basic problems with the bill, two of them related to process.

Mr. Speaker, I think this is an important piece of legislation, and I think that bringing it up under the Suspension Calendar, when the vast majority of the Members of the House are not here and not able to participate, is not an appropriate way to handle a bill such as this.

Second, we have the oft-recurring conflict as far as pay-as-you-go is concerned. The report filed by the committee, too, has an observation or a report by the Congressional Budget Office saying there is no increased direct spending and, therefore, no pay-as-you-go problems with the bill. On the other hand, the Office of Management and Budget says there is an increase in direct spending in the amount of some \$13 million, and, as a consequence, there are pay-as-you-go implications. If there are, certainly a point of order would lie against the bill, but I have not discussed that issue with the gentlewoman from Maryland [Mrs. MORELLA] or the gentleman from New York [Mr. ACKERMAN]. I do not think it would be fair for me to raise a point of order at this time, not having given

them the opportunity to prepare for that, so I will not raise a point of order.

My third issue is more substantive. As the report of the committee notes, approximately 245,000 reservists were called to active duty during the Persian Gulf crisis, and among those were approximately 17,000 Federal employees. The report goes on to note, and both the gentleman from New York [Mr. ACKERMAN] and the gentlewoman from Maryland [Mrs. MORELLA] have also noted, that certain public sector employees, such as the city of Chicago, and the State of New York, have provided some kind of wage differential compensation to their employees who were called up, that some large private sector employers, such as the New York Power Authority, AT&T, IBM, General Electric, and GTE, have provided, "some pay differential for employees called to active duty."

□ 1230

We do not appear, though, to have information as to how many of the 245,000 total reservists who were called up are in fact covered by either of those public sector or private sector employers. We have no indication that these wage differentials that have been provided by these employers in fact make the reservists whole, as if that reservist had not been called to active duty at all, and we certainly have no idea as to how many of the 245,000 persons called up are not covered by any such mechanism as this.

So the issue really is one of equity and fairness. Is it fair for us to use the Federal Treasury to make these 17,000 Federal employees completely whole, as if they had never been called to active duty, while the balance of the 245,000, or at least some large portion of them, will have to bear the financial burden in total? I certainly do not denigrate those who were called up either from private sector employers or public sector employers. I certainly do not belittle the effort they made on behalf of their country. I simply do not believe that it is appropriate or fair for us to set aside a certain class of individual reservists who were called to active duty, to set aside this class of employees and say they will be treated differently from any others and they will suffer no financial hardship as a result of being called to active duty. I do not think that is fair to the others. I think that is something the whole House ought to be concerned with.

Therefore, Mr. Speaker, I oppose the bill, and I will ask for a recorded vote on passage.

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

Mr. Speaker, in response to my colleague's concern about OMB's estimate of H.R. 3209, let me say that the committee believes that we have provided

an offset for the direct spending created by the special salary differential.

H.R. 3209 requires that agencies pay for the salary differential out of existing appropriations for salaries and expenses. The Congressional Budget Office estimate that appears in the committee report agrees that a sufficient offset has been provided. The CBO estimate states in part that any increase in direct spending "would be offset by a reduction in the agency's discretionary budget authority because the agencies would be required to pay the benefit out of existing funds \* \* \*."

CBO states further that the net effect of the special salary differential on direct spending would be zero.

I believe that we have provided an offset that satisfies the requirements of the Omnibus Budget Reconciliation Act of 1990.

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

Mr. Speaker, I appreciate the gentleman's posing his concerns, and I want to associate myself with the comments of the gentleman from New York [Mr. ACKERMAN].

Actually, the \$13 million comes about from the possibility of the pay differential, which originally they thought might be \$39 million. So it is even less than that, and it would come out of the existing agency's appropriation. So there is absolutely no expenditure, and this is the way to go.

Mr. Speaker, this is a Tuesday. There is a full day of business here in the House, and I have no further requests for time.

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

Mr. DURBIN. Mr. Speaker, I rise in support of this legislation, which will give Federal employees who served in the Persian Gulf the chance to make up for the significant financial losses they suffered because of their service to our Nation.

I introduced legislation early last year to grant Federal employees activated for duty in the Persian Gulf a pay differential when their civilian pay exceeds military pay. The 17,000 Federal workers who were activated during the Persian Gulf crisis and served their country as members of the National Guard or Reserves made significant sacrifices and important contributions to their country. I believe it was our duty, in return, to try to protect them as much as possible against financial hardship.

This legislation will pay these Federal workers a special pay differential for each month of military duty in which their monthly military compensation was less than their monthly civilian compensation.

Mr. Speaker, private sector and public sector employers around the country offered their activated workers a pay differential. Our Federal Government should do no less.

Three major surveys conducted in early 1991 showed that over half of the private corporations surveyed were giving some pay differential. Among the companies were AT&T, IBM, General Electric, Kimberly-Clark,

BellSouth, Merck, Ford, General Motors, Chrysler, and, ironically, Honda, Nissan, and Toyota. And these companies are not exceptions.

While a majority of corporate America responded to the financial crisis facing its activated employees and provided relief, corporate America was not alone. Many public sector employers also came to the aid of their employees.

I conducted my own partial survey of State government to determine what they were doing. I found that many States were providing continuing pay for employees during their call up. For instance, Arkansas, California, Florida, Illinois, Minnesota, New Jersey, New York, Ohio, Pennsylvania, Tennessee, and West Virginia were all granting a pay differential. Federal employees deserve the same treatment.

Mr. Speaker, our Nation relies on the volunteer service of our National Guard and Reserves as an important component of our armed forces. If that volunteer spirit is to endure, we must treat those volunteers fairly when they are called up for duty and deprived of the income they need to avoid financial hardship. This bill says that those who serve their country will not be left in the financial lurch.

I urge the passage of this bill.

Mr. GILMAN. Mr. Speaker, I rise in strong support of H.R. 3209, the Federal Employee Reservist Benefit Extension Act of 1992. This legislation grants relief to our Federal employee reservists who selflessly volunteered their services toward our victory in Operation Desert Storm. These employees suffered great financial hardship when they were called upon to serve our country in a military capacity. We should not punish their actions by denying them and their families needed financial support.

H.R. 3209 provides a pay differential for these reservists. This differential reflects the amounts in pay between the reservist salary and the Federal salary. The measure also contains a catchup provision for reservists to participate in the Federal Employees Retirement Thrift Savings Plan. In addition, employees called to active military duty would have his or her life insurance extended for the duration of the military callup, rather than for the first 12 months only. Health insurance benefits would also be extended in like manner.

H.R. 3209 represents sound legislation. I know that many private sector employers have already paid the differential to their respective employee-reservists. Companies such as Xerox, General Electric, Exxon, IBM, Mobil, Phillip Morris—I could go on with a whole laundry list if needed—have all offered the pay differential to their employee reservists. Apart from the humanitarian intent of this legislation, the benefits incorporated in H.R. 3209 are simply those an employer needs in order to compete for talented workers. And the Federal Government certainly can use every available tool when it comes to competing for the best and brightest work force.

My colleagues should be glad to see that H.R. 3209 meets the important budget standards of pay-as-you-go. According to the Congressional Budget Office, enactment of H.R. 3209 should not result in more than \$500,000 of direct spending. This is accomplished by re-

quiring that the pay differential be paid from the existing appropriations for the employing agency, meaning that agencies would have to use fiscal year 1992 moneys for service performed last year as well as any continuing service. Again, I stress that CBO estimates that the net effect of this section on direct spending would be zero.

I want to commend the chairman of the Subcommittee on Compensation and Employee Benefits, the gentleman from New York, Mr. ACKERMAN, for expertly combining the best provisions of several reservists bills, including those of the gentlelady from Maryland, Mrs. MORELLA, and our good friend from Minnesota, Mr. SIKORSKI.

Mr. Speaker, H.R. 3209 is good legislation which needs our support. Accordingly, I urge all of my colleagues to join me today in support of this legislation.

Mr. ACKERMAN. Mr. Speaker, I thank the gentlewoman from Maryland [Mrs. MORELLA], and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from New York [Mr. ACKERMAN] that the House suspend the rules and pass the bill, H.R. 3209, as amended.

The question was taken.

Mr. RHODES. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

**AMENDING THE STEWART B. MCKINNEY HOMELESS ASSISTANCE AMENDMENTS ACT OF 1988**

Mr. GONZALEZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4449) to authorize jurisdictions receiving funds for fiscal year 1992 under the HOME Investment Partnerships Act that are allocated for new construction to use the funds, at the discretion of the jurisdiction, for other eligible activities under such act and to amend the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 to authorize local governments that have financed housing projects that have been provided a section 8 financial adjustment factor to use recaptured amounts available from refinancing of the projects for housing activities.

The Clerk read as follows:

H.R. 4449

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

**SECTION 1. AVAILABILITY OF NEW CONSTRUCTION FUNDS UNDER HOME INVESTMENT PARTNERSHIPS ACT.**

Section 217(b)(1)(A) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12747(b)(1)(A)) is amended by adding at the end the following new clause:

"(iii) Notwithstanding clauses (i) and (ii), any jurisdiction receiving amounts made available under such clause may, at the dis-

cretion of the jurisdiction, use such amounts for other eligible uses in accordance with section 212 if the jurisdiction determines that such use will better meet the housing needs within the jurisdiction. This clause shall be effective only with respect to funds provided under the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1992 (Public Law 102-139; 105 Stat. 744), which suspends the requirement of contributions by participating jurisdictions, and shall become ineffective if such requirement is reimposed."

**SEC. 2 USE OF FUNDS RECAPTURED FROM REFINANCING LOCAL FINANCE PROJECTS.**

(a) IN GENERAL.—Section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437f note) is amended—

(1) by inserting "or any local government or local housing agency financed project," after "State financed project"; and

(2) by inserting "or the local government or local housing agency initiating the refinancing, as applicable," after "located".

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply to any refinancing of a local government or local housing agency financed project approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992.

(c) CONFORMING AMENDMENTS.—The Stewart B. McKinney Homeless Assistance Amendments Act of 1988 is amended—

(1) by striking the section heading for section 1012 (42 U.S.C. 1437f note), and inserting the following new section heading:

**"SEC. 1012. USE OF FUNDS RECAPTURED FROM REFINANCING STATE AND LOCAL FINANCE PROJECTS.;"**

and

(2) in the table of contents in section 1(b), by striking the item relating to section 1012 and inserting the following new item:

"Sec. 1012. Use of funds recaptured from refinancing State and local finance projects."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. GONZALEZ] will be recognized for 20 minutes, and the gentlewoman from New Jersey [Mrs. ROUKEMA] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. GONZALEZ].

Mr. GONZALEZ. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I rise to offer H.R. 4449. This bill makes certain technical corrections to the HOME Program which communities across the country are preparing to implement. The HUD regulations for the Home Program were written to require communities to utilize certain HOME funds only for new construction. To avoid tying a community's hands or possibly having them lose their HOME funds, this bill is necessary.

Second, this bill would permit local housing authorities which have refinanced bond debt issued in the early 1980's for certain affordable housing to attain lower interest rates to share equally in any savings or recaptured funds with the Federal Government.

This provision mirrors a provision already in law for bond debt issued by State housing finance agencies.

These provisions have been accepted by both sides of the aisle and by the administration and I urge adoption of H.R. 4449.

Mr. Speaker, the very distinguished gentleman from Massachusetts [Mr. FRANK] has been in the forefront of this effort to provide this very, very creative legislation, and I yield such time as he may consume to the gentleman because our distinguished ranking minority member has suggested that I yield to him first, and I do so with great pleasure and a debt of gratitude.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the chairman of the committee for his understated introduction. I appreciate very much his leadership in this matter.

Mr. Speaker, what we have here has been brought to us on a bipartisan basis, and I want to express my appreciation to the chairman and the majority staff, to the ranking minority member and the staff on the minority side, and the administration. This is responsive, I think, to the kinds of things people have asked us to do.

There has been a lot of discussion about entrepreneurial government and flexibility. People should know that this is a bill that, as we have been told by CBO, has zero negative budget impact. In fact, if anything, I think it probably has a positive impact. It provides flexibility and incentives. It is the kind of thing we on both sides of the Subcommittee on Housing have been working on for some time, and there have been other examples of this. I would cite the programs we created during the S&L legislation, the Federal Home Finance Board, under the chairman's leadership, and the RTC and FDIC, with the work of some of us.

What we are trying to do is maximize our ability to get a good bang from our buck. This is an example. We passed legislation known as the HOME Program, which is an innovative way of providing housing funds to municipalities, and we wanted to provide the maximum flexibility.

□ 1240

As we read the legislation as it emerged from a lengthy conference process, it is subject to the interpretation that some communities have no choice but to spend their Federal allocation on new construction.

Part of what this bill does is simply say to those communities that if they decide that they want to do new construction, they may. But if they decide they would be better off with acquisition, now, in many parts of the country we have had a real estate problem. As a result, there is housing that is on the market that is fairly low in price by historic standards.

In my own communities that I represent, it was the community develop-

ment directors of the city of Newton and the town of Brookline, Steve Guttrel and Sara Wallace, who called this to my attention, there are properties we can probably buy at far less than it would cost to build new ones.

This bill simply allows the local communities to do that in that one provision. It is a model that I hope we will follow.

Second, and this was a part of it where the impulse came on the minority side, we have I think what the people who advocate entrepreneurial government should like and what we should encourage.

We have local agencies that have financed housing. Many of them, and I am reading now from a letter that was sent by John Murphy from the Association of Local Housing Finance Agencies, he thanks us for the bill. He says:

I am pleased to advise you of the strong support of the Association of Local Housing Finance Agencies.

Mr. Murphy says it will save some money. He says:

The Federal Government will benefit through recapture of its share of Section 8 savings, while additional low income persons will be housed by the Local Housing Finance Agencies' share of the Section 8 savings.

Mr. Speaker, what this does is to give the local authorities the incentive to refinance.

As they point out, nearly 1.5 billion dollars' worth of financing under a certain set of projects was financed during 1981 and 1983 when we had very high interest rates, 11 to 13 percent, they tell us, tax exempt.

Clearly there is a lot of savings that could be realized by refinancing. What this says to the local authorities is, refinance, and we will share the savings with you. Rather than refinance, and all the savings go to the Federal Government.

In a perfect world we would not need incentives. We would all do the right thing all the time. But until we get there, rational incentives make sense, and that is exactly what this does: It simply says to the local communities, maximize the savings, and we will share them with you.

So that is what this bill does. It is two pieces of flexibility that we think are an example of the way in which we ought to be going further.

Mr. Speaker, let me finally say at the suggestion of staff of the Subcommittee on Housing and Community Development, while we are technically amending in part the McKinney Act, this does not deal with those homeless programs under the McKinney Act. So those who have been legitimately protective of those should understand this is simply a provision that was included when we did the McKinney Act.

Mr. Speaker, in summary, this gives local communities the flexibility they ought to have to decide how to spend their home money, whether for new

construction, rehabilitation, acquisition, or whatever.

It also would give local communities the incentive to refinance, save Government money, and share the savings.

Mr. Speaker, I very much appreciate the cooperation that we have had on both sides in doing this. I thank the gentleman from Texas [Mr. GONZALEZ] as well.

Mr. Speaker, for the RECORD I include the letter from the executive director of the Association of Local Housing Finance Agencies.

ASSOCIATION OF LOCAL HOUSING FINANCE AGENCIES,  
Washington, DC, March 16, 1992.

HON. BARNEY FRANK,  
House of Representatives,  
Rayburn House Office Building,  
Washington, DC.

DEAR CONGRESSMAN FRANK: I am pleased to advise you of the strong support of the Association of Local Housing Finance Agencies for H.R. 4449, legislation introduced by you, Reps. Roukema, Wylie, and Kennedy. This bill amends the HOME Investment Partnerships Act to permit communities qualifying for the new construction set-aside, at their discretion, to use as much or as little of funds allocated for that purpose for new construction. This amendment is necessary in order to avoid situations in which a HOME participating community may be allocated more funding for new construction than it can reasonably and expeditiously use. As you know a number of local governments are faced with such a situation, despite their identifying different needs in their Comprehensive Housing Affordability Strategies. Local governments need the essential flexibility which adoption of your bill would provide.

H.R. 4449 also amends the Stewart B. McKinney Act of 1988 to permit local housing finance agencies which have financed, using tax-exempt bonds, low-income multifamily housing projects and which received a financial adjustment factor (FAF) under Section 8 of the Housing Act of 1937 to recapture and use 50 percent of the savings, which result from refunding such bonds, for other low-income housing activities. A provision to this effect was inadvertently dropped in Conference from what became the National Affordable Housing Act of 1990. Section 1012 of the McKinney Act currently permits state housing finance agencies to retain 50 percent of any Section 8 savings which result from the refunding of bonds which financed FAF projects.

Nearly \$1.5 billion of bonds financing FAF-assisted projects were issued by local housing finance agencies (under the authority of Section 11(b) of the Housing Act of 1937) during 1981 to 1983, a time of extremely high interest rates (generally 11 to 13 percent tax-exempt). Now that many of these bonds are approaching the date on which they may be refunded (generally 10 years from the date of issuance), there is an opportunity to take advantage of substantially lower interest rates and the corresponding savings in Section 8 subsidies. Your legislation would provide ample incentive for local housing finance agencies to refund these funds. In so doing, both the federal government and low-income persons will be the beneficiaries. The federal government will benefit through recapture of its share of Section 8 savings, while additional low-income persons will be housed by the local housing finance agencies' share of the Section 8 savings.

On behalf of ALHFA, I urge adoption by the House of H.R. 4449.

Thank you for your leadership and that of Rep. Roukema, Wylie, and Kennedy on this critical legislation.

Sincerely,

JOHN C. MURPHY,  
Executive Director.

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

Mr. Speaker, I rise today in support of H.R. 4449, the HOME Improvement and Bond Refinancing Act, introduced by myself and the gentleman from Massachusetts [Mr. FRANK]. I would like to compliment the chairman, Mr. GONZALEZ and gentleman from Massachusetts for their leadership.

Since my colleague has already described the changes to the HOME Program relative to new construction allocations, a change which I support, I will address the second part of this bill—dealing with bond refinancings.

Between 1981 and 1984, at a time when the Reagan administration was cutting back on Federal spending on housing, HUD encouraged State housing finance agencies and local public housing authorities to issue tax-exempt bonds as a way to raise funds to meet local housing needs.

As an inducement, HUD agreed to pay the interest rates on these bonds issued by the authorities through a special financial adjustment factor [FAF] to the section 8 Federal housing subsidy program.

During this period, over 1 billion dollars' worth of these 11(b) bonds were issued which helped finance thousands of low-income housing units.

However, as my colleagues know, interest rates on tax-exempt bonds during the early 1980's averaged between 11 percent and 14 percent. This represented a sizable cost to HUD.

As interest rates began to fall in the mid-1980's, HUD began to encourage refinancing of these 11(b) bonds in order to recapture millions in section 8 subsidy. While some refinancings took place, most issuers found no reason to go through the process.

In 1988, when the Congress enacted amendments to the McKinney Act, it included a paragraph which permitted HUD to share 50 percent of any savings from refinanced bonds with State housing finance agencies. The legislation, I believe, inadvertently, omitted local housing authorities from the savings sharing provision.

In 1990, when the House passed the National Affordable Housing Act, it included a provision which would allow HUD to share cost savings with the local housing authorities. However, due to what we believe was a simple clerical error, this provision, while supported by the other body, was not included in the final version of the conference report.

This bill today reinstates that authority for HUD to share savings with local housing authorities.

Mr. Speaker, with millions of dollars at stake, this represents a good government initiative. With interest rates at an all-time low, we should be encouraging the refinancing of these bonds. And, even with the savings sharing inducement the Treasury and HUD stand to save a significant amount of money.

I believe we should authorize the sharing of the savings from refinanced FAF bonds and encourage HUD to resume the sharing of savings for pre-FAF bonds that are also being refinanced.

I urge the passage of this bill. The Administration [HUD] supports this bill. CBO indicates that there is no budget impact.

Mr. Speaker, I include the following documents for the RECORD:

STATEMENT OF ADMINISTRATION POLICY ON H.R. 4449, THE HOME PROGRAM IMPROVEMENTS AND BOND REFINANCING ACT

The Administration has no objection to enactment of H.R. 4449.

MEMORANDUM

To: Frank DeStefano, Attention: Dana Fischer.

From: Brent Shipp.

Subject: Potential budgetary effects of H.R. 4449.

As you know, the Budget Enforcement Act of 1990 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1995. Section 2 of the bill would reduce net federal spending and pay-as-you-go procedures would apply.

Section 1 of the bill would amend section 217(b) of the Cranston-Gonzalez National Affordable Housing Act (NAHA). Currently, section 215(b) requires that 15 percent of the funds made available for the HOME Investment Partnerships program (HOME) be used only to build or substantially rehabilitate affordable housing. H.R. 4449 would remove this requirement for funds appropriated for use in 1992. It is possible that this amendment could accelerate the disbursement of 1992 appropriations since more funds would be available for other faster-spending programs authorized by NAHA. The impact on the budget of this provision would be small. We would not assess a measurable shift in outlays as a result of the enactment of this language.

Section 2 of the bill would allow local housing agencies to keep 50 percent of the savings that would occur in the Department of Housing and Urban Development's (HUD) section 8 rental assistance program if certain outstanding tax-exempt bonds were refinanced. These bonds were issued to finance low-income housing during a period of high interest rates. If financing costs could be lowered, section 8 payments could be reduced. Total savings are estimated at about \$20 million per year for the next 10 years. Under the provisions of H.R. 4449, half of the savings would benefit the refinancing jurisdictions and half would be recaptured by the federal government. These federal savings would appear as negative outlays on the pay-as-you-go scorecard. Under current law, HUD has no authority to provide refinancing incentives to local housing authorities. In the absence of incentives, the refinancing and resulting savings are not likely to occur.

STATE FAF SAVINGS ESTIMATES

In response to your request of March 13, 1992, the following lists local agency share of

HAP contract savings by state. The universe estimate assumes that the legislation will cover all local agency closings on and after January 1, 1992. The numbers show 50 percent of savings for the remaining contract term not converted to present value. Savings are in millions of dollars, so add 000 after each entry.

AL	2,032
CT	3,429
GA	8,255
IN	2,032
MD	635
MO	635
NB	381
NY	6,858
RI	4,061
VA	1,016
AR	762
DC	2,413
HI	761
KS	1,143
ME	4,317
MS	762
NH	2,921
OH	11,049
SC	380
VT	508
AZ	2,031
DE	635
IA	508
KY	4,318
MI	2,794
NC	1,651
NJ	8,636
OR	380
TN	2,267
WA	2,920
CA	17,415
FL	7,366
IL	2,286
MA	2,287
MN	634
ND	380
NM	2,032
PA	10,414
TX	4,064
WV	761

Volume of potential savings does not necessarily match population in each state, because in some states nearly all FAF activity was done by the State Housing Finance Agency, and in other states most local agencies have already refunded their bonds.

Mr. GONZALEZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I neglected to mention one point that is important and which I want to emphasize. I had discussions about this bill with the gentleman from New York [Mr. SCHUMER], who was a sponsor of much of what became the HOME Program. The gentleman generously joined in. But we did want to emphasize, one of the things this bill says is the requirement that local communities do new construction is suspended by this bill in part because, by a separate action, the House and Senate suspended the varying matching requirements under this legislation. That is, when the legislation passed, if a community wanted to do new construction, it had to do more of a match than if it did not.

Mr. Speaker, that was suspended by the appropriations bill last year. Members on both sides have different views as to the match. Nothing about this bill commits anybody to any future position with regard to the matching requirement.

Mr. Speaker, I did want to take note, which is an important point for the gentleman from New York [Mr. SCHUMER], that this bill does suspend the requirement that there be new construction for the same period of time that the matching requirements are suspended. When we do the new bill this year, we will be revisiting the whole subject.

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

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

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Texas [Mr. GONZALEZ] that the House suspend the rules and pass the bill, H.R. 4449.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 4449, the bill just passed.

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

There was no objection.

REGARDING SIGNING OF AGREEMENTS FOR FORMAL CEASE-FIRE IN EL SALVADOR

Mr. FASCELL. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 391) expressing the sense of the House of Representatives regarding the signing of the agreements for a formal cease-fire in El Salvador, and for other purposes.

The Clerk read as follows:

H. RES. 391

Whereas the people of El Salvador have suffered twelve years of civil war, violence, and destruction, affecting an entire generation of Salvadorans and virtually every sector of society;

Whereas peace and reconciliation will permit the Salvadoran people to exert their productive capabilities in efforts to restructure their society, rebuild their economy, and further strengthen democracy;

Whereas El Salvador has achieved through negotiations a peaceful resolution to years of bloody and destructive armed conflict;

Whereas the government of President Alfredo Cristiani has successfully fulfilled its promise to the people of El Salvador made on its first day in office that it will bring peace to the country;

Whereas the signing of the formal cease-fire agreements represents not only the end of the armed conflict but the beginning of a process to consolidate peace and democracy in El Salvador;

Whereas the Salvadoran people have declared February 1, 1992, the date of the signing of the formal cease-fire, to be National Peace Day;

Whereas the success of the Salvadoran negotiating process, with the active and indispensable contribution of the United Nations, can provide a model for the resolution of other conflicts around the world;

Whereas the United States has played a significant role in El Salvador during the years of crisis; and

Whereas the people of El Salvador and its neighbors in Latin America will be the primary beneficiaries of peace: Now, therefore, be it

*Resolved*, That (a) the House of Representatives hereby—

(1) commends and congratulates all parties to the negotiations, the United Nations Secretary General Javier Perez de Cuellar, and the Salvadoran people for their persistence, commitment, and dedication to the task of achieving peace;

(2) extends particular praise to President Cristiani for the courage and determination of his personal efforts to bring peace to El Salvador;

(3) commends and congratulates the governments of Colombia, Mexico, Spain, and Venezuela for their important contribution as "friends" of the United Nations Secretary General in support of the negotiating process; and

(4) encourages the Salvadoran people and all sectors of Salvadoran society to commit themselves to the long-term process of consolidating peace, democracy, and economic and social development.

(b) It is the sense of the House that—

(1) the United States should commit itself to providing appropriate assistance to the government and people of El Salvador that promotes the process of reconstruction, reconciliation, and further strengthening of democracy and democratic institutions;

(2) the United States should commit itself to seeking and encouraging other members of the international community to contribute materially to this process in El Salvador; and

(3) the United States should commit itself to cooperating with United Nations efforts to monitor compliance with the peace agreements in El Salvador and other efforts pertaining to the United Nations role in post-war El Salvador.

The SPEAKER pro tempore (Mr. FRANK of Massachusetts). Pursuant to the rule, the gentleman from Florida [Mr. FASCELL] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. FASCELL].

□ 1250

Mr. FASCELL. Mr. Speaker, I would like to commend the gentleman from Pennsylvania [Mr. MURTHA] for introducing this legislation. He has been a

leader in helping to craft the legislative package on assistance to El Salvador in the past, and so it is appropriate that he is the principal author of this particular resolution.

Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. MURTHA].

Mr. MURTHA. Mr. Speaker, I just want to compliment the gentleman from Florida [Mr. FASCELL] for his leadership in this, probably one of the most contentious subjects in the last 10 years. When I look back at all the problems we had with all the votes that we took, winning only by one or two votes, and the three of us, the gentleman from Florida [Mr. FASCELL] and the gentleman from Michigan [Mr. BROOMFIELD] and myself usually stood together on this issue. And I think we have prevailed.

I do not know how many trips I made to Central America, but now that it is over and we look back, we realize how important it was to not only our national security but to the welfare of the people of El Salvador.

I want to compliment President Cristiani, who really was in the forefront. And of course, going back to President Duarte, who struggled against the military attacks from both sides. They took a center road and because of our assistance they were able to prevail.

I do not think there was anybody that worked harder than President Duarte to achieve peace and, finally, President Cristiani was able to overcome so many obstacles. But an awful lot of that was due to the work of the gentleman from Florida [Mr. FASCELL], and the gentleman from Michigan [Mr. BROOMFIELD], and the gentleman from Massachusetts [Mr. MOAKLEY], who was involved in this from the very start.

We reached what I consider a legitimate compromise. I think it was something that nobody was completely happy with, but it moved both parties toward a negotiated settlement.

A lot of people never believed, because of the bitter war that went on, that they could ever sit down at a table. President Cristiani took on himself the dangerous, the physical danger, and the mental anguish of fighting against his own, some of his own supporters in order to take a moderate position that finally prevailed on this issue which has helped stabilize Central America.

It is hard to look back and not see the tremendous amount of contention. I remember former Speaker O'Neill sent me down to Nicaragua, and I remember at that time we were concerned about Lincoln Air Field and putting jets into Nicaragua. We were concerned about the security of the Panama Canal and the guerrilla forces moving between all those countries and finally destabilizing the whole of Central America.

And because of the work that we have done, we believe that is a better area. But I have to compliment both sides in this final agreement. FMLN, President Cristiani, all of them were so important to the final outcome of this. And even though here on the floor some of the votes were only by one or two, a positive vote of one or two, we finally were able to pass legislation that moderated the situation and brought it to a successful conclusion.

People say, how long does it take to pass a bill? Well, sometimes it only takes a few minutes to pass a bill. But this type of thrust that we set, the tone that we set over the years has been so important in the overall conclusion to these very bitter disputes down in El Salvador.

So I have to compliment all the people involved, even though we had some bitter disagreements on the floor and we had some heated arguments between all sides, I think the final conclusion is proof that in the end, if we keep putting pressure on and we move a proposition which is right, which respects human rights, which downplays the significance of the military, and that was such an important situation.

I kept saying the military is still in control and something has to be done to bring them under civilian jurisdiction. I think this finally happened.

President Cristiani finally was able to, as elected President, get them under control. And much of that was due to our influence up here.

So there is plenty of praise to go around. I want to thank the gentleman from Florida [Mr. FASCELL] for the tremendous amount of work that he has done and, of course, the gentleman from Michigan [Mr. BROOMFIELD] for the work that they have done because they have specialized in this area and have spent an awful lot of time.

It is a thankless task in many regards.

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

Mr. Speaker, I would like to thank the gentleman from Pennsylvania for his leadership on this issue, and say that the purpose of this resolution, of course, is to express the feelings of the Congress of the United States where we have had our own disputes on a very difficult subject.

I am proud to say that with the cooperation of the ranking minority member of the Committee on Foreign Affairs, the gentleman from Michigan [Mr. BROOMFIELD], and other members of the committee, as well as the task force that was appointed by the Speaker, the Committee on Foreign Affairs last week unanimously agreed to a unified position on United States policy toward El Salvador, something that has eluded us all up to this time.

And while we are expressing our thanks to people, let us not forget the Secretary General of the United Na-

tions, Javier Perez de Cuellar, who took a lead role in helping to bring about a settlement of this very, very difficult problem.

The ability to agree to the peace accords is even more amazing when we think of all the sides that were involved here—the military, the FMLN, and the Government of El Salvador which was in the middle of elections. Perhaps more important, however, is the fact that the Salvadoran people themselves proved their own desire by going to the polls time after time in overwhelming numbers to support the concept of democracy.

So this resolution is important for us to adopt, for it puts the Congress of the United States, a representative form of government, on record as recognizing the struggle of the people of El Salvador, a long, hard, bitter struggle. And we pray and hope that they will be successful in making the transition to democracy.

El Salvador now begins the difficult but positive task of implementing the peace accords and reconstructing the country. We, the United States, must stay as involved in this process as we have throughout their civil war. We must provide moral and financial assistance in order to ensure that the peace takes hold and the Salvadoran people have the opportunity to reconstruct their lives.

I urge Members to support the resolution we are considering today.

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

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

I would like to commend the gentleman from Pennsylvania [Mr. MURTHA] for sponsoring this resolution. He has played a very leading role in this whole question of El Salvador now for many years. The civil war has been going on for nearly 12 years.

Mr. Speaker, I strongly support House Resolution 391, a resolution congratulating Salvadorans on the conclusion of their tragic civil war.

I commend Chairman FASCELL for bringing this issue to the floor. Last week, the Foreign Affairs Committee marked up legislation authorizing reconstruction assistance for El Salvador.

After years of divisive debates, we were able to reach bipartisan agreement on legislation which supports the Salvadoran peace process, economic rebuilding, and the peacetime missions of the Salvadoran Armed Forces. Congressmen TORRICELLI and LAGOMARSINO, chairman and ranking Republican of the Western Hemisphere Subcommittee, deserve congratulations for their patient effort to build the consensus in our committee.

While the Congress has seen many political battles on El Salvador over the years, thousands of Salvadorans

have been killed on the military battlefield. Fortunately, that is now behind us.

The FMLN guerrillas have finally decided to accept the democratic process and the Government of El Salvador made unprecedented concessions to meet FMLN concerns. Now that El Salvador is at peace, I would hope the United States Congress will not continue to fight old battles that are irrelevant to the task of peacemaking in El Salvador.

House Resolution 391 praises President Cristiani for his bold leadership in bringing peace to El Salvador. I have no doubt that without his courage and ability, a peace agreement would not have been possible. President Cristiani has earned the gratitude of all the people of the hemisphere. I congratulate him and the real beneficiaries of his work; the people of El Salvador. I urge my colleagues to support House Resolution 391.

Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Speaker, last week, the Foreign Affairs Committee reported two legislative items on El Salvador: Authorization legislation for reconstructions and the resolution before us today. I strongly support House Resolution 391, but would like to say just a few words about committee action on authorization legislation on El Salvador.

I have been involved in countless debates on El Salvador in my years as ranking Republican on the Subcommittee on Western Hemisphere Affairs, but last week was the first time we reached a bipartisan consensus on the issue.

Much of the credit goes to Chairman TORRICELLI, who as usual, was fair-minded in his search for consensus. It should go without saying the credit that is deserved and has been earned by JOHN MURTHA, DANTE FASCELL, BILL BROOMFIELD and many others, including Assistant Secretary of State Bernard Aronson is deserving of great credit, too.

I believe it is worthy of serious note that our committee—with some of the most liberal and the most conservative Members of this body—was able to reach agreement on one of the most contentious issues of the past decade. I hope our compromise legislation becomes the basis for congressional action on El Salvador this fiscal year.

This resolution is very similar to one which unanimously passed the Senate last month. It extends credit to where it is due: President Cristiana, the United Nations, and the people of El Salvador. I would add that restraint by Congress—in not sending the wrong signals and by refraining from actions which would have undermined the peace process—also aided El Salvador's historic achievement.

I never doubted President Cristiana's willingness and ability to bring peace

to his war-torn land. And I am pleased to give credit to Members of this body who resisted the temptation to undertake precipitous action which could very well have undermined the peace negotiations at crucial junctures.

Once again, I thank my colleagues for doing what Salvadorans have done: Moving beyond the old arguments and taking on the new challenges of a country at peace. It is a very significant day for us when El Salvador is considered on this floor in a bipartisan atmosphere of comity. I urge my colleagues to support House Resolution 391.

□ 1300

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

Mr. LAGOMARSINO. I yield to the gentleman from Florida.

Mr. FASCELL. Mr. Speaker, I thank the gentleman for yielding.

Let me express my appreciation to the gentleman from California [Mr. LAGOMARSINO], as the ranking member on the Western Hemisphere Affairs Subcommittee, for doing what we were able to do finally in arriving at a consensus. This would not have been possible without his hard work, his dedication, his leadership. It has been a long, hard struggle, one of the most contentious, I believe, that we have ever dealt with, but at long last finally both in Salvador and, hopefully, in the U.S. Congress we have achieved a measure that allows us to move forward in peace and in harmony.

I agree with the gentleman. I hope what we did in the Committee on Foreign Affairs will be the basis for continuation of the U.S. policy.

Mr. LAGOMARSINO. Mr. Speaker, I thank the gentleman for his kind words.

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

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

The SPEAKER pro tempore (Mr. FRANK of Massachusetts). The question is on the motion offered by the gentleman from Florida [Mr. FASCELL] that the House suspend the rules and agree to the resolution, H. Res. 391.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

#### REGARDING THE U.N. CONFERENCE ON ENVIRONMENT AND DEVELOPMENT

Mr. FASCELL. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 292) expressing the sense of the Congress with respect to U.S. participation in the U.N. Conference on Environment and Development [UNCED].

The Clerk read as follows:

H. CON. RES. 292

Whereas global environmental and development issues such as climate change, depletion of the ozone layer, the disposal of hazardous chemicals, deforestation, the loss of biological diversity, marine pollution, threats to the world's supply of freshwater, and rapid population growth, are high priority concerns of the United States, affecting the security and well-being of present and future generations;

Whereas reducing poverty and promoting sustainable economic growth and sound environmental management in the developing world are also high priority concerns of the United States;

Whereas these urgent global environmental and developmental challenges will require increased international cooperation between developing countries and developed countries, as well as strengthened international institutions;

Whereas the United Nations Conference on Environment and Development, to be held in Brazil in June 1992, represents an important opportunity to reach agreements on such international cooperation;

Whereas the United Nations Conference on Environment and Development should be viewed as a milestone in a continuing process of improving the international response to the issues within its purview;

Whereas the role of the United States in negotiations on the United Nations Conference on Environment and Development is crucial to its success; and

Whereas the final Preparatory Committee meeting for the UNCED will be held during March and April of 1992: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring).* That it is the sense of the Congress that, consistent with national sovereignty considerations, the position of the United States at the United Nations Conference on Environment and Development should—

(1) place the highest priority on the success of the United Nations Conference on Environment and Development by participating actively in the UNCED, particularly through the personal participation of the President of the United States;

(2) negotiate international agreements that effectively reduce the threat of climate change and biological diversity loss;

(3) propose and/or support an initiative on financing global environmental cooperation efforts that—

(A) takes into account the additional costs of international environmental protection and the basic development goals of developing countries; and

(B) increases accountability for the use of funds provided for environmental purposes;

(4) seek to advance the development of a stronger international legal framework, and the creation of appropriate institutional mechanisms, for protecting the global environment, including a process for monitoring compliance by nations with environmental agreements in force and monitoring compliance by all multilateral institutions with requirements for environmental impact assessment;

(5) seek to initiate a process of regular, highlevel intergovernmental consultations on the issues that are under consideration at UNCED and to establish improved organizational and procedural means to implement the objectives of UNCED;

(6) support programs aimed at encouraging a global transition to efficient and environmentally sustainable energy systems, includ-

ing priority on more efficient transportation systems and renewable sources of energy;

(7) support new programs and institutions to help developing countries become more energy efficient and otherwise increase their capacity for acquiring and using technology to make their economies more environmentally sustainable, such as training and research centers for energy efficiency and renewable energy sources;

(8) support global goals of slowing deforestation of primary forests, increasing worldwide forest cover, and preserving a specified amount of mature forests, and increase support for improved forest strategies that integrate all policy issues related to the loss of forests and eliminate economic incentives for deforestation;

(9) support the effective implementation of a global action plan to raise the economic, educational, and leadership status of women;

(10) support the development of new agreements to eliminate land-based sources of marine pollution and support cooperative efforts to address these sources of pollution at the regional level;

(11) support a process of international consultations involving relevant governments and multinational institutions aimed at identifying ways that poverty can be alleviated and natural resources better conserved through reduction of developing country debt burdens;

(12) support the development of a reformed system of national accounting that would reflect the full economic costs of environmental and resource degradation and the benefits of the sustainable use of natural resources;

(13) promote public participation in environmental and development decisions at all levels including a right for communities to be fully informed on the environmental threats to their well being; and

(14) support programs that provide maternal and child health care, education and training especially for women, and voluntary family planning.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. FASCELL] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. FASCELL].

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

Mr. Speaker, I rise in support of House Concurrent Resolution 292, expressing the sense of Congress with respect to U.S. participation in the U.N. Conference on Environment and Development [UNCED].

The text of the resolution was approved by the Committee on Foreign Affairs last week by a voice vote. A clean resolution was then introduced, which is now before the House in the form of House Concurrent Resolution 292. I would like to thank my distinguished subcommittee chairmen, the Honorable GUS YATRON of the Subcommittee on Human Rights and International Organizations, and ROBERT G. TORRICELLI of Western Hemisphere Affairs, for their original efforts at the subcommittee level which led to this resolution. In addition, I wish to ac-

knowledge the support and leadership of the Honorable WILLIAM S. BROOMFIELD, ranking minority member of the committee, and that of the ranking members on the subcommittees, the Honorable ROBERT J. LAGOMARISINO, and DOUG BEREUTER. I commend all my colleagues on the committee for their commitment to this issue.

UNCED, which underscores the environment and development nexus, is expected to set the global agenda on these issues for well beyond the year 2000. Unless we act with alacrity, the UNCED agenda will be determined by others who may not have our best interests in mind. UNCED presents a major opportunity to forge a partnership among the nations of the world in addressing the panoply of issues and the immense challenges we face. The foundation for future cooperation on these issues is now being laid. The ultimate success of UNCED will be measured by how solid that foundation is, and how carefully that structure is crafted. It behooves us to have significant input into the architectural design of those plans.

The followup to UNCED will be even more important than the conference itself. The long-term success of UNCED will be measured not by the conference products alone, but by the global partnership that is shaped between the nations of the north and the south. Their shared commitment to action and sustainable management of the Earth's resources will be the enduring legacy of UNCED.

I am very pleased to say that House Concurrent Resolution 292 has broad bipartisan support. A total of 38 Members—34 from the Committee on Foreign Affairs—have cosponsored the resolution. During the various phases of formulating House Concurrent Resolution 292, the committee made a genuine and concerted effort to listen to and accommodate the concerns of all interested parties. The resolution now before us incorporates input from a number of Members and groups involved, including environmental and developmental groups, industry, and the administration.

In brief, House Concurrent Resolution 292 urges the United States to place the highest priority on the success of UNCED through U.S. leadership and active participation at the conference. It calls on the President to personally participate. The resolution highlights a number of issues for U.S. attention and leadership. Included among them are the negotiation of international agreements to reduce the threat of climate change and biodiversity loss. In fact, both of those conventions are being negotiated in fora outside of UNCED, but are to be ready to be signed at the Rio meeting. House Concurrent Resolution 292 also expresses support for strengthening institutional mechanisms and the inter-

national legal framework for dealing with the vast array of environment and development matters.

In addition, House Concurrent Resolution 292 urges the United States to propose or support an initiative for funding global environmental cooperation; and also to support a reformed system of national income accounting which incorporates environmental degradation into calculations of gross national product [GNP]. Other provisions advocate reducing deforestation and improving forest strategies; as well as promoting efficient energy and transportation, and renewable sources of energy. The resolution also highlights the need to effectively implement the global action plan to raise the status of women; and to promote public participation at all levels—local, national, and international. Finally, additional provisions address poverty alleviation and debt burdens; voluntary family planning, and maternal and child health care; as well as the need for cooperative efforts to eliminate land-based sources of marine pollution.

The U.N. Conference on Environment and Development is fast approaching. It is scheduled to take place June 1–12, 1992, in Rio de Janeiro, Brazil. I am very pleased to have been appointed to chair the House contingent to the official United States delegation to the Brazil meeting. UNCED occurs at a historic juncture in world politics, and as global cognizance of our planet's fragility intensifies. In the post-cold-war era, U.S. foreign policy will focus on the increasing interdependencies among nations, and transnational problems. UNCED arises two decades after the 1972 Stockholm Conference on the Human Environment. Further, it follows and builds on the 1986 United Nations Brundtland Commission report on Sustainable Development, chaired by Norwegian Prime Minister Gro Harlem Brundtland, which established the crucial links between environment and development.

I would like to include at this point correspondence between myself and the chairman of the Committee on Energy and Commerce on this resolution:

COMMITTEE ON ENERGY AND COMMERCE,  
Washington, DC, February 19, 1992.

Hon. DANTE B. FASCELL,  
Chairman, Committee on Foreign Affairs, House  
of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Your staff has kindly advised my staff that your Subcommittees and your full Committee plan this month to consider resolutions, such as H. Res. 130, H. Con. Res. 263, and H. Con. Res. 266, concerning the United Nations Conference on Environment and Development (UNCED) and the related climate change and other negotiations. As you know, H. Res. 130 has been jointly referred to this Committee and your Committee. The Parliamentarian has been made aware of our concern and interest in the other resolutions.

The House Resolutions, among other things, encourage the signing of "international agreements" that may grow out of

the negotiations now in progress under the auspices of the United Nations and separate from the UNCED process. Many of the matters that could be a part of those agreements relate to matters and concerns of this Committee. In some cases, the resolutions relate to both national and international programs.

As you know, I am generally a supporter of the international negotiation process. However, I am concerned that some are looking at the success of the Montreal Protocol involving chlorofluorocarbons (CFCs) without considering the amount of time and work involved, as well as the very difficult process of balancing the concerns covered by that Protocol. They expect that success should be easily duplicated by the United Nations Conference on Environment and Development, including the development for signature of a framework convention on climate change separate from UNCED. However, unlike the Montreal Protocol negotiations, these UN matters cover many subjects and affect a wide range of activities and industries. The details of these agreements could have a significant impact on the United States and on its economy, its workers and on competition with our trading partners in the world. The House Resolutions are very general in terms. They do not consider important details, nor do they mention these possible impacts, which, as you know, are particularly important in the U.S. because of the current recession and attendant increasing unemployment. They should.

Enclosed is my letter of November 7, 1991 to the Secretary of State and the Department's reply of January 22, 1992. Also enclosed is the Department's "Summary" of the Fourth Session of the negotiations which are planned to reconvene in New York later this month. Additionally, enclosed are two statements by the developing countries. Both emphasize that (a) developed countries, such as the U.S., should contribute "new and additional funds" to an International Climate Fund, (b) such developed countries should provide "access to technologies and know-how required for compliance with this Convention on concessional, preferential, and most favorable terms, to developing countries," and (c) that the developing countries should not be subject to commitments to address climate change, unless their incremental costs are "met" by new, adequate and additional financial resources from the developed countries."

I am concerned that these conditions of the developing countries need to be resolved in order to have a successful convention. I am concerned that the Resolutions do not adequately recognize this lack of resolution or the significance of these conditions or the difficulties in resolving them satisfactorily. Rather, the Resolutions appear to encourage the Executive Branch to be differential to the developing countries. That is troubling for several reasons.

Those countries are seeking a substantial amount of new and additional money at a time when the U.S. is retrenching on many foreign programs in favor of domestic needs. Finding even a portion of such sums will not be easy. Gaining support for such sums in Congress could be difficult.

It is also my understanding that the increase in greenhouse gases will be significant from these developing countries. I do not think it wise to allow these countries unlimited, indefinite emissions or even a delay as provided by the Montreal Protocol.

The Resolutions should recognize our budgetary problems and call for fair, reasonable and flexible agreements that apply to

all countries, not just the developed countries. I note that even now some significant countries, like India, are not parties to the Montreal Protocol or the London amendments. It is even more important that such countries are signatures to a climate agreement. Indeed, there is a question whether the U.S. should ever sign until China, India, and many more countries are Parties.

The Resolutions also appear to give broad support to a document being considered at the UNCED meetings, called "Agenda 21." Enclosed for your information is my letter of September 16, 1991 to the Secretary of State and the Department's November 25, 1991 reply concerning the actions of the UNCED Preparatory Committee (which is scheduled to meet a fourth and final time for 4 to 5 weeks in March) and the documents under consideration. The Department explains that the last PrepCom "focused primarily on the proposed text for Agenda 21." As to that document, the Department states:

Delegates agreed on a format that will include objectives, activities, and means of implementation. The degree of progress on text that will comprise Agenda 21 varied among the topics.

\* \* \* \* \*

At the urging of the UNCED Secretariat, the Preparatory Committee is working to complete drafts of two main products before the close of PrepCom 4. The first product will be a set of general principles. Its title, however, has not been decided; two alternatives are under consideration, "Earth Charter" and "Rio Declaration on Environment and Development." The general principles could appear as a separate declaration or be integrated into Agenda 21.

The second product will be a detailed agenda for cooperative international action on the environmental and development lasting into the twenty-first century—Agenda 21. It will cover the gamut of environmental issues: atmosphere, land resources, desertification, forests, biodiversity, biotechnology, oceans, freshwater, toxic chemicals, and wastes; cross-sectoral issues would also be included: financial resources, technology cooperation, and institutional improvement are most often mentioned, along with poverty, human settlements, and economic policy as it intertwines with environmental policy.

\* \* \* \* \*

A statement of principles and Agenda 21, as the name implies, could provide a comprehensive blueprint to shape thinking at national and international levels and lead to subsequent agreements, institutional improvements, programs, and other forms of action and cooperative effort subsequent agreements, institutional improvements, programs, and other forms of action and cooperative effort that would implement and give body to the results of UNCED. Neither a statement of principles nor a text of Agenda 21 will be concluded as a legally binding instrument. Nevertheless, some Latin American countries have argued that UNCED should conclude legally binding principles. Other governments have expressed the desire to see UNCED principles evolve into customary international law.

\* \* \* \* \*

At this stage, it is impossible to predict in any detail what commitments might be expressed or implied in a statement of principles or Agenda 21, other than that they will refer to the environmental, developmental, and cross-cutting issues under consideration. In general, obligations with binding force

would have to await negotiation of new agreements, adherence of additional countries to existing agreements, institutional improvements, and other steps subsequent to UNCED.

I bring these matters to your attention because I believe they are important to the development and consideration of such Resolutions. I and my staff want to continue to work with you and your staff in these matters. If your staff has questions, they should talk to Mr. David B. Finnegan at 225-3147.

With best wishes.

Sincerely,

JOHN D. DINGELL,  
Chairman.

COMMITTEE ON FOREIGN AFFAIRS,  
Washington, DC, March 17, 1992.

Hon. JOHN D. DINGELL,  
Chairman, Committee on Energy and Commerce,  
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter expressing your general concerns about the United Nations Conference on Environment and Development (UNCED) and your more specific concerns with several resolutions which express Congressional views on a number of global environmental issues.

Since your letter was received our respective staffs have talked and understand your concerns and the concerns that have also been expressed by several groups representing U.S. industry. I think that we have made a good faith effort to reach compromise language that all could agree upon. Even to the point of delaying our markup by over a week so that all sides could be heard. H. Con. Res. 292, which will go to the floor today under suspension of the rules, is the result of these efforts.

I want you to know that I certainly understand your concerns and appreciate your positions on these issues. Also, as the Chairman of the House delegates to the UNCED I will endeavor to keep those concerns in mind as we prepare for the UNCED.

With kindest regards I am,

Sincerely yours,

DANTE B. FASCELL,  
Chairman.

Mr. Speaker, I urge the adoption of House Concurrent Resolution 292.

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

Mr. Speaker, I support this resolution, which expresses the sense of the House with respect to the upcoming U.N. Conference on Environment and Development. I am also proud to be a cosponsor.

First, however, I wish to commend the chief sponsor of the resolution, Chairman DANTE FASCELL of the Foreign Affairs Committee. Chairman FASCELL has demonstrated a keen interest in the environment and has always strongly supported international activities in this area.

I might also mention that Chairman FASCELL is the leader of the official group of observers designated by the leadership of the House for the upcoming conference. I am pleased to be able to join him as a member of this group.

Recognition is also due to the subcommittee chairmen and ranking Republican members who acted upon earlier versions of today's resolution. This includes Chairman YATRON and Con-

gressman BEREUTER of the Human Rights and International Organizations Subcommittee and Chairman TORRICELLI and Congressman LAGOMARSINO of the Western Hemisphere Subcommittee.

The U.N. Conference on Environment and Development is being referred to as the Earth Summit. This is because it represents an important opportunity to begin a new international dialog on protection of the global environment.

This year marks the 20th anniversary of the U.N. Conference on the Human Environment. The Stockholm conference was a watershed event in promoting international understanding of the importance of protecting the environment.

In recent years, however, truly global environmental issues have been identified. Developments like the discovery of the ozone hole make us realize that human activities can actually affect the environment of the entire planet.

The upcoming conference will enable the nations of the world to address environmental issues in a comprehensive manner. Aside from the overall degradation of the environment, especially in the developing countries, this includes the new global issues. These key issues include the loss of the Earth's precious biological diversity, or biodiversity, and the possibility of global climate change.

While the Earth Summit will undoubtedly be a great event, it would be a mistake to raise our expectations too high. In my view, the conference will be a success if the participants are able to agree on basic principles as well as some significant new programs to implement them.

It is not necessary for the participants at the Earth Summit to work out a detailed action plan during the actual conference in Rio. More important is that the conference and its related negotiations serve as a catalyst for further progress.

The resolution before us expresses the sense of the House in support of the negotiations leading to the Earth Summit. The State Department supports these provisions, which are in line with administration policy toward the conference.

While expectations are high, I am confident that the administration will do what is necessary to make the Earth Summit a success. Thus, people everywhere are hoping that the upcoming conference will be the end of the beginning—and not the beginning of the end—for the world environment.

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

Mr. FASCELL. I am happy to yield to the gentleman from California.

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

I just want to also commend the chairman of the subcommittee, the

gentleman from Florida [Mr. FASCELL] for introducing this legislation, and the gentleman from Michigan [Mr. BROOMFIELD] and others for bringing it forward.

I think what the gentleman from Michigan [Mr. BROOMFIELD] said is very, very important, that expectations are very high. No one knows exactly what will come out of the conference, but certainly what will come out of the conference is better than what goes into the conference. I think we are making progress by having the conference in the first place.

It also seems to me that it is very, very important that nations and groups not overpromise or promise things that they know that they will not be able to deliver.

□ 1310

Mr. Speaker, I think if we look at this realistically and proceed cautiously but energetically, a lot of good can be achieved with the conference.

Mr. FASCELL. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. GONZALEZ].

Mr. GONZALEZ. Mr. Speaker, I rise merely to add my voice of approval and satisfaction and praise to the distinguished chairman of the Committee on Foreign Affairs who has been a Member here longer than I have, but in whose debt I want to announce we in our district are. When he was chairman of the subcommittee when I first came aboard he befriended and made it possible for my hometown of San Antonio to be the site of the first world's fair south of St. Louis, MO, in 1968, and it shows his commitment to this question we call foreign relations and matters.

I think that this resolution here is so important that I think those of us that are aware of these things ought to rise and express our support and our admiration for the chairman as well as the ranking minority member, the gentleman from Michigan [Mr. BROOMFIELD].

I also want to add that the chairman, the gentleman from Florida [Mr. FASCELL], has distinguished himself in many more ways than the record, I think, will reflect through the years, but most importantly, as a man who will be representing the United States at this all-important conference on the environment.

I think at this point I wish him God-speed and total success.

Mr. FASCELL. Mr. Speaker, I thank the gentleman from Texas. That is a large burden.

Mr. TORRICELLI. Mr. Speaker, I would like to commend the chairman of the committee for bringing this resolution to the floor so quickly.

House Concurrent Resolution 292, based on a resolution I introduced in January, represents a true consensus. It includes provisions from a resolution introduced by my colleague from Pennsylvania, Mr. YATRON, and

incorporates the ideas and concerns of other Members, numerous environmental and development groups, and the administration.

The resolution puts the Congress on record with respect to U.S. priorities for the U.N. Conference on Environment and Development to be held in Rio de Janeiro in June. It also calls for active U.S. participation, including President Bush's attendance in Rio.

I was disappointed to learn at a hearing last month that although every other G-7 leader has agreed to attend the Rio conference, President Bush has been advised to delay his decision on whether to attend until after the final preparatory meeting currently underway in New York. I assume this is because his advisors realize that the United States may not have anything to offer in Rio.

The UNCED is the most important conference on the environment since the Stockholm conference almost 20 years ago. The success of the UNCED is contingent upon active U.S. participation and is crucial to the protection of our world's shared environment.

The Earth summit has received little high-level attention from the U.S. Government and media. It is viewed as a conference in a far-away country in which the United States is going to be asked to finance environment and development programs abroad, and be pressured into making commitments and economic sacrifices to control the emission of greenhouse gases.

However, this view is dangerously flawed. The Earth summit represents an important opportunity for the United States to address one of the most serious issues affecting the health of American people and our national security.

The Earth summit will be the first opportunity in 20 years for the international community to reevaluate and address the environmental problems of our planet. And it is not too soon. Not only is ozone depletion growing rapidly, but half of the world's tropical forests have disappeared and continue to disappear at a rate of 20 million hectares per year. The world's population is expected to grow by 95 to 100 million people per year over the next decade. And land-based pollution continues to endanger oceans and marine life.

Unfortunately, the Congress has been rather quiet on the Earth summit as well. For that reason, I introduced House Concurrent Resolution 263, the original version of the resolution we are considering today.

The resolution before us today expresses the sense of Congress on several important issues. In addition to encouraging President Bush to attend and participate actively in Earth summit, it states that the United States should: Negotiate international agreements that effectively reduce the threats of climate change and biological diversity loss; propose or support a financing initiative for the global environment that takes into account the additional costs of environmental protection and the basic development goals of developing countries, and increases the accountability of the funds provided for environmental purposes; support programs aimed at encouraging a global transition to environmentally sustainable energy systems; support new programs to help developing countries become more energy efficient; support global goals of slowing deforestation, increasing worldwide forest

cover, and preserving mature forests; support the development of new agreements to eliminate land-based sources of marine pollution; and promote public participation in environmental and development decisions at all levels.

The health of our planet is in the balance at the U.N. Conference in June. The Congress must take an active role in setting the Conference's agenda and ensuring that the interests of the American people are represented at the highest level. This resolution sets forth the Congress' priorities and I urge my colleagues to support it.

Mr. RITTER. Mr. Speaker, House Concurrent Resolution 292 expresses the view that the United States ought to place a high priority on the U.N. Conference on Environment and Development [UNCED] to take place this summer in Brazil. The UNCED Conference offers an important opportunity for international cooperation on protecting the global environment.

The bill before us calls for negotiation of an international agreement to effectively reduce the threat of global climate change. I rise today to point out that any such agreement must take into account the serious scientific uncertainties in global climate change.

We don't know much at the moment—and we certainly don't know enough to commit the United States to a program of reducing greenhouse gas emissions by a specific amount.

Some say there is a consensus that warming is occurring, that it is going to continue, and that it is going to be severe. Yet there is an already large and growing body of scientific literature, produced by some of the best minds at our premier universities and Government research institutions, that holds that it is not settled yet that global warming from human-generated greenhouse gas emissions is going to be substantial.

This is critical to the debate.

Prof. Patrick Michaels of the University of Virginia wrote recently that,

There are now several compelling lines of evidence that indicate the chance of an ecologically or economically disastrous global warming is becoming more remote.

Scientists such as Dr. Richard Lindzen of MIT point to the following shortcomings of predictions of severe global warming:

Inadequacies in current climate models, that make it difficult, if not impossible, to predict future global conditions with any accuracy;

Our inability to fully understand the role of the clouds and oceans, which play a major role in global climate change; and

The inconsistency of predicting warming from temperature observations over the past 100 years.

In the face of massive scientific uncertainty, our national report to UNCED supports continued research to reduce the uncertainties, and actions to reduce potential global climate change that are justified for other economic, energy conservation, or environmental reasons. The United States has also committed \$25 million for studies in developing countries on greenhouse gas emissions.

I support the prudent actions to which the administration has already committed, and I call upon our representatives to UNCED to do the same. Any more at this stage would be premature.

Before we rush to join certain other nations in adopting a treaty stabilizing—or even limiting—greenhouse gas emissions, the science must be in place. Right now, its very far off.

Mr. HOAGLAND. Mr. Speaker, the bill before us today, House Concurrent Resolution 292, calls on the United States to make a strong commitment to the U.N. Conference on Environment and Development, the Earth summit, scheduled for June 1992, when more than 100 world leaders will address many of the threats to the world's natural resources.

While some may characterize this as just a little bill, I must stress that this is an important bill because with congressional passage, it is the American people's way of expressing to the world the importance we place on working together to preserve the planet. It recognizes our increasing interdependence as a world people. The actions of one country can harm the environment of another. It only took the accident at Chernobyl and a spill into the Rhine River to show that pollution, for example, does not respect boundaries.

The June Conference comes at a time when the world is at a crossroads. The pressures of consumption—a growing world population increasingly using the planet's resources—is eroding the carrying capacity of our planet's soils, forests, waters, and atmosphere. In "Our Common Future," the 1987 report of the World Commission on Environment and Development, it was expressed this way:

The planet is passing through a period of dramatic growth and fundamental change. Our human world of 5 billion must make room in a finite environment for another human world. The population could stabilize at between 8 billion and 24 billion sometime next century, according to U.N. projections \* \* \*. Economic activity has multiplied to create a \$31 trillion world economy, and this could grow five- or tenfold in the coming half century.

Authors of the World Resources Institute's 1992 "Environmental Almanac" write:

The key issue facing the Earth Summit is growing concern that current trends are not sustainable: That the present pattern of human activity, if continued, will lead to a major decline in the condition of nature and the quality of human life.

In short, the world is out of sync. Environmental degradation is threatening our resources, possibly beyond repair. Here are a few examples:

The protective ozone shield is thinning twice as fast as scientists thought just a few years ago.

The concentration of carbon dioxide in the atmosphere has risen 25 percent since preindustrial times and present emissions trends could lead to a steady buildup of gases, resulting in significant global warming over the next century. More than half of greenhouse gases come from humans using energy. The seven warmest years on record have occurred since 1980. Global warming could cause unprecedented changes. According to an EPA report, global warming in the Great Plains could reduce wheat and corn yields. It could increase irrigation demands by 5 to 30 percent. Because farmers may have to use more pesticides, water quality could be threatened by more soil erosion and surface runoff.

The world's forests are disappearing at a rate of 17 million hectares per year. In the United States, especially in the East and Midwest, hardwood forests have been greatly reduced.

Over one-half of the Nation's original 221 million acres of wetlands have been lost; 95 percent of that loss is due to man's activities.

World population is growing by 92 million people annually, roughly equal to the country of Mexico.

The vast diversity of the world's biotic wealth is being eroded and destroyed rapidly. Again, according to WRI:

Patterns of economic activity in the rich and poor countries are eroding the productivity and richness of natural resources and ecological systems. This trend, the increasing biological impoverishment of the planet, is causing some irreversible ecological changes, including the loss of part of the genetic heritage of the Earth built up by evolution over several billion years.

The United States is the largest consumer of resources and also the largest polluter, per capita, in the world: We are also the country with the most know-how and scientific resources. We should be taking the lead at the Earth summit to restore our international environmental problems.

I call on my fellow Members to vote "yes" today for this important resolution.

Mr. HOYER. Mr. Speaker, today I rise to support House Concurrent Resolution 292. Earlier in the year, I joined my colleague Mr. PORTER in introducing House Joint Resolution 394 which urges the President of the United States to lead our country's delegation to the U.S. Conference on Environment and Development [UNCED].

While the Foreign Affairs Committee has reported House Concurrent Resolution 292 instead, I was very happy to see that this resolution would request the President's attendance. Clearly, the President's attendance at the meeting in Rio de Janeiro, Brazil, is of utmost importance, and will demonstrate that the United States places the highest priority on UNCED's success. This is not only a symbolic gesture, but will likely lead to the participation of many more heads of state.

Many of my colleagues already know that UNCED offers the nations of the world the best opportunity they have to stop global environmental degradation. From holes in the ozone layer, to the pollution of the world's oceans, to the loss of tropical forests, it is clear that actions taken by only one country will not be sufficient to save the Earth's environment. The nations of the world must engage each other in cooperative efforts to save the environment. If the rain forests in South America disappear, Americans, Europeans, and everyone else will feel their loss, through probable changes in climatology and the loss of a significant source of today's pharmaceuticals. In this country alone, it is estimated that tropical plants contribute the basic elements for 25 percent of our prescription drugs.

House Concurrent Resolution 292 is a timely resolution which places a strong priority on the most controversial question facing the UNCED negotiators: How to finance global environmental projects. In addition to highlighting our country's support for addressing deforestation and climate change, House Concurrent

Resolution 292 hopefully will put politics aside long enough for our country to do something for the health of future generations of Americans.

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

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

The SPEAKER pro tempore (Mr. FRANK of Massachusetts). The question is on the motion offered by the gentleman from Florida [Mr. FASCELL] that the House suspend the rules and agree to the concurrent resolution (H. Con. Res. 292).

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

#### CONGRATULATING GOVERNMENT AND PEOPLE OF VENEZUELA FOR THEIR COMMITMENT TO DEMOCRACY

Mr. FASCELL. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 293) congratulating the Government and people of Venezuela on their demonstrated commitment to a broad-based and enduring democracy, and commending the agreement between the Accion Democratica and COPEI parties to form a cabinet of national unity, as amended.

The Clerk read as follows:

#### H. CON. RES. 293

Whereas Venezuela has been a leader in the development of democracy throughout the hemisphere, and for nearly 34 years has enjoyed the tradition of rules by popular consent;

Whereas the people of Venezuela overthrew a repressive authoritarian regime and restored democratic rule with elections in December 1958;

Whereas the democratic institutions of Venezuela have been reinforced by 6 successive transfers of power through free and open national elections since 1958;

Whereas in December 1988, Carlos Andres Perez became the first President of Venezuela to be elected to a second term;

Whereas an attempt to overthrow the legitimate and constitutional government of Venezuela was repelled on February 4, 1992;

Whereas the Venezuelan people have rejected facile and demagogic calls to solve serious economic and social problems through the installation of an authoritarian regime;

Whereas on March 5, 1992, the President of Venezuela announced the formation of a cabinet of national unity with the ruling Accion Democratica party and COPEI, the principal opposition political party;

Whereas the President of Venezuela also announced on March 5, 1992, that he will seek a referendum on the convocation of a national constituent assembly to strengthen the country's constitution and promote changes in the administration of justice; and

Whereas the resolve of the Venezuelan people to preserve their democratic institutions serves as an example to nations throughout the hemisphere that have recently elected democratic governments: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) congratulates the people of Venezuela on their demonstrated commitment to broad-based and enduring democracy;

(2) congratulates the Accion Democratica and COPEI parties on their agreement to form a cabinet of national unity;

(3) congratulates President Carlos Andres Perez on his swift and decisive actions to address the need for constitutional and judicial reform;

(4) reaffirms the commitment of the United States to pursue close relations only with representative, freely elected democratic governments throughout the hemisphere; and

(5) pledges to Venezuela and its people the support of the United States at this time of great challenge to democratic institutions and the rule of law.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. FASCELL] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. FASCELL].

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

Mr. Speaker, this resolution expresses our support for what has happened in Venezuela just recently; that is, the formation of a cabinet of national unity bringing the ruling Accion Democratica and COPEI, the principal opposition party, into a coalition arrangement that strengthens the institutions of democracy.

Just a quick bit of history: let us remind ourselves that for over 160 years Venezuela was a military dictatorship. Then an arrangement was arrived at by the people which made it possible to hold elections and to have an elected government with the various parties taking turns at running the government. That worked fine, but, like every other government in the world, they had problems economically and socially.

For whatever reason, on February 4 a small group of renegade military officers attempted to stage a coup as a response to grievances over social and economic conditions currently plaguing Venezuela. It might have been very easy at the point for Venezuela to have slipped back to what existed before, as sometimes happens, and it would have been a very severe blow, in my judgment, to the efforts and the momentum of the democratic process that has taken hold throughout Central America and South America. This was a very important milestone: to have the two principal parties come together to form a coalition government to deal with the serious grievances that exist and to demonstrate that they wanted to respond to the people of Venezuela in a manner which would be better in their judgment than resorting to a military dictatorship.

This was a significant event in the course of history, as well as in the rela-

tionship between the United States and Venezuela and in the relationships between Venezuela and the other countries of Central and Latin America. It is only fitting for us in the Congress of the United States to take due note of the fact that it took great political skill and considerable courage to put this coalition together in order to stabilize the situation in Venezuela, not just for the people of Venezuela, but for the people of the hemisphere.

I would also note that this resolution commends President Carlos Andres Perez on his swift and decisive actions to address his country's need for constitutional and judicial reform. On March 5, he announced that he will seek a referendum of the convocation of a national constituent assembly this spring.

While we approve of the serious actions taken by the Venezuelan Government, we also want to urge them to quickly restore the full constitutional guarantees, including freedom of the press, that were suspended following the failed coup attempt.

Mr. Speaker, I urge my colleagues to unanimously agree to this resolution which is a pledge of support by the United States to the people of Venezuela at this time of great challenge to its democratic institutions and the rule of law.

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

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

Mr. Speaker, I am pleased to support House Concurrent Resolution 293, a resolution congratulating the Government and people of Venezuela for their commitment to democracy.

I commend my chairman for bringing this issue to the floor. It was a shock to hear of the attempted coup by elements of the Venezuelan military last month. While we know the great democratic gains of the last decade are fragile, most of us would have expected a coup attempt in many places before Venezuela.

Venezuela has had six successful transfers of power since 1958—one of the longest streaks in our hemisphere. The attempted overthrow of democracy in Venezuela shows that we cannot become complacent in the post-cold-war era.

Threats to democracy which affect our interests still exist and continue to demand our attention. If it were not for key elements of the military remaining loyal, a military government would be in place today in one of the most important countries in our hemisphere.

Since the coup attempt, President Perez and his party have reacted forcefully to address key issues. Most notably, they reached agreement on a national unity government and have taken steps to address some of the is-

suues which trouble Venezuelans. Venezuela's democratic future will depend on the success of these measures. Venezuelans need to know that the United States stands with them in their efforts to strengthen democracy.

House Concurrent Resolution 293 is an important expression of our confidence in Venezuelan democrats and I urge my colleagues to support its adoption.

Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Speaker, I rise in strong support of House Concurrent Resolution 293, which commends the Government and people of Venezuela for their commitment to democracy.

For over 30 years, Venezuela has been one of the most stable democracies in Latin America, transferring power peacefully to six new administrations. Although the February coup attempt was the largest in Venezuela's democratic history, its defeat illustrates the commitment that the leaders and the people of Venezuela have to continue its democratic system.

In offering our praise to the people of Venezuela for their continued support of democracy, I believe it is also essential to commend those elements of the Venezuelan military that refused to collaborate in the coup attempt. As the largest military attempt to overthrow the Government, it seems likely it could well have succeeded had other military units in Venezuela joined the cause. It is a credit to those units and commanders who resisted the call to help carry out the coup attempt.

As we discuss those in the military who supported democratic government, I think it is fair to say that the diplomatic-military relationship the United States has maintained with Venezuela over the years has been a positive influence, and I am sure it was a factor in reinforcing the commitment to democracy demonstrated by the majority in the Venezuelan military.

Part of that relationship has included the transfer of retired U.S. military equipment. Of particular interest to my constituents in Santa Barbara, CA, is the recent transfer of a U.S. Coast Guard cutter, the *Point Judith*. Many in Santa Barbara will remember that the *Point Judith* operated in the waters off our coast for a number of years performing valiant, service in safety, rescue, and antinarcotic activities. Its new home is in the Venezuelan Navy's Coast Guard; the transfer occurred on January 15 of this year, a scant 3 weeks before the coup attempt. It is probably stretching the point to say the *Point Judith* had a role in reinforcing the Venezuelan Navy's resistance to participating in the coup attempt, but I have no doubt that the long-term United States military relationship has been instrumental as a force for democracy.

Since the coup attempt, President Perez has shown his own continued commitment to democracy. Two weeks ago, President Perez announced that a special assembly has been formed to re-draft the Constitution to meet the calls of the Venezuelan people for political change.

Economically, President Perez has answered the protests of his opposition by instituting an economic relief program. And while this program will quickly alleviate several problems in Venezuela, President Perez is committed to continue his needed free-market reforms.

The ruling party, Accion Democratica, has also agreed to something very few democratic parties would do: Forming a national unity cabinet with members of the opposition. This cabinet is yet another illustration of the commitment that the people and leaders of Venezuela have to solve democratically the problems of the country.

Mr. Speaker, the continuing democratic tradition in Venezuela should be an inspiration to the fledgling democracies throughout Eastern Europe, Asia, and Africa. Please join me in congratulating the people of Venezuela for their long-lasting commitment to democracy.

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Mr. BROOMFIELD. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. DREIER].

Mr. DREIER of California. Mr. Speaker, I rise simply to extend congratulations to the gentleman from California [Mr. LAGOMARSINO] who really is an unsung hero in this battle.

We are all enthused about the package which has come forward, put together between COPEI and Accion Democratica, and we hope that the road to democracy in Venezuela will continue; but frankly, the gentleman from California [Mr. LAGOMARSINO] is one who is not often recognized. He served throughout the decade of the 1980's as the ranking member of the subcommittee which deals with the Western Hemisphere. As such, I was hoping to stand up during the time that the resolution on El Salvador was debated, and unfortunately I was not here, but as we look at the entire hemisphere, the gentleman from California [Mr. LAGOMARSINO] has done a spectacular job. He has worked diligently. I have traveled many times with him to Latin America trying to encourage the democratic process. The gentleman served as Ronald Reagan's Congressman for years, and I think that the two of them clearly demonstrate the fact that we do have a tremendous opportunity to see self-determination work in this hemisphere, and I thank my friend for yielding me this time.

Mr. RANGEL. Mr. Speaker, I rise in support of House Concurrent Resolution 293, congratulating the Government and people of

Venezuela for their commitment to democracy. I would like to commend my distinguished colleague from Florida, the chairman of our Foreign Affairs Committee, Mr. FASCELL, for introducing this important resolution.

In January, I led a delegation of the Select Committee on Narcotics Abuse and Control to Venezuela to discuss the increasing drug production and trafficking problems in that nation. We met with President Perez and many fine members of his cabinet who demonstrated a great understanding of the threat posed by drug trafficking to their own national security.

Little did we know at the time that a coup was brewing among some of the lower level military ranks. We were shocked and saddened by this affront to a legitimate, freely elected government within one of the hemisphere's most stable democracies.

Mr. Speaker, many of my colleagues have already addressed the extremely important issues of freedom, democracy, and congressional support for brave efforts of President Perez, the Accion Democratica and COPEI parties, the new cabinet of national unit, and the people of Venezuela. I associate myself with their remarks, and would like to turn back to the issue of narcotics.

Until recently, many in Venezuela felt that they were immune to the narcotics scourge plaguing much of this hemisphere. However, with the crackdown against drug trafficking in Colombia, both production and trafficking have been shifting across the border into Venezuela. The Government leaders and the people fear what they call Colombianization of the country. They have seen and heard many accounts of the violence that accompanies this lucrative criminal enterprise, and want to avoid allowing the situation in Venezuela to reach that level before addressing it.

They also expressed concern about a growing drug abuse problem within their own borders. This is a phenomenon we have seen time after time: When drugs are readily available, as in transit countries where they spill over into the local population, a market is created. Along with the tragedies of drug use come the horrors of drug-related crime and violence.

The Perez government has signed a number of important counternarcotics agreements with the United States, many of which are firsts, and set important precedents for Latin America. These include a reciprocal shipboarding agreement that allows authorities of either country to board flag vessels of the other if they are suspected of carrying drugs; and the first Kerry amendment money-laundering agreement. In addition, the Perez administration is negotiating a number of other important narcotics control agreements which will cover asset sharing, radar for air interdiction, and chemical controls.

President Perez shared with us his personal commitment to international cooperation in the fight against drug trafficking and abuse. He fully recognized that this is a crisis which only can be met if the international community comes together and works collectively. He looked forward to participating in the San Antonio summit with six other heads of state from the hemisphere.

As you know, Mr. Speaker, President Perez was not able to personally attend the summit

because of the coup attempt, but his government did participate.

I join the chairman of the Foreign Affairs Committee in strong support for freedom and democracy in Venezuela, and for President Perez and the new cabinet of national unity. May their efforts for constitutional and judicial reform, and our collective efforts to control the international narcotics traffic be successful.

I urge my colleagues to join me in support of House Concurrent Resolution 293.

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

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

The SPEAKER pro tempore (Mr. FRANK of Massachusetts). The question is on the motion offered by the gentleman from Florida [Mr. FASCELL] that the House suspend the rules and agree to the concurrent resolution (H. Con. Res. 293), as amended.

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

The title of the concurrent resolution was amended so as to read: "Concurrent resolution congratulating the Government and people of Venezuela on their demonstrated commitment to a broad-based and enduring democracy, and commending the formation of a cabinet of national unity."

A motion to reconsider was laid on the table.

#### THE LION AND THE LIONESS

(Ms. PELOSI asked and was given permission to address the House for 1 minute, to revise and extend her remarks, and to include extraneous material.)

Ms. PELOSI. Mr. Speaker, it is a great pleasure for me to rise on this St. Patrick's Day to call to the attention of my colleagues a wonderful couple in San Francisco, Vincent and Vivian Hallinan. He is the perfect St. Patrick's Day hero, a romantic Irish iconoclast, who in another era would have been immortalized in epic poetry. He called her the most beautiful woman in San Francisco, and for 60 years she indeed has been considered in every way beautiful.

She was arrested with her sons while they were attending UC-Berkeley in the sixties, was tear-gassed, and was tear-gassed in Chile demonstrating for the release of political prisoners.

He successfully defended union leader Harry Bridges against the United States Government's attempt to send Harry Bridges back to Australia.

She has a wall of plaques extolling her efforts on behalf of the people of Nicaragua and El Salvador for peace in that area.

He at 95, she at 81, married for nearly 60 years, the parents of 5 sons, will be feted by the Irish-American community at a St. Patrick's Day celebration.

Vincent and Vivian Hallinan have always fought for what they believed was right.

Mr. Speaker, I would like to submit for the RECORD an expanded article from the San Francisco, Examiner about their accomplishments, and call this to the attention of my colleagues on this St. Patrick's Day.

THE LION AND THE LIONESS

(By Joan Smith)

He's the perfect St. Patrick's Day hero, a romantic Irish iconoclast who in another era would have been immortalized in epic poetry.

Legendary San Francisco trial lawyer Vincent Hallinan—whose father fled Ireland after assassinating a British agent; who during World War I sent money for guns to the IRA; whose six fiercely loyal sons were all named for Irish patriots; whose second son (Terence "Kayo" Hallinan) is now a San Francisco supervisor mixing it up with conservative Irish Mayor Frank Jordan over Kayo's support for contemporary Gaelic martyrs—has lived it all. Historic victories in the courtroom and on the streets, persecution and imprisonment, a quixotic run for the presidency and, of course, true romance.

"She was the most beautiful woman in San Francisco," says Hallinan of the former Vivian Moore, whose nearly 60-year marriage to "the lion of the San Francisco courts" was once described by the late FBI Director J. Edgar Hoover as "a case of one warped personality marrying another."

Vivian Hallinan, who at 81 looks 20 years younger, says she has always been "the political one." It was Vivian, radicalized by the famous 1950 deportation trial of the late labor leader Harry Bridges (Vince successfully defended Bridges against the U.S. government's attempt to send him back to Australia as an alleged Communist), who talked her husband into running for president on the Progressive Party ticket in 1952.

It was Vivian who was arrested with her sons while they were attending UC-Berkeley in the 1960s. She was teargassed in Chile in 1966, protesting the torture of political prisoners. She's a member of San Francisco's Human Rights Commission (though as an Art Agnos appointee, she suspects she will be tossed out by Jordan). And one full wall of the Hallinans' Chestnut Street condominium is covered with plaques extolling her efforts on behalf of the people of El Salvador and Nicaragua.

(It was also Vivian, conversely, who made the family fortune, buying empty apartment buildings during the Depression and somehow rendering them both affordable and attractive enough to fill with tenants.)

At 95, her husband refuses to admit he might finally be slowing down. Scheduled to be feted by the Irish community March 26 at an Irish Forum St. Patrick's Day celebration, Vince still practices law and says he hopes to win his next big case when he's 100. "He's strong as a horse," Vivian says.

A former boxer who hired an Italian boxing champion to coach his sons in the ring he built for them at the family estate in Ross, Vince fought off three young muggers the year he was 77, and characteristically called a press conference to announce his victory. "This is the sort of thing that lets people know you aren't an easy target," he says proudly, pulling out newspaper clippings describing the event.

Vivian, the pacifist, says she thinks "boxing is a terrible sport. I believe people should know how to defend themselves, but beyond

that it goes too far." But Vince says "women don't realize the tough time boys have in school, always someone lining you up wondering if he could beat you in a fight."

Vince Hallinan, who read everything from Dr. Spock to Rousseau to prepare himself for child-rearing, swung the babies around by their limbs to strengthen them, taught them to swim as infants, long before that practice was considered safe, and gave them nicknames he thought would convince them of their own toughness—Flash, Dynamite, Tuffy, Kayo, Dangerous and Butch. The Hallinans twice made "Ripley's Believe It Or Not!"—first in 1928, when Vince played every minute of 28 successive football games and later, when four of his sons won the UC boxing title.

Hallinan had perhaps more reason than most parents to believe his boys might need to defend themselves. Melvin Belli once described him as "an exquisite trial lawyer" whose "final arguments, like his opening statements, were works of art and young lawyers used to crowd into the San Francisco courtrooms to hear him."

Hallinan successfully defended some of the most notorious criminals of his day, including a San Francisco public defender who hired two hit men to kill the woman who left him her fortune and a death row inmate who'd been framed by prosecutors. But his wife believes his most brilliant performance was in 1945 on behalf of a San Francisco socialite who admitted fatally shooting and pistol whipping a nurse she believed was having an affair with her husband. Irene Mansfeldt served less than two years for manslaughter after Hallinan, famous for his memory and intensive trial preparation, convinced the jury of her insanity, humiliating an "expert" psychiatric witness by grilling him on the names of obscure parts of the brain the physician couldn't remember.

But Hallinan's penchant for unpopular causes, his stands against the Cold War and U.S. involvement in Korea, and his affiliations with Communists and black activists made the family something of a target in wealthy Marin County.

Neighbors were always slapping red paint on the fence around their estate, adorning it with hammers and sickles. Patrick, now one of San Francisco's most respected criminal lawyers, was dragged out of his car at a local hamburger stand when he was only 16 and badly beaten by a group of Marines just back from Korea who called him a Communist. The same Marines later broke into the house when Vivian was alone and tried to rape her. She talked them out of it by showing them a scar from her recent surgery for uterine cancer and persuading them that cancer was contagious.

Which sounds a lot like the self-possessed young woman who, at 20, once evaded a police officer who had forced his way into her apartment looking for Vince Hallinan by climbing out the bathroom window and over a few fences to meet the fugitive in his car two miles away. Vince, already a famously flamboyant trial lawyer of 35, was later arrested, just as the couple was leaving for their honeymoon, to serve his first sentence for contempt of court.

As Vivian wrote later in her memoir, "My Wild Irish Rogues," she couldn't help wondering if "maybe I had bargained for more than I could handle."

"We haven't thought about some of these things in a while," she said last week, poring over the detailed family scrapbooks. "But it was never dull, was it? We always had a lot of fun."

#### THE 225TH ANNIVERSARY OF THE BIRTH OF ANDREW JACKSON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. CLEMENT] is recognized for 60 minutes.

Mr. CLEMENT. Mr. Speaker, it is a great honor to be here on the floor of this House to celebrate the 225th anniversary of the birth of Andrew Jackson. As you know, I have the privilege of being the 38th individual to represent the Tennessee congressional district first represented by Jackson.

Yesterday I participated in a wreath-laying ceremony at Jackson's tomb at his home, the Hermitage. President Bush was represented by Maj. Gen. Jerry Wyatt, the adjutant general of the State of Tennessee. He was accompanied by Mrs. Keith Cutchins DeMoss, the regent of the Ladies Hermitage Association. I would like to commend them for a very moving ceremony. As you know, Mr. Speaker, the Ladies Hermitage Association is dedicated to restoring and preserving Jackson's beautiful home and bringing to the American people a greater understanding of Andrew Jackson, his life, and the times in which he lived. They have done an outstanding job and I invite my colleagues to visit the Hermitage and see this magnificent house and its contents for themselves.

Mr. Speaker, on one of the exterior walls of the National Archives here in Washington is the phrase "Past is prologue." Few things are as true as this statement and we have the legacy of Andrew Jackson to prove it.

For the Age of Reform identified with Jackson's Presidency has many parallels with today's call for reform in our governing institutions. The political period preceding Jackson's election to the Presidency in 1828, was, like today in many respects, dominated by a narrow range of special interests. Participation in the political process was limited to a few and often concentrated in the internal workings of the political parties and institutions of government.

In the 1820's, access was limited by rules and laws governing suffrage and eligibility for public office. But with the admission of new States into the Union which had universal male suffrage, the dropping of property requirements as a qualification for voting, and with the economic panic of 1819, popular activity in politics was heightened.

Leaders of this movement are said to have directed popular resentment of closed political corporations against the caucus system of nominations. They branded this system as a flagrant usurpation of the rights of the people. They helped spread the conviction that politics and administration must be taken from the hands of a social elite or a body of bureaucratic specialists and opened to mass participation.

Historian Richard Hofstadter suggests that this trend toward greater involvement by a wider class of citizens converged upon the prominent figure of Jackson between 1815 and 1824. As Hofstadter states, "For the first time many Americans thought of politics as having an intimate relation to their welfare. Against this background, Jackson's star rose."

But whether we take Hofstadter's perspective on history or the perspective of such dis-

tinguished Jackson historians as Robert Remini, those who have studied Andrew Jackson and his career have all concluded that Jackson personified a new America—one that was confident, heroic, self-made, and determined.

With this persona, as Remini describes in his biography, Jackson, as President guided the country as it evolved from republicanism to democracy. In instituting what he called a program of reform retrenchment and economy, President Jackson attempted to establish democratic government. He saturated the language of his messages to Congress and other State papers with democratic intent. "The people are sovereign," he repeated many times, "their will is absolute."

Jackson's philosophy of government preached the simple message that the people govern, and that majority rule constitutes the only true means of preserving a free society.

As I stated at the outset, Mr. Speaker, the past is prologue, and it was no more evident than in last week's fiasco on the floor of the House of Representatives. The effort to limit disclosure of the check-bouncers to 24 individuals was immediately seized by citizens everywhere as an effort to hide a more serious scandal from the public.

But I believed, as did Jackson, that the people govern. That the people exercise their rightful and good judgment when they have all of the information. People are fair and understanding, but only when they have full information and believe they have been treated with respect. As many telephone callers told me, "we're all adults, treat us like one."

And, in the end, the political institution did, even if, for some, it did so grudgingly.

In my own personal style of public service, I have always believed that the more information that is available to the public, the easier it is for them to make a decision and the easier it is for me, as their Representative, to implement it.

In many other policy areas, our institutions of government, our institutions of education and business, are captured by individuals of arrogance, self-importance, and personal greed. But all this is in the process of changing.

Americans everywhere are awakening to the challenges ahead and demanding change in their Government, their schools, their employers, their society and, even, in their own personal lives.

We are looking for leaders like Jackson—individuals who have his innate intelligence, his sense of fair play and justice, and his confidence that the will of the people will bring goodness to all.

On this 225th anniversary, we truly look backward to the future. We see many parallels between the early 19th century and the late 20th century. Then, as now, our social institutions and our institutions of government are undergoing transition. A transition not only fostered by new world challenges, but a transition fostered by the demands of the American public for responsive leadership.

As one of Jackson's successors, I have inherited this legacy. It is a legacy born of our rich soil and the blood of those before us who have fought for democracy and freedom. Many Tennesseans, including my father, in-

stilled it in me at an early age. It is a privilege to serve the Fifth District of Tennessee and I hope I do it in a fashion in which Andrew Jackson would be proud.

Thank you, again, Mr. Speaker, for permitting me to speak on this glorious anniversary of the birth of our seventh President—Andrew Jackson.

INTRODUCTION TO OLD HICKORY: A LIFE SKETCH OF ANDREW JACKSON  
(By Robert V. Remini)

In the opinion of some Americans, Andrew Jackson was the most popular man this Nation had ever produced prior to the Civil War. George Washington, Thomas Jefferson, Patrick Henry, Benjamin Franklin, James Madison—all remarkable and beloved figures—could not compare to Old Hickory in their affections.

More popular than the "Father of His Country?" Could that be possible? Indeed so, Philip Hone, a New York merchant, confided to his diary in June 1833. President Jackson, he wrote, "is certainly the most popular man we have ever known. Washington was not so much so. His acts were popular . . . but he was superior to the homage of the populace, too dignified, too grave for their liking, and men could not approach him with familiarity." Although Hone opposed Jackson politically and preferred Henry Clay, he was forced to admit that the seventh President of the United States was "a gourmand of adulation . . . [and] no man ever lived in the country to whom the country was so much indebted. Talk of him as the second Washington! It won't do now; Washington was only the first Jackson."

Even after Old Hickory died, some men tried to vote for him for President during the crisis of 1860, as though by their collective vote they could raise him from the grave to help the nation escape the horrors of approaching disunion and civil war.

He was also a genuine celebrity. People came from miles around to see him when they heard that he might pass through their district. As his steamboat plied the Ohio River, taking him back and forth from his home in Tennessee to the capital, masses of shouting, waving, applauding people gathered along the river bank to call to him, salute him, and wish him success.

For his devoted followers, Andrew Jackson was the nation's finest image of itself during the first half of the nineteenth century. The original self-made man, he personified everything good and heroic and successful in American life. Although orphaned at an early age and burdened by poverty and a limited education, he rose to become a distinguished planter, lawyer, judge, military commander, and statesman.

Most important of all, Jackson won the Battle of New Orleans against tremendous odds. That victory alone enshrined him forever in the hearts of his countrymen. Throughout the War of 1812, the United States had suffered one military defeat after another. Its coastline was blockaded, its capital burned, its reputation besmirched throughout Europe. Some Americans actually feared for the survival of their experiment in liberty and republicanism.

Then came New Orleans. A rag-tagged conglomeration of militiamen, regular army enlistees, sailors, pirates, Indians, and a "colored battalion" met a superior force of invading British soldiers in a swampy area along the Mississippi River, just a short distance south of New Orleans. The Americans lined up behind a ditch that ran from the river to a cypress swamp, while the British

army, in full regalia, with flags flying and martial music blaring, attacked. Wave after wave of redcoats assaulted the ditch. And wave after wave of British officers and men pitched to the ground, as the American sharpshooters picked them off one by one. As the "flashing and roaring hell" in front of them grew more intense, the invaders recoiled and then began a general retreat.

When the firing ceased and the Americans scaled the parapet protecting their ditch, the scene gave Jackson the "grand and awful" sense of what the resurrection might be like. "After the smoke of the battle had cleared off somewhat," he later wrote, "I saw in the distance more than five hundred Britons emerging from the heaps of their dead comrades, all over the plain, rising up, and still more distinctly visible as the field became clearer, coming forward and surrendering as prisoners of war to soldiers." The casualties among the British soldiers totaled 2,037; among Americans only 13 were killed, 39 wounded, and 19 missing in action.

It was a fantastic victory, the greatest feat of American arms in history up to that time. The British soldiers who had defeated Napoleon and forced his abdication had been decisively whipped by American regulars and frontiersmen who were fighting for their freedom and the security of their homeland.

Was it any wonder that General Andrew Jackson became the most beloved, admired, and respected man in the United States? He had restored to the American people their pride and self-confidence. Through his incredible victory, they had proved to the world the legitimacy of their independence, and that they could defend it against the mightiest power on earth. Never again did they need to prove to themselves or anyone else that they had a right to be free and independent. Americans alerted a hostile European world of kings and emperors that if they trifled with the sovereignty of the United States, they did so at their peril. Andrew Jackson had proven for all time the strength, vigor, and power of American life and institutions.

To a large extent, the extraordinary dimension of Jackson's military victory, as well as his success in overcoming personal handicaps and deficiencies, and in rising from the lowest to the highest social strata in the nation, resulted from unique character flaws and strengths. He was a complex of driving ambition, rigid personal discipline, strong loyalties, and ferocious hatreds. As commander of American forces at New Orleans, he demonstrated steely determination, supreme self-confidence, and extraordinary military skill, despite a near-total lack of experience or training. Later, as President of the United States, he displayed exceptional powers of understanding in grappling with national issues; an unshakable belief in the right of the American people to self-government; and an abiding love of the Union. As President he guided the country as it evolved inexorably from republicanism to democracy.

Jackson's parents had migrated to America from Carrickfergus, northern Ireland, in 1765, along with many other Scotch-Irish. Andrew and Elizabeth Hutchinson Jackson probably landed in Philadelphia and then moved southward to join relatives living in the Waxhaw settlement, located along the northwestern boundary North and South Carolina. They had two sons, Hugh and Robert, and they settled on land adjacent to the Twelve Mile Creek, a branch of the Catawba River. Then, in 1767, the father suddenly died, and not many weeks later Elizabeth

gave birth to her third son on March 15, 1767, and named him after her late husband.

Elizabeth moved into the home of her sister, Jane Crawford, and her husband, where young Andrew and his brothers were raised. Since her sister was a semi-invalid, Elizabeth became housekeeper and nurse. Andrew received a meager education at an academy conducted by Dr. William Humphries and, a little later, at a school run by James Stephenson. He quit school with the outbreak of the American Revolution and accompanied Colonel William Richardson Davie, probably as a courier, during the attack on the British post of Hanging Rock. He was thirteen years of age at the time.

His older brother, Hugh, died after the Battle of Stono Ferry in 1780, probably from heat stroke, and shortly thereafter Andrew and his brother Robert were captured by the British and imprisoned at Camden. At the time of his capture, Andrew was ordered to clean British officer's boots, which he refused to do. Infuriated, the officer raised his sword and struck Andrew with it, leaving a deep gash on the boy's head and across several fingers.

At Camden, the brothers contracted smallpox. Their mother arranged their release in exchange for British prisoners, but Robert died before they arrived home. Andrew recovered, his face slightly marked with the scars of the disease. During his recovery, Elizabeth journeyed to Charleston to nurse American prisoners of war held in prison ships, and died from cholera a few months later.

An orphan at fourteen years of age, Andrew resided with relatives for a short time, drifted from one job to another, and finally moved to Salisbury, North Carolina, in 1784, to study law at the office of Spruce MacCay, a distinguished trial lawyer of the day. After obtaining a license to practice law in North Carolina, Jackson and several companions decided to migrate to the western end of the state, to what is now Tennessee. He built a successful practice in Nashville, married Rachel Donelson Robards, and participated in the convention that wrote the constitution by which Tennessee won admission as a state in the Union.

Over six feet tall and extremely slender, his face long and accentuated by a sharp and jutting jaw, Jackson always carried himself with military stiffness. His bristly dark hair stood nearly as erect as the man himself, and his bright, intensely blue eyes instantly signaled whatever passion surged within his cadaverous body.

As an extremely capable and hard-working lawyer with ties on his wife's side to one of the most important families in Tennessee, Jackson entered politics and rose quickly within the political hierarchy, thanks in large measure to the strong support of William Blount, the former territorial governor. Jackson served as the state's first representative to the United States House of Representatives, and later as United States senator. Resigning from the Senate after a single session, Jackson accepted appointment to the Tennessee Superior Court, where he served for six years. One biographer later described his decisions as a judge as "short, untechnical, unlearned, sometimes ungrammatical, and generally right."

Jackson supplemented his income from time to time by running a general store. He even sold boats to Aaron Burr without fully comprehending Burr's scheme to undertake a military operation down the Mississippi River, for which Burr was later tried and acquitted of treason.

When war broke out with Great Britain in 1812, Jackson had won election as major general of the Tennessee militia because of his popularity among the field officers of the militia and a considerable amount of politicking he accomplished beforehand. Despite a lack of military experience, he quickly developed into an excellent commanding general, and his men affectionately dubbed him "Old Hickory," because he was a tough, but caring, officer. He sometimes made impossible demands on his men, but he constantly showed them that he would work unceasingly for their safety and well-being.

The governor of Tennessee sent Jackson and his militia against the Creek Indians in 1813, after they had attacked American settlers along the southern frontier. Old Hickory decisively defeated the Indians at the Battle of Horseshoe Bend on March 27, 1814, wrested twenty-three million acres of land from the Creek Nation under the terms of the Treaty of Fort Jackson, and then hurried to New Orleans in time to repel a British invasion and inflict a devastating defeat upon the enemy. A few years later, he pursued the Seminole Indians into Florida and seized control of the area from Spanish authority. His actions triggered an international crisis, involving England as well as Spain, because of his execution of two British subjects, Alexander Arbuthnot and Robert Ambrister, for aiding and abetting Indian attacks against American settlers. The United States, nevertheless, succeeded in purchasing Florida from the Spanish and obtaining a western boundary for the Louisiana Territory that extended to the Pacific Ocean. By this single action, the United States was transformed into a potential transcontinental power.

In 1821 Jackson served as territorial governor of Florida for a short period in order to officiate at the transfer of ownership from Spain to the United States and establish civil government. Despite arbitrary actions and an impatience with Spanish temperament, Jackson provided an energetic and efficient government that facilitated the transition of a foreign land into the American political system.

As the most popular and beloved man in the nation, Jackson received a nomination from the Tennessee legislature to run for the presidency. The legislature also seated him in the United States Senate, where he again served a short term. Despite a popular and electoral plurality in the presidential election of 1824, he did not receive the constitutionally mandated majority of electoral votes. The choice of President was therefore decided in the House of Representatives in a contest between Jackson, Secretary of State John Quincy Adams, and Secretary of the Treasury William H. Crawford. The Speaker of the House, Henry Clay, regarded Jackson as a military chieftain who had very limited qualifications to serve as President, and he therefore threw his considerable support to Adams. The House election ended on the first ballot, with Adams chosen as President.

When Adams selected Clay as his secretary of state, Jackson exploded in indignation. He charged the two men with arranging a "corrupt bargain" in which Clay gave Adams sufficient votes in the House election to become President in return for appointment to the office of Secretary of State. Jackson resigned his Senate seat, returned to Tennessee, and began a campaign to win election to the presidency in 1828. With the help of Martin Van Buren and John C. Calhoun, he orchestrated the formation of an organization to support his election, which eventu-

ally became the Democratic party. With his popularity and the strength of his organization, and after a particularly vicious and sordid campaign—possibly the worst in American history for slander and misrepresentation—Jackson won a spectacular victory in 1828.

Jackson's tenure as President—1829 to 1837—extended over a period in which the United States underwent enormous political, economic, and cultural changes, changes by which the nation slowly began to emerge as an industrial democracy. In instituting what he called a program of "reform retrenchment and economy," President Jackson attempted to establish democratic government. He saturated the language of his messages to Congress and other state papers with democratic intent. "The people are sovereign," he repeated many times, "their will is absolute." His philosophy of government preached the simple message that the people govern, and that majority rule constitutes the only true means of preserving a free society.

A just government, declared Jackson in his celebrated veto of the bill to recharter the second National Bank of the United States, shows "its favors alike on the high and the low, the rich and the poor." He opposed government for and by an elite. "Every man is equally entitled to protection by law, but when the laws undertake . . . to make the rich richer and the potent more powerful, the humble members of society—the farmer, mechanics, and laborers— . . . have a right to complain of the injustice of their Government."

To advance his democratic ideals, he instituted what he called a program of rotation of office to bring in new blood and fresh ideas for the operation of government. No one has a vested right to government employment, he contended. His enemies, however, accused him of introducing a "spoils system" to Washington. As the Democratic senator from New York, William L. Marcy, boldly announced: "To the victor belong the spoils of the enemy."

Despite his democratic contentions, Jackson also expanded presidential powers during his tenure through his creative use of the veto (he vetoed more times than all of his predecessors put together) and his leadership of Congress and the Democratic party. He effectively intruded into the legislative process and materially increased the power of the chief executive to control and direct the operation of Congress.

One of Jackson's most unique contributions to constitutional ideas about the government and its operation was his belief that the Union was indivisible. In his Proclamation of December 10, 1832, written to the people of South Carolina after the state's convention had nullified the tariff laws of the country and threatened secession, he responded with the doctrine of the Union as a perpetual entity. He was the first American statesman to publicly declare that secession could not be invoked by any state to redress a supposed grievance. "Those who told you that you might peaceably prevent" the execution of federal law, he wrote, "deceived you. . . . Their object is disunion. But be not deceived by names. Disunion by armed force is treason. Are you ready to incur its guilt?" South Carolina ultimately backed down, and bloody civil war was postponed for nearly thirty years.

Jackson's extraordinary understanding of what is meant by "the United States" convinced Abraham Lincoln of the soundness of his constitutional argument. President Lin-

coln extracted from this Proclamation the basic justification he needed for his course of action to meet the secession crisis of 1861.

To Jackson's credit goes the distinction of having paid off the national debt. He had made the liquidation of the debt one of the goals of his administration, and he lived to see it happen in January 1835. It remains the only instance in American history when the nation owed nothing to anyone.

On a less happy note, the Jackson administration inaugurated the tragic history of Indian removal. The continued presence of the tribes within the several states caused mounting difficulties, including the shedding of blood, and had long defied solution by the national government. Thomas Jefferson hoped that through education the Indian might be integrated into white society. Failing that, he said, the tribes must be removed to the Rocky Mountains.

But many Indians resisted the idea of becoming cultural white men. They wished to remain as Indians, subject to Indian law, and preserving their heritage, language, and religion. The Cherokee Nation, for example, refused to obey Georgia law even though a large number of its people lived within the boundaries of that state.

Jackson contended that removal, such as Jefferson had suggested, would benefit both whites and Indians. It would prevent the annihilation of the Indian race, for one thing. More importantly, as far as Jackson was concerned, it would provide a greater degree of national security. Past Indian attacks, such as the Creek War just prior to the British invasion at New Orleans, jeopardized the safety of the American people. So Jackson prevailed upon Congress to pass the Indian Removal Act of 1830, by which lands held by the tribes within the states were exchanged for lands west of the Mississippi in an Indian territory that later became the state of Oklahoma. The government provided the transportation, but the removal turned into a death march because of the indifference and greed of those charged with executing it. The tribes were hastened along what the Cherokee called "The Trail of Tears." Thousands died along the way, and the entire operation disgraced the nation and blackened its history.

In foreign affairs, Jackson pursued an aggressive policy to force European governments to respect the integrity, sovereignty, and independence of the United States. Debts owed to the United States and incurred during the Napoleonic Wars had long been a source of irritation, because the European nations refused to pay what they legitimately owed. Jackson demanded payment and succeeded in bringing about settlement of the claims. He nearly provoked war with France over the settlement, but the dispute was ultimately resolved with the payment by the French government of twenty-five million francs. Jackson also settled claims against Denmark, Spain, and the Kingdom of Naples.

Of particular value and importance to the United States was the conclusion of a treaty with Great Britain that resolved a long-standing dispute over trade with the West Indies. The treaty opened West Indian ports to the United States on terms of full reciprocity. The Jackson administration also signed the first treaty with an Asian nation in 1833, when Siam agreed to American trade on the basis of a most favored nation, a principle that became the basis of other treaties with South American countries and other Near Eastern countries.

After serving two terms as President, and designating Martin Van Buren as his succes-

sor, Jackson retired to his home at the Hermitage, just outside Nashville. For the remainder of his life, he took an active interest in national affairs. He favored the annexation of Texas and Oregon, even at the risk of war. And he helped his protégé, James K. Polk, win the Democratic nomination in 1844. The narrow victory of Polk in the election over Jackson's longtime enemy, Henry Clay, on a platform that called for the reannexation of Texas and reoccupation of Oregon, delighted the gravely ill old hero of New Orleans. "I thank my god," he wrote, "that the Republic is safe and that he had permitted me to live to see it, and rejoice."

Jackson died at the Hermitage at the age of seventy-eight on June 8, 1845, most likely from a heart attack. But he suffered so many different ills, acquired in the service of his country (as he liked to say), that modern physicians who delve into such matters are reluctant to pinpoint the exact cause of death. He was buried next to his beloved wife in the garden adjacent to his home.

#### A FURTHER REPORT ON THE BANKING SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, I rise on this occasion to continue what I pledged to do when I was elected chairman of the U.S. House of Representatives Committee on Banking, Finance and Urban Affairs, and subsequently chairman of the Subcommittee on Housing and Community Development.

I have kept my pledge, beginning that first week on January 3, the opening of the Congress in 1989, and made a preliminary report at the time that we adjourned that we would commence hearings immediately, which we did. We had the first hearing—even though the House had adjourned—on January 10, 1989, at which time for the first time the chairman of the Home Loan Bank Board because of the joinder of our distinguished minority leader, the gentleman from Ohio [Mr. WYLIE] joining me in extending the invitation. I am almost sure that had I done that on my own initiative, it would have been spurned and avoided, but with the joinder of my distinguished minority colleague, we did bring him in on January 10.

It was a historic day. It was not noted that way, but it was historic because for the first time the Home Loan Bank Board came in and reported—beyond a press release—all of the deals that they had been concocting since 1988, very costly ultimately to the taxpayers, but done as today the FDIC, or the Bank Insurance Fund is doing in the name of saving money, but actually spawning deals and outmaneuvered by the most sophisticated and highest paid lawyers in the land, singlemindedly working on how to capitalize on the gullibility and inexperience or naivete of the regulator or even the employees of the Federal Government.

With great contempt, the chairman then, the doors burst open of the hearing room and in came attendants with six carts of boxes of documents, and with great contempt and some arrogance said, "Mr. Chairman, you have demanded that we give you information. Here it is. The only thing we ask is that this be held confidential."

And we said, "Oh, don't worry about that."

What they did not think was that we would look over those documents. In fact, we still are.

I want to report to my colleagues that we have not closed this out. As far as chairman of the Banking Committee, I said at the time that the only real power of a chairman which I would want and which should naturally be that of a chairman was merely to set the agenda. I did not want—and I have not exercised—the type of attempted control of a committee, such as I have seen others do. I am not casting judgment on them. These were my predecessor chairmen. They had their way. I have mine. And mine is rooted on a 100-percent democratic obedience to the rules of the House and responsive and accountable to my colleagues in the House, not just to the members of the committee, and that is why I continue my report generally on the situation confronting our country which has continued to be in a state of crisis with respect to our financial institutions and the safety and the soundness of our banking system.

□ 1330

Now we ought to really not forget that we have precedents in our history. Maybe the country was a lot different. Certainly it was smaller, but the issues were basically the same. They were issues of power, the issues as to whether or not, as the Constitution indicates, sovereignty or power would remain in the people or be subtracted therefrom through fine maneuvering and expert jiggery and pokery, which has, from the beginning of our Nation, been the case. The attempts have been made, but, up until the late 20th century, the leaders of our country were able to rise, as our system calls for, and not let those special vested interests take over, as indeed they have for some time.

I can say truthfully, my colleagues, that we in the House of Representatives, whether it is the Committee on Banking, Finance and Urban Affairs, or any other really, are the masters of our own fate, for we have allowed the moneychangers to enter and corrupt our vaunted and hallowed halls of democracy.

I want to evoke—because at this time I think it is very much in point, even though there may be some who think it is rather far-fetched—I want to evoke the memory of President Andrew Jackson and his veto of the bank bill of

July 10, 1832. I am going to quote from the message he sent the Congress. The Members of the Senate at that time, and the House, thought they were playing politics, as, I guess, always will be the case and as we are seeing today plainly, and they thought they would extend the charter of the Second National Bank an additional 16 years and put Andrew Jackson on the spot in that election year. Jackson did not waste any time. He promptly vetoed the bill, and he sent his message, and I am going to quote:

There are no necessary evils in government. Its evils exist only in its abuses. If it would confine itself to equal protection and, as heaven does it rain, shower its favors alike on the high and the low, the rich and the poor, it would be an unqualified blessing. In the act before me there seems to be a wide and unnecessary departure from these just principles.

What just principles? The fundamental principles in the American system, equal justice before the law, privileges for none, equal justice for all.

So, I will continue, and I am quoting again from that message:

Many of our rich men have not been content with equal protection and equal benefits, but have besought as to make them richer by acts of Congress. By attempting to gratify their desires we have in the results of our legislation arrayed, section against section, interest against interest, and man against man, in a fearful connotation which threatens to shake the foundations of our Union.

He additionally charged that that bank's arbitrary control over the then-existing State bank system, which was preeminent from the beginning of our Government under the Constitution; State banks could issue everything, notes and what amounted to specie and legal tender; he charged that the bank's arbitrary control over State banks conspired to regulate discount rates and withhold loans, and its sales of capital stock to foreigners were inimical to the best interests of the Nation.

Well, what is it we have today? Every one of those conditions. We have tremendous financial foreign interests, which I reported yesterday, as I have now for almost 2 years. Eight hundred billion dollars; that is even as I am talking, is floating around this country, so-called foreign, banking or financial money, over which our institutions—that are supposed to be there to protect the public interest—have no control, and we cannot be told in the committee when and if they were willing to, and instead of, as I pointed out yesterday, raising these obstructions and hurdles; to what? To keep from Congress the information it must have in order to knowledgeably legislate. That is the only purpose we would have, and, properly under our constitutional authority, should and can properly exercise, and Supreme Court decision after Supreme Court decision has

held that the right of the Congress to know is paramount; that is, for the purposes of legislation.

So, we are trying to legislate in order to bring for the first time a framework of reference whereby we can, through our Government and its regulatory authorities, try to have some adequate oversight. No other country has this laxity.

As a matter of fact, every other country, including even Canada, has screening boards before they allow the chartering of institutions from other countries. Now Canada waited until almost 50 percent of its banking interests were owned by foreign entities before it did, but it did. Up to now we know that the Japanese, for instance, have about 25-percent-plus ownership in financial institutions, and the British, we do not hear much about them, but they have about twice as much as far as direct investment, rights of ownership.

Therefore, Mr. Speaker, what do we have? We are confronted with a first class crisis without any perception as to the depth, the profundity, the extension, the complexity, the scope, the range of this crisis, either in our much vaunted press, or in the Congress, or among the banking industry. At least they do not evince such, and so the real issues for reform which have been crying out for over 30 years since the war have been avoided, and, therefore, the accumulation in such a manner, shape, and form that I have said, but have had very little attention paid to, that we now face the greatest crisis this country has ever faced insofar as the peril of its losing its financial, its economic, freedom is concerned.

I will enlarge a little bit on that. I just think that we ought to recognize the fact that, as Ecclesiastes says, nothing under the Sun is really new.

□ 1340

We know that all through mankind's history we have had those elements in humanity that will either be predatory or will seek constantly, at the expense of others or the so-called public interest, the enhancement of their own interest. In the words of Ecclesiastes:

He that loveth silver shall not be satisfied with silver, nor he that loves abundance with increase.

That simply means what we say in common parlance, that with some the more they have, the more they want.

This is true of the most powerful interests we have in our country that now have the power to determine the allocation of credit, who and in what segment of our society shall get credit. How has that come about? Let me give a little history.

When the national banking system was born in a rough-hewn sort of way right at the end of the Civil War, with the issue being uppermost in the mind of President Lincoln at the time of his death, the big issue was the greenback

issue or the specie issue, and the question was, how and who was going to pay for the Civil War? So you had the 1863 Specie Act, but then after the war you had the 1865 Currency Act, the National Currency Act. That was the beginning of the shaping of what we now call the national banking system. Then they had subsequent to that the crisis. After every war that we have, all the moral moorings seem to either disappear or people get separated from them. That happens after every war, and after the Civil War that was no exception.

The big issue that President Lincoln feared was exactly what happened, that these powerful interests would soon command the decisionmaking level. And that was as to what? The allocation of credit. That is exactly what President Jackson had worried about. That is exactly what happened when you had the first Continental Congress. That Congress had to have a banker, and the bankers in Philadelphia said, "Yes, we will, but this is what we are going to charge you." The difference was that they had men like Alexander Hamilton and, mostly, Jefferson, who recoiled at what all through the centuries was usury, usurious interest rates.

That, incidentally, is what has been flagellating our country now ferociously since the late 1970's, with the instability that is created, and the fact is that until that is resolved and is stabilized, I can assure you that we will get no place. But that is another story.

How did we get to the situation in which there is actually no control by the people's Representatives and the national policymaking body, not the executive branch nor the judiciary, but the only national policymaking body established under the Constitution, the Congress of the United States, which would have been either abdicating on its own its responsibilities or having its powers under the Constitution usurped? It has the power to coin money, to set the value thereof, and that is a constitutional mandate deposited exclusively in the Congress.

But that is not happening. The reasoning, as I see it, is what has happened almost imperceptibly, and particularly after 1945. We came out of that hot shooting phase of World War II with a system that was built and based and predicated on one that had been built during the Depression era in the 1930's. But banks were chartered under law, that is, national banks. If any individual or group wanted to establish a bank, they would have to come to the Office of the Comptroller, which incidentally was born out of the 1865 Currency Act after the Civil War. This Office of the Comptroller of the Currency goes back to 1865.

Our whole regulatory system is crumbling around us because it is antiquated, it is overlapping, it is conflict-

ing in many areas, and we should have looked at that years ago. But we have not. I could go into that, but let us go back to the fundamental question.

It used to be that under the law you would come and seek a charter. This happened up until the Bank Merger Acts of the 1950's when, I think, the mischief began. The truth of the matter is that under the bank chartering laws anybody in the community who felt that there was a need could come up and oppose it, and usually the banks that were there before would come up and protest, but the Comptroller would then establish the need for a new bank based on public need and convenience. Those were the letters of the law. But today regulators put banks together, and so we have these gigantic bank mergers and we are headed to the more and more concentrated of banking interests in the hands of fewer and fewer.

Is that good? That calls for a broader vision, and I want to announce at this point that in a week's time from tomorrow, a week from now, we will have additional hearings on this merger question that is presenting itself to the country.

Now, we could not have had that kind of merger put together by regulators before the 1956 Bank Merger Act because before that, in order to create that bank you had to have a charter, and the charter had to demonstrably prove that there was a public need and convenience.

Now, the Federal Reserve Board is not a governmental agency. It is the creature of and amenable to the commercial banking system of the United States, the private commercial banks, not the Government. The President appoints members of the board, and perhaps the chairman for a longer fixed period of time, but then after the passage in 1913 of the Federal Reserve Board Act we had strange things happening 7 years later such as the information of the so-called Open Market Committee. The Open Market Committee can determine the downfall or the rise of any administration by fixing the Treasury bill rates and everything else.

But who accounts for that? Are these men elected by the people? Are they accountable to the people? Have the people any control through their elected agents? No, not really. But the point still remains that as long as bank entities are formed outside of the context of the primary reason why banks should be chartered—and that is for public need and convenience—what that means is that banks were supposed to be the financial backdrop to help fuel the furnaces of industry and production and manufacture.

□ 1350

That has not happened. Now, our banks since the late sixties have gone elsewhere, other than investing in America. I ought to know. After all, I

am on the committee that has jurisdiction over all of these so-called guaranteed loans or bailouts, as they were called. I have been there from the beginning of the first one, the Penn Central, and then New York City, Continental, and Chrysler.

Why did Chrysler have to have guarantees from the Government? Because the banks would not give them the credit. Chrysler needed \$3 billion. It had about half of that on its own, and it could not borrow the other half. The banks were not going to take any risk.

But this is unlike other countries. In Japan the banks still finance their manufacturers and their industry. So should we be mad at that, merely because ours have receded from doing that?

Instead, our bankers have gone, as we say, insatiably to where they will get the big, big fee, leveraged buyouts.

In R.J. Reynolds, for instance, there is over 25 billion dollars' worth of banking credit involved that is highly speculative.

Mr. DREIER of California. Mr. Speaker, will the gentleman yield?

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

Mr. DREIER of California. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would like to compliment the gentleman on his remarks. I would simply like to pose a question that has come to mind in light of the very eloquent remarks by the chairman of the Committee on Banking, Finance and Urban Affairs.

What prospects do we have of moving ahead with some kind of banking reform law this year? I would say to the gentleman from Texas [Mr. GONZALEZ] that we in the waning days of the first session of the 102d Congress tried diligently to move forward with banking reform legislation, and I was struck when the gentleman started mentioning Japan.

One of the goals that we have is to try and get the American financial deliverers of financial services into a position where they will be able to compete internationally.

That is one of the real tragedies here. Due to some of the antiquated laws to which the gentleman from Texas [Mr. GONZALEZ] was referring, the 1956 Bank Holding Company Act and a number of other pieces of legislation, we have seen an inability for U.S. financial institutions to compete internationally.

I know that President Bush has said that one of the things he wants to do is moved forward with banking reform legislation, and I hope very much that since the so-called compromise that we put together in the waning hours before we adjourned before Thanksgiving of last year, unfortunately does not move us in that direction satisfactorily enough.

Mr. Speaker, I wonder if the chairman could tell us if there are chances

we could move ahead toward reform legislation?

Mr. GONZALEZ. Mr. Speaker, I think we must define terms. Some people who say "bank powers," also use that interchangeably as "reform." We have to make sure that we understand.

Mr. DREIER of California. Mr. Speaker, if the gentleman will yield further, I would say to my friend I do not use the term "bank powers." I use the term "consumer products and services," expanded opportunities for consumers to be able to utilize products and services which some deliverers of financial services are providing, and tragically others are not, because of these antiquated laws.

Mr. Speaker, I thank the gentleman for yielding.

Mr. GONZALEZ. Mr. Speaker, I would say to the gentleman that I think we could go into that. There are a lot of historical backdrops that we would have to define in order to understand the terms of our discussion. I think the gentleman from California [Mr. DREIER] may be assuming some things, such as, for instance, that there is a lack of competitiveness because of our restrictive laws. There are, and there are not, in some areas.

Mr. Speaker, the big problem today is I think reflected in the reasons given by the chairman of Citibank when he was asked, "To what do you attribute your problems? Is it that you don't have powers?"

He said no. The reason is that they all have those powers that the Federal Reserve has given to a select group of banks under the Bank Holding Act, and through their interpretation, or malinterpretation, of what they call section 20. But the central point is that this distinguished chairman said, "No, it isn't powers; it is that we made bad loans."

Well, of course the Congress cannot, as it has been asked to, through legislative action confer solvency.

Mr. Speaker, I can summarize my discussion for today by telling my colleagues that if you were to ask me what should be done that needs to be done immediately, I would say the absolute need to restore solvency to our American national life, whether it is in the private sector, where we have piled up a great indebtedness, or the corporate sector, where we have piled up an equal indebtedness, or governmental.

Mr. Speaker, we are insolvent. Until we reach solvency, we will be sort of wallowing in what I consider to be a very dangerous mire. Because in the meanwhile, there are forces, external to our shores, over which we no longer have any control that impact no matter what decisions we make domestically.

#### ANNOUNCEMENT REGARDING PREPRINTING OF AMENDMENTS ON H.R. 3553

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

Mr. MOAKLEY. Mr. Speaker, the Rules Committee has received a request from the Committee on Education and Labor for a rule to H.R. 3553, the Higher Education Amendments of 1992, that would require amendments to be printed in the CONGRESSIONAL RECORD prior to their consideration.

Although the Rules Committee has not decided upon this request, I wanted to alert Members on this possible requirement for H.R. 3553 so that they are prepared with their amendments. The Rules Committee is planning to meet on this bill Thursday afternoon, March 19. It is anticipated that this measure could come to the floor as early as the week of March 23. Therefore, to fully ensure Members' abilities to offer amendments under the requested rule, they should have those amendments appear in the CONGRESSIONAL RECORD no later than Monday, March 23, 1992.

The Education and Labor Committee has also requested that the text of H.R. 4471 be made in order as original text for the purposes of amendment. Therefore, all amendments should be drafted to that text. It is my understanding that this substitute is available from the document room.

#### RESOURCE CONSERVATION AND RECOVERY ACT REFORM INITIATIVE

The SPEAKER pro tempore (Mr. EDWARDS of Texas). Under a previous order of the House, the gentleman from Pennsylvania [Mr. RITTER] is recognized for 5 minutes.

Mr. RITTER. Mr. Speaker, I rise today to address the House on the Resource Conservation and Recovery Act, or RCRA, and the RCRA reform initiative recently proposed by EPA. As the ranking member of the Subcommittee on Transportation and Hazardous Materials, the Subcommittee of primary jurisdiction over RCRA, I am keenly aware of both the accomplishments and problems with the RCRA Program.

RCRA is achieving some of the goals which led to its enactment, like ensuring that hazardous wastes are managed in a way that will not pollute ground water. But RCRA is not achieving the goals that are found right in its name—resource conservation and recovery. RCRA regulations impose unnecessary costs on the American economy, meeting its goals at an extraordinarily high cost, wasting valuable resources, and not hindering the kind of environmental cleanup the American people want.

In response to the President's call for a thorough regulatory review, the EPA

Office of Solid Waste and Emergency Response has proposed a far reaching RCRA reform initiative. The reform initiative is one of the more interesting proposals to come out of EPA in a long time. In the true spirit of the President's initiative, it contains a series of proposed regulatory changes that could both save the American economy jobs and money, and actually benefit the environment.

EPA thinks we may be throwing away \$1 billion each year to meet hazardous waste regulations, regulations that go far beyond what is needed to protect human health and the environment. One billion dollars per year. While I am concerned with how this situation developed, I, nevertheless want to personally commend Don Clay, the EPA Assistant Administrator for RCRA and Superfund, for the courage to stand up and identify not only the problem, but some solutions as well. Changes suggested by the reform initiative can benefit the economy, the environment, and create jobs and a more competitive America in the process. This is a win-win proposal.

While the cradle-to-grave coverage of the RCRA Hazardous Waste Program has provided significant environmental benefits, there is widespread agreement that the program is overly prescriptive and imposes unnecessary administrative burdens on the regulated community. It's time for improvement. I feel that we can meet the statutory requirement of protecting human health and the environment at a significantly lower cost to the economy, especially regulatory burdens that are not directly tied to reducing environmental or health risks.

Some RCRA regulations provide immediate benefit to our health and our environment. Some are an investment in the future state of the environment. But some are simply money down a rat hole. They damage our competitiveness, they weaken manufacturing, they cost working Americans their jobs. They actually hurt the environment by diverting our efforts away from real risks and impeding cleanup and recycling.

As a result, our economy, our competitiveness, our manufacturing workers' jobs suffer needlessly. We send manufacturing jobs overseas and the environment suffers.

Particularly in the area of cleaning up environmental damage from past mistakes, RCRA contains disincentives to doing the right thing. So does CERCLA, the Superfund law. Too many lawyers are getting rich on toxic tort litigation. So much of our scarce taxpayers' and consumers' resources are going into the hands of lawyers.

Our economy and our environment cannot afford regulation for regulation's sake. We should not impose costly burdens on taxpayers in States and

localities, and workers in industry, in the futile search for a riskless society. Zero-risk is a tremendously costly illusion we can no longer afford.

We simply can't afford to ignore the costs of our actions. We can't afford it, and American workers, particularly in manufacturing, can't afford it. While we might pay more for the products we buy, the American worker might pay with his or her job.

For all these reasons, I am excited about the RCRA reform initiative. I believe all of what's proposed can be adopted in a form consistent with existing law.

This proposal seeks to separate the regulations needed to protect human health and the environment from those that simply impose unnecessary burdens; to separate the true investments in environmental protection from the regulations that are dead losses.

It focuses our resources on the risks posed, eliminates unnecessary burdens and duplication, stimulates technological innovation, and incorporates principles of total quality and continuous improvement into the regulatory program.

Our best chance to enhance the environment is to put our resources to work solving the real problems. The real obstacles we need to change are bureaucratic inertia and the fear of change. These can be powerful forces, and I recognize that the EPA will need the support of Members of Congress if it is to achieve the creative and far-reaching goals of the reform initiative. We cannot let inertia scuttle a bold initiative that could save the American people \$1 billion a year and speed environmental cleanup. It deserves our support and needs our help.

□ 1400

#### CRISIS OF CONFIDENCE

The SPEAKER pro tempore (Mr. EDWARDS of Texas). Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 60 minutes.)

Mr. DREIER of California. Mr. Speaker, I take the well this afternoon to discuss something that is not an issue which I like to address here and, frankly, I do not think it is one that I have ever really taken on down here in this well. I have certainly talked about it in California and around the country. I do not feel terribly comfortable talking about it here in the House.

But quite frankly, Mr. Speaker, the greatest deliberative body known to man is faced with a crisis of confidence. We have tragically gotten to a point where we have a difficult time being forthright with the American people, and it seems to me, Mr. Speaker, that if we cannot be forthright with the American people, how can we gov-

After all, the world continues to look to this, as I said, the greatest deliberative body known to man. And it is looking to us in ways that it has not looked to us in the past.

Why? Because there are more emerging democracies around the world than have ever been in the history of the world.

These people, and I have visited the emerging democracies of Eastern and Central Europe and Latin America, the now Commonwealth of Independent States, former Soviet Union, these people clearly look to us as an example of what it is they possibly can be. So when we have things like this week's Newsweek magazine with a cover that says "Follow the Bouncing Checks, the Congressional Bank Scandal," it seems to me, Mr. Speaker, that we really have no choice. If we are going to be that great example for the world, we have no choice other than to establish new management in the House of Representatives.

Mr. Speaker, what we have seen over the past several years is really incumbent run amok. We have cases of corrupt careerism here in the House of Representatives. What we have really are well-connected public officials who mirror a large panorama of corrupt practices.

□ 1410

What kind of example does that set to young people in this country, who have every confidence in representative government, and, as I said, to those emerging democracies throughout the world? It is not a very good one.

Mr. Speaker, as we look at these kind of issues and the many perquisites of office which have been outlined in the national and international media over the past several days, it is clear that new management is the only way in which we can change that.

Mr. Speaker, I was born in 1952. That is the last time that we elected a Republican House of Representatives. It comes as a shock to most people when I say that we have looked at the failure of the Bolshevik revolution, which started in 1917, and basically have one-party Communist control of the Politburo and the Congress of the People's Deputies, as it was known under the Soviet Union.

We have seen our southern neighbor, the Institutional Revolutionary Party in Mexico, the PRI Party, which under Mr. Cardenas, in 1928, take power.

Since that time, Mr. Speaker, we have seen no other political party on the face of the Earth maintain control of its parliament, its legislative body, longer than the majority has managed this House of Representatives.

Mr. Speaker, as we look at this, we have seen the failure of the Bolshevik revolution. Now, with the exception of the Institutional Revolutionary Party

in Mexico, there is no political party on the face of the Earth which has controlled its parliament longer than the majority, the Democrats, have controlled the House of Representatives.

We all know that the House of Representatives clearly is the most important legislative body in this Capital. I say that not just because I am a Member of the House, but article 1 of the Constitution begins with "the House of Representatives," and it is very clear from article 1, section 7, taxing and spending initiates right here in the House of Representatives. Again, it has been one-party rule for the past 38 years.

Mr. Speaker, if we are going to play a role in regaining the confidence of the American people and those throughout the world, I hope very much that the American electorate will not fall in lock step with that standard old line that is used in public opinion polls throughout: "I abhor the United States Congress," the American people say in public opinion polls, "but, you know, old Joe is really not a bad guy, and I am sure that he or she is not part of that problem that is going on in Washington."

It very clearly, Mr. Speaker, is one-party management. I am not going to stand here and say the Republican Party offers a panacea, the cure all for all the ailments of society. But I will say this, I believe that new management is the way to go and the only way real new management can take place is if we see a Republican majority emerging in January 1993 to take over the speakership, the chairmanship of every committee in the House, and in fact, management of all these House operations which have been so criticized over the past several weeks and months.

Mr. Speaker, as we look at this crisis of confidence, we must be forthcoming with the American people. We are bringing about full disclosure on this check-bouncing scandal. We are letting the American people see what it is that is taking place, as we are the people's representatives and this is the people's House.

It seems to me, Mr. Speaker, that as we look toward this coming November, I hope, and I have every confidence in the electoral process, that people will seize that opportunity which others around the world are now enjoying, the opportunity to vote and the opportunity to make this kind of change in the House of Representatives.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DREIER of California) to revise and extend their remarks and include extraneous material:)

Mr. DREIER of California, for 60 minutes, today.

Mr. RIGGS, for 60 minutes, on April 29.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. LEHMAN of California, for 60 minutes each day, on April 23 and 24.

Mrs. COLLINS of Illinois, for 5 minutes each day, on March 24, 25, 26, and 27.

#### EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend his remarks was granted to:

(The following Members (at the request of Mr. DREIER of California) and to include extraneous matter:)

Mr. GALLEGLY.

Mr. GINGRICH.

Ms. MOLINARI.

Mr. GUNDERSON.

Mr. MICHEL.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. MONTGOMERY.

Mr. JOHNSON of South Dakota.

Mr. YATRON.

Mr. ROE.

Mr. DONNELLY.

Mr. FASCELL in two instances.

Mr. MAVROULES.

Mr. SOLARZ.

Mr. DOWNEY.

Mr. PANETTA.

#### ADJOURNMENT

Mr. DREIER of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 15 minutes p.m.) the House adjourned until tomorrow, Wednesday, March 18, 1992, at 2 p.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3107. A letter from the Defense Mapping Agency, Department of Defense, transmitting notification to study the potential conversion from partial in-house performance to full commercial contract of custodial services functions at the DMA Hydrographic/Topographic Center in Brookmont, MD, and the DMA Aerospace Center in St. Louis, MO, pursuant to Public Law 100-463, section 8061 (102 Stat. 2270-27); to the Committee on Armed Services.

3108. A letter from the Inspector General, Department of Commerce, transmitting evaluation of the United States and Foreign Commercial Service management of its Foreign Service Personnel System, pursuant to 15 U.S.C. 4721; to the Committee on Foreign Affairs.

3109. A communication from the President of the United States, transmitting the status of efforts to obtain compliance by Iraq with the resolutions adopted by the U.N. Security Council (H. Doc. No. 102-204); to the Committee on Foreign Affairs and ordered to be printed.

3110. A letter from the Assistant Secretary for Policy, Management, and Budget, Department of the Interior, transmitting a report of activities under the Freedom of Information Act for calendar year 1991, pursuant to 5 U.S.C. 552(e); to the Committee on Government Operations.

3111. A letter from the Chairman, Pennsylvania Avenue Development Corporation, transmitting a draft of proposed legislation to amend the Pennsylvania Development Corporation Act of 1972; to the Committee on Interior and Insular Affairs.

3112. A letter from the Forest Service, Chief, Department of Agriculture, transmitting the rehabilitation needs of each Forest Service region, resulting from disastrous forest fire damage during the previous year, pursuant to Public Law 101-286, section 202(1) (104 Stat. 174); jointly, to the Committees on Agriculture and Interior and Insular Affairs.

3113. A letter from the Secretary of Energy, transmitting a copy of the Clean Coal Technology Demonstration Program; Program Update 1991; jointly to the Committees on Appropriations, Energy and Commerce, and Science, Space, and Technology.

3114. A letter from the Secretary of Labor, transmitting a draft of proposed legislation entitled "Pension Security Act of 1992"; jointly to the Committees on Education and Labor, Ways and Means, and the Judiciary.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROE: Committee on Public Works and Transportation. H.R. 2757. A bill to authorize the Board of Regents of the Smithsonian Institution to acquire land for watershed protection at the Smithsonian Environmental Research Center, and for other purposes; with an amendment (Rept. No. 102-456, Pt. 1). Ordered to be printed.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS of Texas:

H.R. 4476. A bill to amend the Internal Revenue Code of 1986 to provide for the use of unused alternative minimum tax credits, to repeal certain alternative minimum tax preferences for energy production, and for other purposes; to the Committee on Ways and Means.

By Mrs. LOWEY of New York (for herself, Mr. TOWNS, Mr. CONYERS, Mrs. JOHNSON of Connecticut, Mr. MORAN, Ms. PELOSI, Mrs. UNSOELD, Mr. BERMAN, Mr. COLEMAN of Texas, Mr. CAMPBELL of Colorado, Ms. NORTON, Mr. OWENS of New York, Mrs. BOXER, Mr. ACKERMAN, and Mr. WEISS):

H.R. 4477. A bill to prohibit grants under the community development block grant program to communities that fail to adopt a policy of enforcing laws that prevent the use

or threat of force against individuals for exercise of abortion rights; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MARTINEZ:  
H.R. 4478. A bill to amend the Immigration and Nationality Act with respect to improvements in enforcement of antidiscrimination provisions of that act; to the Committee on the Judiciary.

By Mr. MCEWEN (for himself and Mr. GRADISON):

H.R. 4479. A bill to direct the Administrator of the Small Business Administrator to review criteria used to certify qualified development companies to ensure that application of such criteria does not adversely affect certification of qualified development companies in rural areas, and for other purposes; to the Committee on Small Business.

By Mr. McMILLEN of Maryland:  
H.R. 4480. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers to deduct the value of a lease contributed to a charitable organization where property leased is to be used to provide housing for homeless or low-income individuals; to the Committee on Ways and Means.

By Mr. MONTGOMERY:  
H.R. 4481. A bill to amend title 10, United States Code, to revise and standardize the provisions of law relating to appointment, promotion, and separation of commissioned officers of the reserve components of the Armed Forces, to consolidate in a new subtitle the provisions of law relating to the reserve components, and for other purposes; to the Committee on Armed Services.

By Mr. THOMAS of California:  
H.R. 4482. A bill to amend title XVIII of the Social Security Act to provide a reduction in the premium assessed against an individual who buys into coverage under part A of the Medicare Program for quarters of coverage credited to the individual under title II of such act, and for other purposes; to the Committee on Ways and Means.

By Mr. HORTON (for himself, Mr. SCHEUER, Mr. LENT, Mr. SCHUMER, Mr. BACCHUS, Mr. WEISS, Mr. FISH, Mr. OWENS of Utah, Mr. LAFALCE, Mr. RINALDO, Mr. GUARINI, Mr. HUGHES, Mr. ERDREICH, Ms. NORTON, Mr. WALSH, Mr. MRAZEK, Mr. GILMAN, Mr. ACKERMAN, Mr. RANGEL, Mr. CARPER, Ms. MOLINARI, Mr. KOPETSKI, Mr. COOPER, Mr. FAZIO, Mr. FROST, Mr. SYNAR, Mr. GREEN of New York, Mr. BLILEY, Mr. HARRIS, Mr. BRYANT, Mr. WYDEN, Mr. HOUGHTON, Mr. DINGELL, Mr. McMILLEN of Maryland, Mr. FORD of Tennessee, Mrs. MINK, Mr. MINETA, Mr. SKEEN, Mr. RICHARDSON, and Mrs. ROUKEMA):

H.J. Res. 441. Joint resolution commending the New York Stock Exchange on the occasion of its bicentennial on May 17, 1992; to the Committee on Post Office and Civil Service.

By Mr. YOUNG of Florida:  
H.J. Res. 442. Joint resolution to designate May 16, 1992, through May 22, 1992, as "National Awareness Week for Life-Saving Techniques"; to the Committee on Post Office and Civil Service.

By Mr. HOYER:  
H. Res. 400. Resolution electing the Resident Commissioner from Puerto Rico, Mr. Colorado, to the Committees on Interior and Insular Affairs and Foreign Affairs; considered and agreed to.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

- H.R. 20: Mr. CHAPMAN.
- H.R. 78: Mr. McGRATH and Mr. WYLIE.
- H.R. 617: Mr. GOSS, Mr. FAWELL, Mr. SHARP, Mr. HUCKABY, and Mr. PEASE.
- H.R. 1161: Mr. SHAYS.
- H.R. 1536: Mr. JONTZ.
- H.R. 1802: Mr. JEFFERSON.
- H.R. 2916: Ms. SNOWE, Ms. ROS-LEHTINEN, and Mr. SWETT.
- H.R. 3146: Mr. KLUG.
- H.R. 3248: Mr. GEJDENSON, Mr. SHAYS, Mrs. JOHNSON of Connecticut, Mr. WEISS, Mrs. MINK, Mr. FRANKS of Connecticut, Ms. DELAURO, Mr. ABERCROMBIE, and Mr. JOHNSON of South Dakota.
- H.R. 3258: Mr. ROE.
- H.R. 3373: Ms. DELAURO, Mr. JONTZ, Mr. BACCHUS, Mr. ERDREICH, and Mr. COX of Illinois.
- H.R. 3441: Mr. INHOPE.
- H.R. 3598: Mr. JONES of North Carolina, Mr. DE LUGO, Mr. PETERSON of Minnesota, Mr. CLINGER, and Mr. DAVIS.
- H.R. 3612: Mr. ZELIFF.
- H.R. 3952: Mr. COOPER, Mr. FIELDS, and Mr. PERKINS.
- H.R. 3967: Mr. TORRICELLI.
- H.R. 3986: Mr. BURTON of Indiana, Ms. SLAUGHTER, Mr. LIVINGSTON, and Mr. BERMAN.
- H.R. 4089: Mrs. LLOYD, Mrs. UNSOELD, Mr. LEHMAN of California, Mr. ANDREWS of Maine, Mr. SWETT, and Mr. JONTZ.
- H.R. 4163: Mr. MANTON.
- H.R. 4181: Mr. McMILLEN of Maryland, Mr. KOPETSKI, Mr. SWETT, Mr. ATKINS, and Mr. BACCHUS.
- H.R. 4220: Mr. VISCLOSKEY.

H.R. 4300: Mr. ANDREWS of Maine, Mr. BERMAN, Mr. BLACKWELL, Mr. EDWARDS of California, Mr. DWYER of New Jersey, Mr. FASCELL, Mr. HAYES of Illinois, Mr. JOHNSTON of Florida, Mr. JONTZ, Ms. KAPTUR, Mr. KOPETSKI, Mr. MCCLOSKEY, Ms. NORTON, Mr. POSHARD, Mr. SWIFT, Mr. TOWNS, and Mr. WALSH.

H.R. 4312: Mr. COLEMAN of Texas, Mr. WASHINGTON, Ms. PELOSI, and Mr. McDERMOTT.

H.R. 4351: Mr. BERMAN and Mr. ZELIFF.  
H.R. 4471: Mr. ROEMER, Mr. HAYES of Illinois, Mr. KLUG, Mr. CUNNINGHAM, and Ms. MOLINARI.

H.J. Res. 371: Mrs. BENTLEY, Mr. BONIOR, Mr. CHAPMAN, Mr. FASCELL, Mr. FRANKS of Connecticut, Mr. MCCOLLUM, Mr. McCRERY, Mr. MARTIN, Mr. MAVROULES, Mr. MILLER of Ohio, Mr. MURTHA, Mr. PICKETT, Mr. SANGMEISTER, and Mr. VENTO.

H.J. Res. 388: Mr. ROYBAL, Ms. SLAUGHTER, and Mr. MORRISON.

H.J. Res. 406: Mr. CARPER, Mr. QUILLEN, Mr. COSTELLO, Mr. PALLONE, Mr. MAZZOLI, Mr. IRELAND, Mr. GRADISON, Mrs. LOWEY of New York, Mr. GONZALEZ, Mr. WOLPE, Ms. KAPTUR, Mr. BILIRAKIS, Mr. COX of California, Mr. MOODY, Mr. DURBIN, Mr. MONTGOMERY, Mr. BILBRAY, Mr. HEFNER, Mr. FASCELL, Mr. JOHNSTON of Florida, Mr. UPTON, Mr. SAXTON, and Mr. SISISKY.

H.J. Res. 407: Ms. KAPTUR, Mr. EMERSON, Mr. JONES of Georgia, Mr. KENNEDY, and Mr. LEVINE of California.

H.J. Res. 432: Mr. ESPY, Mr. STALLINGS, Mr. GUARINI, Mr. TRAXLER, Mr. WEBER, Mr. DWYER of New Jersey, Mr. TOWNS, Mr. WALSH, and Mr. ERDREICH.

H. Con. Res. 224: Mr. DELLUMS, Mr. GEJDENSON, and Mr. FOGLIETTA.

H. Con. Res. 256: Mr. JOHNSTON of Florida.  
H. Con. Res. 257: Mr. DICKINSON, Mr. GINGRICH, Mr. KOSTMAYER, Mr. LEHMAN of California, Ms. OAKAR, and Mr. SUNDQUIST.

H. Con. Res. 274: Mr. JONTZ.  
H. Con. Res. 292: Mr. MORRISON, Mr. BILBRAY, Mr. ANDREWS of Maine, and Mr. SCHEUER.

H. Con. Res. 293: Mr. BREWSTER.  
H. Res. 153: Mr. HEFNER.  
H. Res. 321: Mr. HORTON.

H. Res. 332: Mr. HERGER and Mr. TAYLOR of North Carolina.

H. Res. 368: Mr. BEREUTER and Mr. LIVINGSTON.

H. Res. 391: Mr. BROOMFIELD, Mr. LEACH, Mrs. MEYERS of Kansas, Mr. GALLEGLY, Mr. GOSS, Mr. MILLER of Washington, Mr. SMITH of New Jersey, Mr. FASCELL, and Mr. TORRICELLI.

## SENATE—Tuesday, March 17, 1992

(Legislative day of Thursday, January 30, 1992)

The Senate met at 2 p.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. The prayer will be led by the Senate Chaplain, the Reverend Richard C. Halverson.

Reverend Halverson, please.

## PRAYER

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

Let us pray:

*Come now, and let us reason together, saith the Lord: though your sins be as scarlet, they shall be as white as snow; though they be red like crimson, they shall be as wool.—Isaiah 1:18.*

*If we say that we have no sin, we deceive ourselves, and the truth is not in us.—I John 1:8.*

Eternal God, in the light of Your reasonable, gracious, invitation given through Isaiah, forgive us for the stubbornness and pride with which we deceive ourselves as we struggle to sustain the image of power and strength. Refusing to admit our weakness, our failure, our sin, we deprive ourselves of Your forgiving love and allow the corrosive action of guilt to enervate and debilitate. Daring not to admit our vulnerability, we make ourselves more vulnerable.

Help us, Lord, to be honest with ourselves and with You. Help us to come to You in our need and find in You the patient and compassionate love that heals and receives the sinner. Thank You for the promise, "If we confess our sins, He is faithful and just to forgive us our sins, and to cleanse us from all unrighteousness."

Receive us, Lord, in the sacrificial love and righteousness of Jesus, in whose name we pray. Amen.

The PRESIDENT pro tempore. The Senate will be in order.

## RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the standing order, the majority leader is to be recognized, and the Republican leader is to be recognized.

Without objection, the time of the two leaders will be reserved.

## MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business with Senators permitted to

speak therein; with the Senator from Minnesota [Mr. DURENBERGER] to be recognized to speak for up to 15 minutes; the Senator from Alabama [Mr. HEFLIN] will be recognized to speak for up to 10 minutes; and the Senator from Wyoming [Mr. SIMPSON] or his designee, will be recognized to speak for up to 5 minutes.

Several Senators addressed the Chair.

Mr. CRANSTON. May I make a unanimous-consent request?

The PRESIDENT pro tempore. Under the order, the Senator from Minnesota is listed first, to be recognized to speak for up to 15 minutes.

Mr. DURENBERGER addressed the Chair.

Mr. CRANSTON. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. DURENBERGER. I am pleased to yield to the Senator from California.

Mr. CRANSTON. I ask unanimous consent that I be added to the list and be granted 10 minutes.

The PRESIDENT pro tempore. Without objection, the Senator from California [Mr. CRANSTON] will be added to the list and will be recognized for 10 minutes.

Mr. DURENBERGER is recognized.

## ORDER OF PROCEDURE

Mr. DURENBERGER. Mr. President, at this time I would like to yield 5 minutes from my time to my colleague from Montana for purposes of his speech as though in morning business.

The PRESIDENT pro tempore. The Senator from Montana [Mr. BAUCUS] is recognized for 5 minutes.

Mr. BAUCUS. Mr. President, I very much thank the Senator from Minnesota for yielding his time.

## CLEAN AIR ACT—BUSH ADMINISTRATION DELAYS

Mr. BAUCUS. Mr. President, I want to bring my colleague's attention to what has become of the most significant environmental legislation to pass this body in some time.

There is a lot of talk these days about logjams in Washington, that very little actually gets done here, and a great deal of the criticism is coming from the White House. The President is campaigning on this issue, blaming Congress for being a barrier to progress.

I would like to ask the President, Mr. President, what happened to the Clean Air Act?

In 1988, then Vice President Bush promised to be the environmental

President. In 1990, he signed the Clean Air Act into law, which he is touting as the most significant environmental achievement of his administration.

But now in 1992, the White House is stalling on the enforcement of the new Clean Air Act regulations, and actually helping industry avoid reducing emissions of air pollutants.

Mr. President, this may be a standard political flip-flop. But as far as the environment is concerned, it is just a plain flop.

Only 4 days before the Michigan primary, the President announced two proposals that were avidly sought by Detroit auto executives. Both these regulations are of questionable air quality benefit. Neither is required by the Clean Air Act, and in fact, one of them actually violates the act.

These proposals were approved by the administration only 2 days after the Environmental Protection Agency had sent them to the White House for review.

Meanwhile, 10 other critical Clean Air Act regulations have been languishing for months at the White House. These include important steps that will help to create a cleaner and safer environment for all Americans. But they are going nowhere at the moment.

For example, the Bush administration is delaying setting emissions standards for toxic air pollutants that cause cancer, birth defects, and other problems. This is a serious breach of George Bush's promise to the American people. The delay could have serious effects on the public's health, the environment, and even jobs.

Let me explain. In the 22 years since the Clean Air Act was first passed, EPA has regulated only seven toxic chemicals. To correct that situation, the Clean Air Act specified 189 other toxic chemicals the agency should set standards for.

EPA finished its regulation covering most of them 2½ months ago. They sent it to the White House and nothing has been heard of it since.

These organic chemical regulations would control over 1 billion pounds per year of toxic air emissions, or about one-third of the total amount expected to be controlled by the Clean Air Act. This means fewer cases of cancer, fewer health problems for those living near chemical plants, and lower health care costs for those affected Americans.

And in addition to the health benefits, these emission control regulations, if they were ever promulgated, would have economic benefits as well.

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

According to a draft study prepared for EPA, full implementation of the air toxics provisions of the Clean Air Act would generate between 1.1 and 1.4 billion dollars' worth of revenue annually for pollution control companies between 1992 and 1995. And even more thereafter.

So while the industry would be spending money to comply with the law's public health requirements, it also would be creating new, good paying jobs for those who design and build pollution control equipment.

Another example of White House backtracking involves the requirement for cleaner fuel, known as reformulated gasoline to be sold in our Nation's most polluted cities.

The reformulated gasoline regulations were prepared as part of a new process called regulatory negotiation, in which representatives from the affected industries, States, and environmental groups all participated.

Even though all these participants signed an agreement on the production of cleaner gasoline, the administration still has not released the regulations. They have been sitting at the White House now for over 3 months.

Other regulations affecting the auto industry also have been delayed for months, including new operating permit rules, which are the key to effectively enforcing the Clean Air Act.

Similarly, EPA's guidance to States on how to meet air quality standards on time has also been stalled by the White House for months. Without this guidance, many States and cities will be left in the dark when it comes to writing their State implementation plans.

Also, industries in those States will now know what is expected of them and may not have sufficient leadtime within the deadlines provided in the act.

Mr. President, there is a clear pattern to me. Rules that implement the pollution control requirements in the act are being stalled, weakened, and quashed, while rules that provide exemptions, waivers, or bailouts move quickly.

These actions are reminiscent of the Reagan-Bush administration's repeated efforts to deregulate America.

The effect is that millions of families across America will face a greater risk of disease and higher health care costs because industry will not control its emissions of toxic chemicals and other pollutants.

And the businesses of the future—those that control pollution—could languish. Their jobs will not be created. America will lose its economic edge in pollution control technology.

Already, Japan and Germany are aggressively pursuing pollution control opportunities. If they succeed while we lag behind, developing nations in Eastern Europe, Africa, and beyond will buy Japanese, not American products.

Countries facing public health and environmental problems will contact firms in Germany, not the United States. We can retain our leadership only by pressing ahead at home.

By turning our back on the future, we are repeating the mistakes of the past.

I could go on, Mr. President. But I wanted to thank my colleague from Minnesota for generously yielding his time. I have a lot more to say about this subject. The long and short of it is we have an opportunity to implement the act; we have an opportunity to develop the pollution control technologies for ourselves and to ship overseas. Otherwise, developing countries are going to buy them from Japan; they will buy them from Germany. That very, very much hurts America.

In summation, Mr. President, I just ask the President to live up to his promise to be the environmental President and set the White House regulatory review in motion so these regulations are put in place.

The Clean Air Act is now being dissected and diluted by a President who is breaking his promise to the American people. The result is that the public suffers while the President plays to short-term, nearsighted industry executives.

If the President is really serious about his promise of cleaner air for all Americans, he should get his administration to work on those parts of the Clean Air Act that really matter.

But if he wants to play Presidential primary politics instead, then the American people will have the right to hold President Bush accountable for promising one thing and delivering another.

I yield the floor.

Mr. DURENBERGER addressed the Chair.

The PRESIDENT pro tempore. The Senator from Montana yields back 7 seconds.

Mr. DURENBERGER. Mr. President, I thank my colleague from Montana for his statement. I will say, before he leaves the floor, two things. First, I compliment him for the leadership on the Clean Air Act. There would not have been one without him. Second, I made a very similar speech from this side of the aisle Friday night, and I asked the President the same question. I have not heard from him yet. I must say that I do not know that I will. I characterize what the President announced as "betrayal." He came out on June 21, 1989, and asked us to pass the Clean Air Act; helped us to bring both sides of this aisle together in the room right over here.

With the leadership of the Senator from Montana and the majority leader—and a lot of others—we did all our compromising. I remember that the President pro tempore was a major participant and won a major battle. This

is the way the process works. You reach for a compromise and, if you cannot get it, you have the battle and conclude it, and you do not expect that a year later someone, somewhere, in the middle of a political campaign is going to undo years and years of work that it took to put that whole process together. What an example this is to the country, to have them do this. I hope the President was listening Friday night and, if he was not, I hope he is listening today.

Mr. BAUCUS. If the Senator will yield—I do not wish to take the Senator's time, but I want to thank the Senator for joining in making this point very strongly, because if more of us address ourselves to it, it is more likely we are going to get some results.

#### OMB DIRECTIVE ON WORKPLACE SAFETY

Mr. DURENBERGER. Mr. President, I want to express my strong concern about a story that appeared in the Washington Post this morning regarding workplace safety regulations that the Office of Management and Budget [OMB] allegedly has blocked.

Mr. President, there is a well-established procedure for finalizing administration regulations. The designated executive agency solicits information from the public on proposed regulations. Through the rulemaking procedures contained in the Administrative Procedures Act, the executive branch conducts a notice and comment process and publishes the proposed regulations in the Federal Register.

Before finalizing the regulations, however, OMB reviews the regulations to determine whether they are consistent with the President's program.

According to the Washington Post story, OMB has blocked new OSHA health standards that set permissible exposure limits [PEL's] for more than 1,000 substances in the construction, maritime and agriculture industries. These standards are supposed to protect workers from excessive exposure to dangerous workplace substances, and such standards were approved for other industries 4 years ago.

Mr. President, the Post story suggests a new approach to Federal regulation. The OMB theory is that because employers cannot pass the cost of additional Federal regulations on to consumers, employers must either lower wages or lower the number of workers they employ. Because higher paid workers take better care of themselves, lower wages, or increased unemployment, will lead to decreased health levels for American workers. What an incredible fantasy.

The Post article quotes OMB's acting director of information and regulatory affairs as stating:

The positive effect of wealth on health has been established both theoretically and em-

pirically. Richer workers on average buy more leisure time, more nutritious food, more preventive health care and smoke and drink less than poorer workers. Government regulations often have significant impact on the income and wealth of workers. \*\*\* OSHA should estimate whether the possible effect of compliance costs on workers' health will outweigh the health improvements that may result from decreased exposure to the regulated substances.

OMB suggests that these OSHA regulations would cost employers \$163 million, but every \$7.5 million in regulatory expenditures results in an additional death from decreased employee income. OMB concluded that although the new permissible exposure limitation regulations might save 8 to 13 lives per year, the workers' lower standard of living might cause 22 deaths, the result being a net increase of 8 to 14 deaths each year.

Well, I have not been around here as long as many, but this is a whole new approach to implementing public policy. As I understand, the thrust of this new policy is that OMB has now directed the Occupational Safety and Health Administration and the Department of Labor to "compare the health effect of these income changes to the health benefits that OSHA attributes to reduced exposures."

Mr. President, I remain deeply concerned with the allegations contained in this Washington Post story. My office has contacted OMB and the Department of Labor to verify the information in that article, and until I can confirm that the administration has adopted this approach, I hesitate to criticize the new policy.

Nevertheless, Mr. President, I feel compelled at this time to state unequivocally for the record that I oppose this unusual approach to government regulation. When I was chief of staff for Minnesota Governor LeVander in the late 1960's, I helped to establish one of the first statewide OSHA programs. In Minnesota, we recognize the importance of workplace safety even before Congress passed the Occupational Safety and Health Act in 1970.

Since my involvement in the Governor's office with State based worker safety programs, I have consistently supported legislation that protects our workers from workplace hazards. The alleged OMB position turns back the clock on workplace safety, and that is simply unacceptable to this Senator.

The OMB approach, if true, would constitute flawed public policy. First, we owe it to our workers to guarantee them a safe environment to earn their living. Employees should not be asked to trade continued employment or current wages for workplace safety. The two are not exchangeable; to suggest the two are fungible is absurd. Government must mandate minimum acceptable standards for workplace safety, and it is unconscionable that we would sell out our workers in the name of

trying to actually improve their job security.

We cannot sacrifice our workers' health and safety. Without standards for exposure to hazardous substances, we are asking our workers to assume the risk of danger in exchange for good money. Should adults be allowed to consent to inhale asbestos in shipyards because it would be cheaper to pay high wages than buy safety inhalation masks? I hope we have become a sufficiently civilized country that we would not place our workers in the position of having to be destroyed in their jobs in order to save themselves. That would be the Vietnam of the workplace.

Mr. President, I am deeply concerned that the alleged OMB policy is short-term thinking at its worst. Investment in safety pays big dividends to employers: through increased long-term productivity, decreased workers compensation costs, and lower health care premiums. Unfortunately, many businesses in this country has been slow to recognize the importance of this long-term investment in its work force.

Their short-term focus, the quarterly profit statement, is often not in their best interest nor in the interest of the country. And the U.S. Government has a responsibility to assure that corporate America does not simply focus on profit-loss ratios, because the long-term costs to our country can be enormous. Early prevention should be our touchstone.

In conclusion, Mr. President, I must state my concern with this new OMB policy, and, if true, urge the administration to reverse itself.

Mr. President, how much time is available?

Mr. METZENBAUM. Will the Senator from Minnesota yield?

The PRESIDENT pro tempore. The response to the Senator's request is that he has 3 minutes 55 seconds.

Mr. DURENBERGER. I have a limited amount of time available to me. If the Senator will abbreviate his question or comment.

Mr. METZENBAUM. I rise to commend the Senator from Minnesota for his astuteness in speaking out on this issue. We addressed the subject in the Labor Subcommittee this morning, and we will be sending a letter to the President, a number of the Members of this body. I hope the Senator from Minnesota will join us. I commend him for being alert and on the ball on this issue. I will speak more extensively to the subject later in the afternoon.

Mr. DURENBERGER. Mr. President, I am grateful to my colleagues.

Mr. President, I would like to speak on another subject.

The PRESIDENT pro tempore. The Senator from Minnesota is recognized.

Mr. DURENBERGER. I thank the Chair.

(The remarks of Mr. DURENBERGER pertaining to the introduction of S.

2360 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDENT pro tempore. The Senator from Alabama [Mr. HEFLIN] is recognized under the order for up to 10 minutes.

Mr. HEFLIN. I thank the Chair. (The remarks of Mr. HEFLIN pertaining to the introduction of S. 2359 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

#### CARL ELLIOTT BOOK REVIEW

Mr. HEFLIN. Mr. President, the Birmingham News recently ran a book review of "The Cost of Courage: The Journey of an American Congressman," written by Carl Elliott, Sr. and Michael D'Orso. Many of my colleagues in both Houses remember former Alabama Congressman Carl Elliott, who served in the House of Representatives with distinction from 1949 until 1965.

While in Congress, Elliott served as chairman of the House Select Committee on Government Research and as a member of its powerful Rules Committee. He later was a candidate for Governor of Alabama, was active in the U.S. Department of Commerce, and practiced law until his retirement in 1986.

Carl Elliott served during the early social upheaval of the civil rights movement, a period when principled southern politicians faced internal crises of conscience over doing that which they knew to be right and just or doing what was then politically expedient. Elliott was one of those who ultimately did what was right and paid a heavy political price as a result. His autobiography describes the moral dilemmas he faced as a southern Congressman in the 1950's and 1960's and the consequences of his decisions in resolving those dilemmas. It is not necessarily an optimistic portrait, but it is one that contains lessons for all national leaders, particularly lawmakers who represent unique constituencies. I highly recommend it to my colleagues.

I ask unanimous consent that the Birmingham News book review of former Congressman Carl Elliott's new autobiography be printed in the RECORD.

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

[From the Birmingham News, Mar. 8, 1992]  
FORMER U.S. REPRESENTATIVE ELLIOTT PAYS  
BIG PRICE FOR COURAGE

("The Cost of Courage: The Journey of an American Congressman," by Carl Elliott, Sr., and Michael D'Orso.)

It might have taken more courage than even Carl Elliott realized for him to write this autobiography.

The U.S. congressman from Jasper between 1948 and 1964 has reached political hero status on a reputation of having stood up for what he believes, even when it would get him knocked down.

Most notably, he tried futilely to keep the political debate in Alabama in 1966 off racial hatred and on economic advancement at a time when George Wallace built political invincibility out of promoting hatred.

But in pushing this point, the book also reveals that Elliott in fact didn't always stand up for his convictions. An underside slips into view: moments of sheer political timidity, others of calculatingly backing down purely to further his quest to keep his job.

Elliott recounts a day in May 1964 when he tried to kiss up to Wallace. Elliott lent Wallace his credibility by appearing with him on his failing presidential campaign trail.

"That was one of the lowest points of my life," Elliott writes. "Simply sitting on that stage, lending any kind of validity at all to George Wallace, made me realize how desperate I had become. It physically hurt."

Also, Elliott enjoys a reputation as a civil rights champion, and insists he always believed in equal rights for all people. Yet, he recounts how he voted against the landmark 1964 Civil Rights Act—and every other civil rights bill to come along—to help ensure his re-election to Congress.

He made that part of his "deal" with the Kennedy administration during its effort to "pack" the House Rules Committee in 1960. Elliott would get to sit on the powerful committee, and Kennedy would get a needed Southern supporter on it who would vote for all of Kennedy's reforms—except for any civil rights reforms.

"It was understood . . . that this would be the one area where I would have to vote the standard Southern position. And I did. . . . Mine was the key vote that killed a bill to create an urban affairs department" headed by a black man.

He even signed the "Southern Manifesto," a 1956 position statement by Southern politicians defending segregation as a cherished way of life for whites in response to *Brown v. Board of Education*.

"There were a select few southerners who refused to sign the thing . . . all had more political power and a stronger base than me—strong enough to stand against something like this and survive. I knew there was no way I would survive, and I hadn't achieved what I came to Congress to do."

Now he has second thoughts. "I'm proud of most of the things I did that hurt me politically—and I'm sorriest about some of the things that were supposed to help."

That said, more often than not, Elliott—known best for creating the 1958 law that launched cheap government loans and other federal efforts to open college to poorer people—displayed the conviction and courage found only in the best of people. No getting around that, even with the underside exposed.

Following his gritty, hustling, people-loving trail is a pleasure, from the backwoods of Franklin County as a child in the Great Depression to squatting in an abandoned building while scraping through the University of Alabama to the pinnacle moment when he received the first-ever John F. Kennedy Profile in Courage Award in 1990.

This book is loaded with humorous twists and chewy description—and enough behind-the-scenes gossip on several generations of some of Alabama's most prominent leaders—to earn Elliott another courage award, perhaps from Kitty Kelly.

There are drunken escapades starring former Gov. "Kissin' Big Jim" Folsom, hookers and bootleggers hired to campaign for Elliott by his opponent, and Rep. Tom Bevill's proverbial stab in Elliott's back by

crossing over to join Wallace. There's even the time Elliott accidentally doused Lady Bird Johnson with a pitcher of water when he was a waiter in college.

Woven into his own story, Elliott draws a compelling and appropriately highly disturbing picture of this state's tortured, feudalistic history.

It contains more hatred (by others, not by Elliott, who claims he refused even to hate his nemesis Wallace), bigotry, violence and ignorance than the world ought ever to know.

It portrays more political ineptness, skulduggery, betrayal of the people and downright lawlessness and corruption by elected leaders than even the most cynical manipulator could imagine.

And, most disturbing of all, it provides little if any message of hope. Despite all the painful upheaval of the 1950s through now, it repeats again and again its theme that little has been resolved.

Good guys seem to finish last in this book, from the slaying of his heroes John and Robert Kennedy and Martin Luther King Jr. to the woeful, endless bankruptcy of the main hero himself, Elliott.

The bankruptcy is a lasting wound from Elliott's failed 1966 gubernatorial campaign against Lurleen Wallace, who surrogated for her husband. Elliott cashed in his congressional pension during that fight and still ended up \$500,000 in debt.

In almost deadpan fashion, he points out how bankruptcy completes his life's cycle back to the poverty into which he was born. The upper-middle class Jasper home he owned at the height of his career, and now rents after its foreclosure, decays around him, slowly gaining some similarity to the log cabin he grew up in.

But that, too, took a certain courage to tell, didn't it?

Maybe optimism hinges on a postscript.

Elliott, 77, frail and confined to a wheelchair, has been broke for so long that surely most of his creditors have given up. But 26 years later, he still refuses to end the pain by filing for bankruptcy.

If enough copies of this book sold, Elliott might at least have the pleasure of paying off the debts, if not going his last few steps in comfort.

He certainly earned that much.—JOE NABBEFELD.

#### TRIBUTE TO MIKE RYLAND

Mr. HEFLIN. Mr. President, it is with a deep sense of regret that I rise today to pay tribute to Mike Ryland, the executive director of the Alabama Press Association [APA], who died on March 5, 1992, at the young age of 34. Although I had just met him last month at the Alabama Press Association meeting in Tuscaloosa, he impressed me as a friendly person who genuinely cared about the organization for which he worked. This same dedication and loyalty carried over to the individual newspapers and journalists that he represented throughout the State.

Mike once worked at the Atmore Advance for Bob Morrisette, the paper's former publisher and past president of the APA, who now runs my Mobile office. I know that Bob was extremely proud of Mike when he was named ex-

ecutive director of the organization last year.

During his years at the press association, Mike was always kind to my staff, particularly when they participated in the summer and winter conventions. They always informed me that he had made them feel welcome, encouraging them to take an active role in the APA.

Mike Ryland will be missed by so many people who knew and worked with him over the years. He was the kind of professional that the journalistic community was proud to call its own. I extend my sincerest condolences and best wishes to his wife Julie and their entire family.

#### TRIBUTE TO JOHN LEMLEY "LEM" MORRISON, SR.

Mr. HEFLIN. Mr. President, the young people of Alabama lost an old and dear friend on March 7 when John Lemley Morrison, founder of Greensboro's Dairyfresh Corp., died. Known simply as "Lem" throughout the State, Morrison was a long-time advocate of youth development in Alabama, especially in Mobile.

Lem Morrison was born in Greensboro, AL, and was a life-long resident there, but Mobile was his second home. He had been an influential figure in the Port City, serving as president of the Allied Arts Council of Metropolitan Mobile and vice president of the Mobile Area Chamber of Commerce in the 1970's. Dairyfresh, which now covers six Southeastern States, was begun during the postwar 1940's when Morrison purchased Dixie Dairies in Prichard, a suburb of Mobile. The renamed facility there is still considered the company's mother plant. He remained Dairyfresh's chairman of the board until his death at the age of 87.

As successful as Lem was in business, he devoted just as much of his energy to aiding the development of young children and young adults. For years, he would shun advertising for his company, using the funds instead of various youth organizations. He was instrumental in establishing the Pixie Players in Mobile and had served on the Mobile Advisory Council for the Boy Scouts. Probably his greatest interest, however, was in Alabama's 4-H Clubs.

Known affectionately as "Mr. 4-H," Lem was chairman of the Alabama 4-H Foundation from 1964 until his death. He was the one person primarily responsible for the construction of the 4-H facility on Lay Lake, near Clanton in the central part of the State. A close friend remarked that Lem Morrison was a philanthropist in the very best sense of the word. Indeed, he touched many young lives in a highly positive way.

Lem served in the National Guard during World War II, advancing to the

rank of lieutenant colonel. After the war, he took \$40, according to friends, and started his dairy business. A short time ago, Lem was named to the Cattlemen's Hall of Fame. He has always been held in high esteem at Auburn University, which awarded him an honorary doctor of science degree in 1983. "Lem Morrison Drive" at Auburn is a living memorial to his work in the field of dairy agriculture.

Mr. President, our children and young people today face societal difficulties of a magnitude that Lem Morrison could never have imagined when he began working on their behalf several decades ago. He truly made a difference in their lives, and leaves behind a legacy we can look to when searching for answers to these problems. There is no doubt that Lem was one of the points of light that President Bush has so often referred to in the last few years.

I join all those who admired his work on behalf of Alabama's youth and dairy industry in commending his life, career, and many accomplishments. I extend my sincere condolences to Lem's wife Beatrice, son John, and daughter Lemuel, and wish them well.

The PRESIDENT pro tempore. The Senator from Ohio [Mr. METZENBAUM].  
Mr. METZENBAUM. I thank the Chair.

#### HEALTH STANDARDS

Mr. METZENBAUM. Mr. President, I rise to address a most serious problem that was described this morning in the Washington Post. According to that newspaper, last week the Office of Management and Budget blocked the adoption of health standards for 6 million construction, maritime, and agricultural workers, and sent the proposed regulations back to the Labor Department. OMB says it rejected the proposed rules because adopting health regulations might result in more workers dying. How absurd can you get?

The headline in the Washington Post says it all: "OMB's Logic: Less Protection Saves Lives." What a ridiculous, and cynical, explanation.

This is just the latest in a long line of affronts to the American people by the administration. Let us review the President's record in protecting the safety and health of American workers. Even without this latest delay, OMB's role in OSHA's standard-setting process has been a long nightmare of obstruction. As a consequence, many OSHA standards have taken 10 years or more to be issued. During this time, by OSHA's own estimates, thousands of workers have died or been injured or been crippled by occupational disease because the Federal Government had done nothing to protect them.

For example, OSHA has been formally considering a confined spaces standard since 1975. This standard

would protect workers from toxic gases when working in confined areas—such as storage tanks—without adequate ventilation. OMB has studied the standard a number of times, including one review that lasted 2½ years, from December 1986 to April 1989. Since the time OSHA began formal consideration, by its own estimates, 884 workers have died and another 59,000 have been injured in accidents that could have been prevented if the proposed standard were in place. And 17 years later—yes, I said 17 years—it still has not been adopted. What is worse, more than half of the health standards OSHA has issued during the Reagan and Bush administrations have been compelled by Congress or by a court because that was the only way to get the administration to do its job.

As if the administration's embarrassing record was not bad enough, in January the President called for a 90-day moratorium on all proposed regulations. He allowed an exemption for imminent safety and health risks without indicating whether that would cover any of the pending OSHA regulations. In fact by the Department of Labor's own estimates, suspending the regulatory agendas of OSHA and MSHA for 90 days would cost 293 lives and 1.3 million workplace injuries and illnesses.

I am pleased that the Senator from Montana saw it appropriate to speak to the fact that the President, on his own, did a political job, made a political move, a move intended to gain votes, by going up to Detroit yesterday and indicating he was suspending the standards with respect to automobile emissions.

Come on, now, Mr. President. You talk about a thousand points of light, but you are showing us only a thousand points of darkness day in and day out.

The Secretary of Labor says she will not do anything to endanger the health and safety of American workers. You can buy that if you want, but I do not. But she told her staff the moratorium review would involve "considerable staff time" and that her staff should conduct a review "even if other efforts have to be slowed."

Oh, we have to slow down these regulations, we have to slow down the protective measures for the workers of this country because the President does not want the 90-day delay.

Whether it is formalized or not, these efforts of the President and the Secretary of Labor will inevitably eat up precious resources and slow the regulatory process, and that means, plain and simple, that more American workers will die waiting for their Government to help them.

More than 7 months ago, we introduced OSHA reform legislation, but the administration still has not completed its review of the bill or taken a position. In these 7 months, an estimated 6,000 workers have died on the job in

accidents and perhaps as many as 50,000 have died of occupational illnesses.

Where is the compassion, Mr. President, where is that kindness that you spoke about when you talked about the thousand points of light?

And now, after the failure to do anything for so many months—so many years, in some instances—OMB has rejected health protections for 6 million construction, maritime, and agriculture workers, telling the Labor Department that it has to consider whether adopting these regulations will result in more workers dying because of the added regulatory cost. OMB's theory, as I understand it, is that added regulatory costs result in lower wages and fewer jobs, which might have a negative impact on workers' health. So OMB's bottom line is, as the Washington Post put it, "less protection saves lives."

This latest directive is an insult to the American people. It is an insult to every working man and woman in this country. Just this morning, at a hearing on the OSHA reform bill, one of my constituents told the Labor Subcommittee how her father, Linus Kriener, an employee of the city of Madeira, OH, died in a trenching accident less than 2 weeks ago. Although OSHA has trenching regulations that clearly would have prevented this tragedy, they do not apply to 8 million public sector workers like Mr. Kriener. As a result, no safety precautions were taken, the 10-foot-high walls of the trench collapsed, and Mr. Kriener was buried alive.

President Bush, do you really want to tell Mr. Kriener's family that less protection saves lives? Is that truly your message, Mr. President? Are you really saying, when you delay pollution controls up in Detroit, that that is good for the American people? Or are you playing some kind of a political game with the American people?

I intend to send a letter to the President today requesting that he take whatever action is necessary to ensure the release and publication of these proposed regulations as soon as possible.

I say to all of my colleagues, the letter has plenty of space on it for your signature to be added. I extend to you an invitation to join me in signing that letter.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. ADAMS). The Senator yields the floor.

The Senator from California [Mr. CRANSTON] is recognized for 10 minutes.

#### ROE VERSUS WADE: PROTECTING FREEDOM OF CHOICE

Mr. CRANSTON. Mr. President, on January 21, 1992, the Supreme Court announced that it would hear arguments in a Pennsylvania case in which the United States Court of Appeals for

the Third Circuit held that Roe versus Wade was no longer the law of the land.

On March 6, I and nearly 150 Members of Congress joined in an amicus curiae brief filed before the Supreme Court urging the Court reaffirm, rather than reject, Roe versus Wade. The oral arguments in this case have been scheduled for April 22, very soon. A decision may be handed down by early July. Although I certainly hope that the Court will not use this opportunity to undermine further Roe versus Wade, I am not sanguine about the prospects. Both President Reagan and President Bush campaigned for the White House on a platform aimed at placing on the Supreme Court, and throughout the Federal court system, judges who could be counted on to overturn Roe versus Wade. By every indication, they have succeeded.

Mr. President, if the Court does carry out the Reagan-Bush agenda of stripping away from American women—whether all at once or bit-by-bit—the right to freedom of choice, the responsibility to protect and secure this right will shift to the legislative branch. The Congress of the United States will be called upon to enact legislation which will restrict individual States from interfering with the freedom of a woman to choose to terminate a pregnancy.

I have introduced legislation, S. 25, the Freedom of Choice Act, to accomplish this purpose. In the weeks ahead, I intend to speak on the Senate floor about the vital urgency of enacting the Freedom of Choice Act if Roe continues to be eroded or overturned.

This debate should begin with a very thorough understanding of what will happen in this country if the protections provided under Roe versus Wade are eliminated.

In those States where abortion is outlawed or restricted, women will still have abortions. What they will not have is access to safe and legal abortions. To see what is at stake, we need only look back to the era which preceded Roe.

When abortion was illegal, illegal abortions were an epidemic. Thousands of women died at the hands of back alley butchers or from self-induced abortions. Some of the most powerful testimony in support of the Freedom of Choice Act has come from physicians who know firsthand what will happen if abortion is made illegal.

Dr. William Peterson, the director of obstetrics and gynecology of the Washington Hospital Center described at a March 4 hearing on the Freedom of Choice Act his own experiences in the years before Roe. Dr. Peterson testified:

I've been a physician for over 45 years \* \* \* I have seen firsthand the horrors of illegal abortions that were performed without proper medical precautions or care. I know of women who were blindfolded and alone,

moved by total strangers from place to place before they were brought to a secret place where the abortion was performed and then left on a street corner to find their way home.

Mr. President, in the years before Roe, virtually every major municipal hospital in this country had a septic abortion ward—a ward filled with women recovering from infections and aftermath of illegal abortions. A Texas physician, Dr. Robert Prince, who recently spoke at public forum in Dallas on the Freedom of Choice Act, described how early in his medical career he would see at least one case a night of a woman suffering from a botched illegal abortion.

If Roe is overturned, some States will outlaw abortion. Others will not. Some women will find ways to travel across State lines to communities where women still retain the right to have a safe and legal abortion. But many women will lack the resources or the ability to make these journeys. They will become the prey of the unlicensed, untrained, and unsavory opportunists or they will resort to self-induced abortions. The coathangers and knitting needles which had become ancient history will return, with tragic consequences.

Access to safe and legal abortion, like other basic civil rights, is a right which must be available to all women, regardless of the State in which they happen to live. With the demise of the constitutional protections provided under the Roe decision, Congress must establish Federal, statutory protections for all women who must face these very difficult, personal decisions. Enactment of the Freedom of Choice Act will provide those protections.

#### LEAKS

Mr. CRANSTON. Mr. President, the Senate investigation of the leaks in the Hill-Thomas sexual harassment matter is getting out of hand. Special Counsel Peter E. Fleming should be reined in.

I voted for the Senate resolution authorizing the investigation—despite deep misgivings.

I myself am a former newsman. I strongly support the right of reporters and editors to protect the confidentiality of their sources lest these sources dry up and the public is deprived of information it should have.

This is not merely a matter of press privilege. It goes to the very heart of the first amendment and the people's right to know what is going on in their Government.

As a matter of fact, during the Nixon administration I attempted to draft a so-called shield law that would have prohibited the Government from subpoenaing members of the press and badgering them into violating their pledge of confidentiality.

I abandoned that effort when I was persuaded that it would be best to con-

tinue to base press rights on the rock of the Constitution rather than on a piece of legislation that could be altered on a political whim.

I voted for the Senate resolution on the Hill-Thomas leaks because it also called for an investigation of certain leaks—most of them very, very, inaccurate—from the Ethics Committee. These leaks clearly were motivated not by any real concern for the public good but only by political and personal purposes and, perhaps, malice.

I was the main target of those leaks.

It was only natural that I wanted to see publicly exposed whoever it might be who was willing to violate committee rules, and the rules of common decency and fair play.

It was he or she I was after, not some reporter who was simply doing his or her job. I had not counted on Paul Rodriguez of the Washington Times being subpoenaed and grilled.

I sent word to Paul to stick to his guns, that he should stand by his constitutional rights and refuse to disclose his source even under threat of a contempt citation. He did so on his own, without needing my advice.

I was similarly disturbed when Nina Totenberg of National Public Radio and Timothy Phelps of Newsday were subpoenaed in connection with leaks from the Judiciary Committee in connection with the Anita Hill affair. I commend them for their courage in standing up to Mr. Fleming's attempts at intimidation.

But now Mr. Fleming has gone even beyond that outrage. He has taken steps to subpoena the home telephone records of Ms. Totenberg and Mr. Phelps, as well as information on calls made from their news organizations.

The investigation has degenerated into an unjustified criminal probe. No crime has been committed, but Mr. Fleming is doing violence to the Constitution.

As CBS anchorman Dan Rather said at the National Press Club yesterday, "A process has been set in motion that leads from one first amendment violation to another, like falling dominos."

There is something about being a Senate special counsel that seems to go to a lawyer's head.

Mr. Fleming should be told to cool it.

If he does not, I urge the Senate Rules Committee to do so by rejecting his requests for subpoenas for the telephone records of reporters and their news organizations.

#### REARRANGING THE TAX TABLES ON THE TITANIC

Mr. CRAIG. Mr. President, reasonable persons can disagree on policy, priorities, and legislative approaches. Sometimes, however, reasonable persons of generally differing viewpoints can find themselves in agreement on significant matters. That is true of the

editorial position of the Washington Post and the 47 Senators who voted last week against the tax shuffle bill, H.R. 4210.

I would like to commend to the Senate's attention to yesterday's Post editorial on the tax bill, and ask unanimous consent that the text of the editorial be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.  
(See exhibit 1.)

Mr. CRAIG. The Post called the tax bill, a bad play to an empty theater. That characterization was too kind; passage of this bill was more like rearranging the tax tables on the *Titanic*. Last week's tax bill was an exercise in moving tax dollars around from one pocket to another, to another, and back again, in hopes of diverting the taxpayers' attention from the fact that they and the economy are getting a kick in the pants.

That assault on the health of the economy is not coming from undertaxation, spending restraint, or too little Government. While it does come from many sources, the principal, and growing, source of our current economic malaise is a spiraling public debt. And the fiscal history of the Federal Government demonstrates clearly the source of that debt is the growth in spending within the Government itself.

We often rhetorically luxuriate in Federal budget numbers. We love to play the numbers game because I think most people in Washington recognize few can understand it when we do it. It sounds something like this, Mr. President. You know, the marquee on McDonald's hamburger stand that says: "billions and billions." Well, let us say billions and billions collected in taxes, billions and billions more spent, into trillions of debt.

Did anybody really understand what I said? It is a cliché, and true, to say that the meaning of those figures is lost simply in their magnitude. We do not know what we are talking about anymore and the American people cannot even begin to track us or understand it. But it is possible to make sense out of those figures if we work at putting them into clear perspective.

In constant dollars, adjusted for inflation, this year, the Federal Government will spend about 40 percent more than in fiscal year 1981. Let us pause for a second and reconsider that figure: After more than a decade, we are told by many on the other side of the aisle and in the press, of the slashing of programs and bone crunching belt tightening efforts of the Federal Government. Yet it is 40 percent bigger, spends 40 percent more on goods, services, and transfer payments.

And on the revenue side? After that same decade of supposedly slashing taxes and enacting revenue giveaways, in constant dollars, in purchasing power drained from the pockets and

purses of the American taxpayer, the Federal Government takes about 18 percent more of the money away from the private sector.

In other words, 18 percent more out of the pocketbook of the taxpayer. Today in real terms, the Federal spending machine is about twice as big as it was in 1970—at the climax of the guns and butter era of the sixties—and collects 50 percent more in taxes. Except for fiscal 1969, the year of the Vietnam surtax, the last year our budget was balanced was in 1960. Today, in inflation adjusted dollars in real terms, the Federal Government spends three times as much and takes in about twice as much.

Before any one of my colleagues comes running to the floor to decry those figures as masking over the huge defense buildup of the 1980's versus the slash and burn attack on domestic program, let me anticipate it and respond to those arguments in a similar fashion. In real terms, in real dollars that everybody can agree on, domestic discretionary spending has remained virtually unchanged since the last Carter budget in fiscal 1981.

After all the hue and cry about the budget meat ax of the eighties, we only really froze the purchasing power of discretionary domestic spending. However, then and now, the Federal Government spent and is spending about 50 percent more on these programs than in 1970 and 2½ times as much as 1962.

In entitlements, again in terms of constant dollars, real dollars today, we are spending about a third more than 11 years ago. Again, so much for the effectiveness of those entitlement cuts which we have all agonized over. It did not happen, Mr. President. We only say it did. We are now spending 2¾ as much as we did in 1970, and we are spending more than four real entitlement dollars for every one we spent in 1962. Those are the facts and they cannot be disputed.

The worst news, of course, comes with regard to the interest payments we are now having to make on that great public debt. Because of those spending increases I have just cited, because of the crushing debt that we have discussed for the last good number of weeks, real spending to serve the debt has doubled in 11 years—almost quadrupled since 1970 and increased more than 5½ times in 30 years, and that is a tragic, tragic number.

Commonly, we have made these arguments by comparing the growth of Government with the growth of the economy. The same general trends will show up in that analysis. After all, the Government has been growing faster than the economy, but I believe we focused too little on that type of constant dollar analysis of the budget trends. After all, there is nothing that gives the Federal Government an entitlement to grow at the same rate as the economy as a whole.

A constant dollar analysis of Federal spending trends allows us to compare apples with apples and ask quite simply: Is the Federal Government doing twice as much good for the American people as it did in 1970? Are the people getting three times as much service, compassion, and good stewardship out of their Government as they did 30 years ago?

Taking the long-term perspective, we can see readily that the burgeoning growth of Federal spending and indebtedness is not a partisan problem, not in the short run and certainly not in the long run. It is simply a problem of collectively being able to stop our spending appetite.

Last week, however, we did have the opportunity to take one small step in that direction and because of the pent up partisanship on this floor and collectively in the Congress itself, we opted not to do it. Instead, we took the option of shuffling the tax, playing the fiddle while the economy burned and we did that because of partisan politics. We did not reverse any trend. That is an opportunity we had and that my colleagues were offered with the Kasten amendment to the tax bill.

We could have paid for the tax cuts in H.R. 4210 with some spending restraints and done so for the good of everyone and especially for the working men and women who are now not working because of an economy that has placed them out of work. However, as the Post editorial notes and the Post points out that my friends on the other side of the aisle fully realize this, Mr. President, as well, we will have another opportunity, I hope, down the road to take a bite out of the apples that we are trying to compare at this moment.

Let us take that opportunity in the coming weeks to examine our fiscal past and our future in a long-term perspective that recognizes that debt overhang on this economy will do nothing but strangle it. While the rest of the world's economies emerge as growing and dynamic, we will find ours staggering, not producing the kind of job creation that we so vitally need to put our people back to work.

That kind of job creation will only come when we recognize tax policy that reduces the burden on the average taxpayer in this country, recognizes the value of investment, untaxed investment that will generally create jobs and return us to a productive economy. I ask that we recognize that in the coming months, if not for the sake of ourselves, for the sake of our young people's future and the future of this Nation and the economy.

EXHIBIT 1

[From the Washington Post, Mar. 16, 1992]

\*\*\* AND THE IMPOSSIBLE

The tax bill is a bad play to an empty theater. If you wonder why the president and both parties in Congress enjoy so little pub-

lic esteem, here is part of the explanation. The bill that the Senate held its nose long enough to pass last week 50 to 47 is one that hardly any senator believes in. It's a political gesture; almost everything about it is fake or wrong—and that's true of the rival proposals as well.

In the short run the Senate measure wouldn't stimulate the weak economy because it can't without breaking the budget rules and adding to a crippling deficit already much too large. In the long run, however, it would break the rules, or their spirit. It contains a huge backloaded gift to the better-off in the form of a new stream of tax-exempt investment income whose affordable effects have been carefully put beyond the five-year estimating period to which the budget strictures apply.

That's contradiction No. 1; No. 2 is that this new kind of IRA, or Individual Retirement Account, would also eventually vitiate the other supposed virtue of the bill, its progressive distributional effect in raising taxes on the rich to pay for a credit for the middle class. The measure would carelessly undo some aspects of tax reform as well.

The bill now goes to conference with the House, whose Democrats, with equal lack of enthusiasm or conviction, passed similarly self-contradictory legislation last month. The only serious difference is that, instead of the new IRA, the backloaded House giveaway is a capital gains tax cut that would be about as regressively generous and useless as the one for which the Democrats have indignantly castigated the president for the last three years. Who's on which side?

The third act in the set piece will be for the president to veto whatever the Democrats send him. That's the right result, but it, too, will be perversely reached; he'll do it for the wrong reasons. The tax increases to which he so objects on the rich are arguably the two bills' most defensible features, on fiscal and distributional grounds alike. The government needs the money (though for other things more than a tax cut for the middle class), and the increase standing alone would help restore the tax system's lost progressive edge.

The problem for both parties is the same. They have no money; they spent it all in the '90s. The deficit is now \$400 billion a year, the debt has quadrupled to \$4 trillion in the 12 short years of Reagan-Bush, and interest on the debt is a seventh of the budget, leaving that much less for everything else. These inheritors have no maneuvering room, whether it be to stimulate the economy, or come to the aid of U.S. states and cities or do the same for the former Soviet republics. They have mortgaged the ability to govern.

Tax cuts even if financed make little sense in such a setting, much less cuts financed as these and the president's both would be in part by technicolor accounting. The faster Congress removes itself and the president from temptation and adjourns in this election year, the greater the favor it will be doing the country. The risk of bad legislation from this session is much greater than the likelihood of any good. Go home.

The PRESIDING OFFICER. Who seeks recognition?

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

#### CORRECTING ENROSSMENT OF H.R. 4210

Mr. DODD. Mr. President, I ask unanimous consent on behalf of the major-

ity leader that in the engrossment of H.R. 4210, amendment No. 1733 be corrected by inserting page 6, which was inadvertently omitted which I now send to the desk.

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

Mr. DODD. Mr. President, may I inquire what is the business before the Senate?

The PRESIDING OFFICER. The Senate is in morning business.

#### SEMIANNUAL REPORT OF THE FEDERAL RESERVE ON CREDIT CARD INTEREST RATES

Mr. DODD. Mr. President, yesterday the Federal Reserve issued its semi-annual report on bank credit card plans, and I want to take a couple of minutes, if I can, to discuss that report. It contains both good and bad news for American consumers.

First of all, some bad news for consumers is contained in that report. Once again we find, Mr. President, that the largest issuers of MasterCard and Visa cards continue to offer new cardholders unduly high annual percentage rates with 6 of the top 10 issuers of these credit cards offering rates of 19.8 percent or higher and only 2 of those 10 offering a rate below 16 percent.

Moreover, Mr. President, according to the Nilson Report, 73 percent of all bank cardholders are still paying more than 17.99 percent on their balances.

Mr. President, I understand that credit card loans, and I think we all do, are not like other loans. They have higher acquisition and processing costs, as well as higher losses than other loans. So they figure to be more costly than mortgage or installment loans. I think we all appreciate that. But, Mr. President, with five drops in the Fed discount rate during 1991, credit card rates simply should not be this much more expensive than other loans.

Some have suggested that banks are simply making up on credit card loans what they are losing in other areas of lending, and I think those accusations are true. While there is nothing wrong with banks making profits, obviously they need to, a basic tenet of our free market system is that a competitive marketplace does not permit businesses to make higher profits in one area to offset losses in another.

At the same time, Mr. President, there is good news contained in this report, and I would like to get to that, if I could. This good news is that more banks are offering lower rates, few in the top 10, but when you get below the top 10, you find that banks are responding with some lower rates with many offering variable rates tied to the prime rate plus a margin, and I commend those banks for taking those steps.

Thus, as of April 1, AT&T Universal, the third largest bank card issuer, will

be offering new customers and consumers a 15.4-percent APR. In addition, there continue to be a number of smaller banks, Mr. President, that offer better deals for creditworthy customers. In this regard, I was pleased to note that People's Bank of Bridgeport, CT, offers one of the lowest APR's in the country. As of March 1, its rate will be 11.5 percent, with a \$25 annual fee and a 25-day grace period.

Compare that, Mr. President, with the 19.8 percent of 6 of the 10 largest credit card issuers in the country. Consumers have a choice here, and part of the rationale for this report that comes out twice a year is to let people know that they can shop; that they do not have to do business with those credit card companies that offer the highest rates.

There is nothing that prohibits a consumer from the State of West Virginia—I see my colleague here, the distinguished President pro tempore, and the distinguished Presiding Officer—or from the State of Minnesota from coming to Connecticut to do business, and we would like them to do that. They ought to shop around the country and find out what the best rates are for them. At any rate, this particular bank in my State is one of many that is dropping the rates.

The question might be asked, Mr. President, how much of a difference will a lower APR mean to consumers. Obviously, the answer to that question depends upon the size of the balance one rolls over from month to month. However, it is instructive to look at the average bank credit card balance that is rolled over in a month, which is roughly \$3,000. That is a figure that is derived from dividing the total credit card balances outstanding by the number of accounts that do not pay off balances monthly. That number, we are told, nationwide, is roughly \$3,000.

If that is the average, the cost of carrying over a \$3,000 balance for 1 year at 19.8 percent, which is what those six largest banks are offering, is \$594. At 11.5 percent, which is, as I pointed out, the rate at the People's Bank in Bridgeport, CT, that drops to \$345, or an annual savings of \$249.

Now, that may not sound like a lot, but recently, during the tax debate around here, we were told that in the House bill middle-income taxpayers were going to save \$200 if they were single filers.

Here, by just shopping, by just looking round the country, you do not have to wait for a tax bill. If you are a credit card holder who is a good risk and you have a \$3,000 annual balance, which is the national average, by just shopping you can save yourself and your family \$250 a year, just on the interest being charged.

Moreover, Mr. President, the bank in Connecticut, People's Bank, is not alone, as I said, on this list. There are

many other banks that have low APR's. The lowest happens to be the Simmons First National Bank of Pine Bluff, AR, offering a variable rate of 8.5 percent, 8.5 percent at the Simmons First National Bank of Arkansas.

Again, compare that with 19.8 percent, those two choices that you can make.

Of course, the consumer has to examine more than a card's APR to get a good deal. For people who pay off their full balances each month, which according to the American Bankers Association is roughly 30 percent of those who use credit cards—they do not allow any interest to accumulate, unless, of course, some banks charge interest from the moment of purchase forward—but for those users, low or no annual fee and a reasonable grace period are more important than a low APR. So if you are shopping, do not just look at the annual percentage rates; see whether or not that credit card issuer charges you interest from the minute you buy the product or the service. If they do, and you pay off your monthly balance every month, then you may want to look to those credit card issuers that provide a grace period, as many do, that allow a 25- or 30-day period before any interest is charged.

What I am suggesting here, Mr. President, is that people need to be good shoppers, smart shoppers. You need not be doing business with a credit card company that charges excessively high rates. There are choices for people out there.

What this Fed report does, of course, is give consumers a fighting chance, in my view, to get a lower credit card cost. It does not guarantee that consumers will get a low-cost card. Obviously, the issuers of such cards are looking for highly creditworthy customers. But it does assure the customer who is willing to do his or her homework the ability to identify the best available credit card plans, simply and cheaply.

There is more good news for credit card customers. According to the Nilson Report, the weighted average APR for consumers had declined from 19.04 percent in 1987 to 18.43 percent in November 1991. Moreover, profits have declined in recent years from 3.08 percent of year end outstandings in 1989 to 2.59 percent in 1990.

Nevertheless, as I indicated earlier, 73 percent of bank credit card holders are still paying more than 17.99 percent on balances and, frankly, that is far too high. You need not be doing that any longer if you just shop wisely.

Mr. President, my point is a simple one. Thanks to this Fed information, which was mandated under the Fair Credit and Charge Card Disclosure Act of 1988, which I had the honor of authoring in this body, and the availability of private sector services that pro-

vide such information on an ongoing basis, consumers do not need to accept costly credit cards. They can choose instead to say they will not pay those high prices and they can switch to cheaper cards.

Such consumer action would be the simplest and most direct way to bring down credit card rates. If card issuers will not compete on the basis of price, then consumers can exercise their right and switch and make them bring down those prices.

Mr. President, I commend the report to all of the consumers across this country who would like to pay less interest than are presently, and I hope that the media across the country will do their readers a favor and publish in very prominent, and clear, available space the information contained in this Fed report. It would be an invaluable service to consumers everywhere.

Mr. President, I yield the floor. The PRESIDING OFFICER. The Senator from West Virginia is recognized. The PRESIDING OFFICER (Mr. WELLSTONE). The Senator from West Virginia is recognized.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### A LINE-ITEM VETO IN THE CONSTITUTION? "IT IS NOT THERE"

Mr. BYRD. Mr. President, on February 27, the Senate, by a vote of 44 yeas to 54 nays, defeated a motion to waive a budget act point of order made by the able senior Senator from Tennessee [Mr. SASSER] against an amendment cosponsored by Senators MCCAIN and COATS, of Arizona and Indiana, respectively. The amendment sought to "grant legislative line-item veto rescission authority to the President of the United States to reduce the Federal budget deficit."

I spoke at some length against the granting of item veto and enhanced rescissions authority to the President, but I anticipate that line-item veto proposals, in one form or another, will be introduced in the Congress in one House or the other from time to time in the future as they have for over a hundred years in the past. I, therefore, wish to make some additional comments on the subject, even though the Senate has disposed of the matter at least temporarily and for the time being.

The McCain-Coats amendment's purported objective—"to reduce the Federal budget deficit"—is a laudable one. I quote that from the amendment to

reduce the Federal budget deficit. However, the amendment was directed solely at appropriations bills—"regular or supplemental appropriations act[s] or a joint resolution making continuing appropriations."

I deplore the budget deficits, but I submit that the amendment was aimed at the wrong target. Appropriation bills have not created the deficits.

The huge triple-digit, billion-dollar deficits first appeared during the early years of the first Reagan administration. They were brought on by the 1981 tax cut, the rapid military buildup, and the explosive growth in entitlement and mandatory programs; that is, backdoor spending.

These deficits, beginning with the first Ford years, are shown on the chart to my left. This chart indicates the beginning of the plague of triple-digit, billion-dollar deficits in 1981 and their continuance to the present day and beyond. During the 192 years prior to Mr. Reagan's assumption of the Presidency in 1981, there had never been a triple-digit, billion-dollar deficit.

So, on the chart to my left, beginning with the first Ford years—and I am speaking of a fiscal year in this sense—the deficit was \$70 billion in fiscal year 1976; two digits, but not three digits.

The next year, fiscal year 1977; the deficit was \$50 billion. In fiscal year 1978, the first of the Carter years, the deficit was \$55 billion. And the next year, it was \$38 billion. The next year, the deficit was \$73 billion; the next year, the last fiscal year under president Carter, it was \$74 billion. Thus, I have shown thus far on the chart, the 2 Ford years and the 4 Carter years.

Observers will note that up to and through the final fiscal year for which Mr. Carter was responsible, none of the deficits were triple-digit, billion-dollar deficits. They were double-digit deficits. But beginning with fiscal year 1982, the first fiscal year for which Mr. Reagan was responsible, we saw for the first time in the history of this country triple-digit, billion-dollar deficits. Beginning with fiscal year 1982, the deficit amounted to \$120 billion. It was no longer a double-digit deficit. It was a triple-digit deficit.

In fiscal year 1983, the deficit was \$208 billion; in fiscal year 1984, the deficit was \$186 billion; in fiscal year 1985, the deficit was \$222 billion; in fiscal year 1986, the deficit was \$238 billion; in fiscal year 1987, the deficit was \$169 billion; in fiscal year 1988, the deficit was \$194 billion; in fiscal year 1989—the last fiscal year for which Mr. Reagan was responsible—the deficit was \$206 billion.

I have just particularized the triple-digit deficits during the 8 years of the Reagan administration.

In fiscal year 1990, Mr. Bush—that was his first year of direct responsibility

tions rider, and [then] veto selected "resolutions" within a bill at his discretion. If Congress plays the game of 'form and name' to subvert the President, then the President must likewise defend himself. This is the point of Clause 3."

*Stocks* has nothing to do with the line-item veto. The only relevant part of the court's opinion is that a joint resolution is identical to a bill; each measure must pass both Houses of Congress and be presented to the President for his signature or veto. If he signs it, or if his veto is overridden, the joint resolution or bill becomes public law. If the President decides to exercise the veto power, he must veto the entire joint resolution or the entire bill. Nothing in the Court's decision suggests that the President is at liberty to rummage around inside a joint resolution or bill and strike out offending sections and provisions. Certainly it is a giant step for Glazier to argue, "by extension," that a President can determine that a bill contains "implicit" joint resolutions for each line item or appropriations rider, and then veto selected joint resolutions within the bill. That argument totally garbles the *Stocks* decision.

More indicative of how the courts would rule if a President exercised the line-item veto are two decisions, one in 1972 and the other in 1988. With regard to the first, when President Nixon signed a military authorization bill in 1971 he said that one of the sections (the "Mansfield Amendment" dealing with Southeast Asia) did not represent the policy of his administration. He regarded the section as "without binding force or effect," thereby exercising item-veto power. A federal court in 1972 rejected his position: "No executive statement denying efficacy to the legislation could have either validity or effect." Nixon's statement, said the court, was "very unfortunate."<sup>2</sup>

The more recent case involved a bill that President Reagan signed into law on July 18, 1984. In his signing statement, he objected to certain provisions as unconstitutional and instructed the Attorney General to inform executive agencies how they should comply with the provisions. The Justice Department issued a memorandum declaring that the dispute provision were unconstitutional and should not be enforced by the agencies. Attorney General William French Smith notified Congress that the Justice Department had instructed agencies not to execute the provisions. A month later, an OMB Bulletin instructed all agencies to carry out the law as though the challenged provisions were not contained in the statute.

When Edwin Meese III became Attorney General, he announced that the executive branch would not comply with a district court order upholding the provisions, nor even possibly a court of appeals decision. The provisions singled out by President Reagan were upheld by the Third Circuit and the Ninth Circuit. When the Ninth Circuit decided the case in 1988, the court agreed to award attorneys' fees to the party challenging the administration's action. It did this because it found that the administration had acted in "bad faith" by intentionally refusing to abide by the provisions.<sup>3</sup> The court argued that President Reagan's choice when receiving the bill in 1984 was to sign it or veto it. He had no power to sign the bill into law and then fail to carry out certain contested provisions:

Article I, Section 7 does not empower the President to revise a bill, either before or

after signing. It does not empower the President to employ a so-called "line item veto" and excise or sever provisions of a bill with which he disagrees. The only constitutionally prescribed means for the President to effectuate his objections to a bill is to veto it and to state those objections upon returning the bill to Congress. The "line item veto" does not exist in the federal Constitution, and the executive branch cannot bring a de facto "line item veto" into existence by promulgating orders to suspend parts of statutes which the President has signed into law.<sup>4</sup>

Glazier also insists that the line-item veto is justified because Congress as resorted to passing omnibus bills that erode the President's regular veto power by "bunching up" disparate provisions. In self-defense, Glazier argues, the President "can unbunch such bills by vetoing line items and riders." Under recent practice, Congress has dispensed with the passage of thirteen separate appropriations bills. Instead, it rolls them all into a single continuing resolution. Glazier concludes: "Obviously, today's line item is yesterday's bill, and the President can veto either." Implicit in Glazier's argument is the belief that the early Congresses passed separate bills for discreet subjects, thereby maximizing the President's veto power. A review of the early Congresses, however, shows this belief is incorrect.

Mr. BYRD. Madam President, I yield the floor. I thank Senator DOMENICI and others who have been patiently waiting to speak.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, let me first say to the distinguished chairman of the Appropriations Committee that whether one agrees with his arguments or not—obviously, I have not studied this one—I must congratulate him on the depth of the research, the eloquence of his thoughts, and the reasonableness of what he has laid before the Senate. It is always a privilege to follow Senator BYRD on the floor of the Senate.

Mr. BYRD. Madam President, I thank my distinguished friend, who possesses one of the brightest minds that I have ever known in my 34 years in the Senate. He is a fair man and is a thorough man who studies a matter. We do not always agree, but many times I think he may be right when we disagree. I thank him again for his comment.

#### THE ECONOMY IS IMPROVING

Mr. DOMENICI. Madam President, I would like to talk with the Senate today about three things: First, good economic news. Second, what seems to this Senator to be a logical course of action based upon the good economic news that we have. Third, I would like

to discuss for a few moments today the premise that I first raised on the tax bill that we passed here last week. I don't believe that the tax bill is an economic growth bill or a jobs bill.

I raised the proposition that we weren't really taxing the wealthy, but rather that we were increasing the taxes on those who produce jobs. So my third point will be a discussion of economic growth, meaning more jobs, not more taxes.

But first, before I do that, let me share some good news since we in the Senate and the American people have been hearing so much bad news about the economy. Here are the details of the most recent assessments of the American economy for the month of February:

One, housing starts rose at 9.6-percent in February, following a good 6.4-percent rise the previous month. Housing usually has led America out of recessions. I see no reason why they will not this time. And those 2 months, back to back, are a very good start in moving America in the direction of more jobs, more employment, less unemployment, and more economic growth, rather than less.

Second, the industrial production index, which measures production, the activity in our factories—about one-fourth of the economy—rose at six-tenths of 1 percent in February, turning around the downward trend of recent months. That does not seem like a lot, but just preceding it was a negative 0.9, and now we have a positive 0.6. It will be adjusted later. I assume, from what we have been experiencing in the last couple of months, when we get the final statistics, they will be adjusted up rather than down.

The industrial production index normally is the forebearer of industrial growth and, generally, Madam President, does not go up and down like some of the other indicators. It is a rather stubborn index, and when it finally kicks its stubbornness, it usually is sustained good news.

Inflation remains low in February—three-tenths of 1 percent—for a modest 3½ percent annual, and then add to it last week's news, which was on the side of the consumer, and indicated that retail sales rose 1.3 percent in February and 2.1 in January. Those 2 months, back to back, are the strongest 2 months since 1985. That is a pretty good indication that we are moving in the right direction.

During that same period of time, as one might expect from these numbers, including the industrial production index rise, new jobs rose at 164,000 in February. This is about as good an increase as we have seen since before the recession began in 1990. Even though the unemployment rate went up slightly, even with the new industrial jobs, that, historically, is rather appropriate and does not negate the positives, but

<sup>4</sup> *Id.* at 1124. For the actions in the Third Circuit, see *Ameron, Inc. v. Army Corps of Engineers*, 6076 F. Supp. 962 (D.C.N.J. 1985); *Ameron, Inc. v. U.S. Army Corps of Engineers*, 610F. Supp. 760 (D.C.N.J. 1985); *Ameron, Inc. v. U.S. Army Corps of Engineers*, 787 F. 2d 875 (3d Cir.); *Ameron, Inc. v. U.S. Army Corps of Engineers*, 809 F. 2d 979 (3d Cir. 1986).

<sup>2</sup> *DeCosta v. Nixon*, 55 F.R.D. 145, 146 (E.D.N.Y. 1972).  
<sup>3</sup> *Lear Siegler, Inc., Energy Products Div. v. Lehman*, 842 F.2d 1102, 1117-18 (9th Cir. 1988).

rather is there because the new industrial jobs are kicking in slowly, but they are, very assuredly. So I rise to say things are getting better.

I will now address the issue which I am being asked about by my constituents and others: Why is the economy recovering when you have done nothing in Congress? Well, let me suggest that we have regularly, in the past, kidded ourselves into thinking that we fix the economy in the Congress. In fact, we have a lot of Members thinking that we do that. Suffice it to say that we have not done anything wrong, because we have not done anything at all to help the economy. There are a number of good thinkers who said even 4, 5, 6 months ago, if Congress does not enact a tax bill, the people of America win. So, thus far, that is the result.

From what I have just said, about the economy—industrial growth starting up, housing starts not only starting up but increasing at 9.6 percent following a 6-percent-plus growth the month before—it seems to this Senator that we ought to stop politicking. The Democratic tax increase is not going to become law. That bill does not mean more jobs, it means more taxes. Since that is the case, and since it is not going to become law, we should start over and pass the incentives that are right in line with what the economy is already doing.

Why do we not pass the \$5,000 tax credit for first-time home buyers? You see, we need to keep that housing momentum going.

The industrial growth is going up a bit. We talked about that. Why not pass the 15-percent investment tax allowance? That is a very stimulative investment incentive, suggested by the President to go into effect right now to encourage businesses to invest in new equipment of all types. This would push that industrial growth up again.

Madam President, the other side came to the floor with their tax bill and said over and over that they wanted the same thing as the President, except—of course, the exceptions were very big. Leave the "exceptions" out, leave the tax increases out, leave the tax cuts out, and leave the capital gains out. Leave the special interest provisions out. Pass what I have just discussed, plus the penalty-free withdrawal from IRA's, which encourages home building. Pass the passive loss provisions, which help the real estate professionals to keep real estate off the rolls of bankruptcies and out of the RTC's portfolio. Passive loss reform would help stop the flooding of the real estate market. It would strengthen the banks. It would make more credit available. We should also enact a provision to allow pension funds to invest in real estate. This is a long-term way of letting real estate get more funding.

This is the outline of a five-part tax bill which we could pass here quickly.

The President could sign it and we would add some additional momentum.

There is no way, Madam President, that anyone would say we would be harming the economy by passing that. Those who said it will be good if Congress does nothing because they are worried that what we do will be bad for the economy, none of those voices will lend themselves to that accusation if we will just pass those five measures.

Now they are easy to pay for in terms of neutrality. They require no new taxes, and we could tell the American people not only did we not do any harm, we did some good.

Having said that, I would like now to move and talk a bit about my third point for the day.

I want to tell the Senate about one of my constituents who will be paying the new 36-percent tax rate contained in the Senate Finance Committee bill. This new rate is advocated by almost all Democrats on that side of the aisle and their leadership. This friend of mine in New Mexico has a small business that is expanding. If this bill becomes law the expansion will be slowed down. Instead of expanding at the current rate, he and his partner will be paying higher taxes and delaying their investment and job creation.

My idea of economic growth is more jobs. The other party's idea of economic growth is more taxes. I stated it before on the floor; other Republican Senators stated it. We exchanged information. The Treasury Department with their economic models produced the statistics. Eighty-nine percent of the 36-percent rate increase that was supposed to be a rate increase for the very wealthy will be paid by people with small business income. These are the entrepreneurs who have created 80 percent of the new jobs in the last 10 years, and they will do it again or we will not have sustained economic growth.

The tax increase will be paid out of the working capital and retained earnings of small job-creating businesses like the one I am going to talk about. The real bottom line of the 36-percent tax rate for small business is that Congress thinks the Federal Government can spend their money better than the small business person can invest it. I honestly doubt it.

Now, I will tell you about this proposed rate increase and how it will affect this small business in my State. And if I am able each day until we finally have a veto and sustain that veto, I will tell you about how a rate increase is the wrong thing to do. Each day, I will bring the Senate an example of a small businessman or woman in New Mexico who is going to be adversely affected by the new taxes imposed.

Today I want to talk about this constituent, who is 73 years old and perfectly willing to pay his fair share. He

thinks the 36-percent tax rate is a bad idea. He knows it will slow down his company's expansion.

Last year, he opened three new stores, one in the city of Gallup, NM, a part of my State with high employment. Gallup is near a Navajo Reservation with an Indian unemployment rate of 35 percent. My constituent, the businessman, provided 15 new jobs in that new store. Ten of those jobs went to Indians, and he is doing this without any Federal tax incentives.

He also opened a store in Colorado Springs, producing 20 new jobs. And one in Tucson, AZ, with 20 more jobs. He has a vision as an entrepreneur. He has a younger but experienced partner who, like himself, is committed to the business. He has a 3-year, a 5-year, and a 10-year plan. He now has 17 stores. The 10-year plan has a goal of 100 stores and 2,000 jobs. In the near future he is planning to open another store in Las Cruces, NM, three in California by the end of the year, absent a retroactive 16-percent new income tax rate imposed on him and his business, 16-percent increase in the taxes if that bill becomes law for this entrepreneur and businessman and his partner. Each store is at least 20 new jobs. My constituent just opened a new headquarters office building and warehouse in my home city of Albuquerque, and 25 people were hired to run that new headquarters and warehouse.

Mr. President, all of these jobs we are talking about are private sector jobs brought to the marketplace by the vitality and risk-taking of two businessmen. This expansion included the purchase of high-tech equipment that supported some more jobs; several construction crews worked on renovating the building, an empty food chain store, more jobs. It was a community eyesore. It cleaned up the community. The carpet company, sign firm, office furniture merchants, all benefited from this expansion, adding a few more jobs and more economic growth. The renovation will be the headquarters for a healthy business that we can be proud of in my State.

This constituent projects there will be 150 good jobs at the headquarters in the next 3 years. Let me quote: "We will provide another 150 jobs if the Government will just let us. That 36-percent tax rate will make it a lot harder. It will slow us down."

I say to my friend from Oregon, that is what we have been saying about new taxes on small business. They are saying to us: "That 36-percent rate will make it a lot harder. It will make us slow down rather than grow."

My constituent continued: "You take away the incentive to invest and grow if you raise the tax rate. It is tempting to say stand back and sock the money away instead. Why take the risk?"

He is not the Donald Trump of Albuquerque. He came there with nothing.

He has never participated in a tax shelter. He has worked for over 30 years in the western wear business. If you want shirts, boots, pants, belts, scarves, he is the best. If you want your hat blocked or steamed, it is the place to go. It is good quality, great price, fair price. Over the years his philosophy has been as it is with his new partner, invest and reinvest the profits back into the company and make it grow. Let the community share by creating jobs.

That has been the secret, growth and expansion had led to the success of this constituent of mine. It is not what he takes home that puts him in the 36-percent bracket, it is the share of retained earning in the business that puts him in that category.

Three hundred families depend on this man and his partner for their paychecks every month. But he is worried that if the 36-percent tax rate goes into effect on his business that he might be cash devastated because they are in the middle of this big expansion.

He said they will still expand but at a slower rate. Think about that statement. Think about that result. The 36-percent bracket will slow the small business down.

The objective of an economic growth bill should be to speed up economic growth. The slowing down instead of speeding up is one reason the Finance Committee tax bill is misdirected and should not become law.

My constituent and his partner are really entrepreneurs. I wish I had a thousand of them in my little State because his hard work and spirit creates good jobs. If people like him are around they make our economy strong. We should listen to them, and they say the 36-percent tax rate is a bad idea. It slows down growth instead of causing growth. Growth means jobs. Slower growth means less jobs. I will tell you about another similar constituent tomorrow.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Madam President, first I commend my colleague from New Mexico, Senator DOMENICI. He has given us a very clear and concise analysis of the economics of the moment, the impact of the proposed legislation on those economic trends.

Madam President, I have been in the Senate for a number of years in which I have listened to economic analysis time after time. But there is no one, in my opinion, who has a greater skill to bring to a layman's understanding complex economic forces, trends, and statistics.

I commend him for his clarity in enunciating such subject matter and for giving us additional hope and expectation that we are building toward an economic recovery.

#### JAPAN-BASHING

Mr. HATFIELD, Madam President, in this election year, there is a distinct unwillingness to enter into thoughtful discussions on foreign affairs. Witness our reluctance to pass a foreign aid authorization or appropriations bill. And specifically, witness the difficulties we face in gaining approval for two extremely important causes: The relief effort to aid the Commonwealth of Independent States and the United States support for U.N. peacekeeping initiatives worldwide.

I feel the American public wants stability in the post-cold-war era, but we in Congress have done precious little to explain how our foreign relationships can improve that stability. I fear that in a climate of isolationism we will lose the chance of a generation to break the cycle of arms peddling and war.

One disturbing outgrowth of this turn inward is the tolerance of Japan-bashing. Our Nation of immigrants, the melting pot of the world, is dangerously close to providing a license to hate. The rhetoric which has been rising over the past few months is harming the Japanese-American community within our Nation and threatening our country's economic stability.

Listen to the Chairman of the U.S. Civil Rights Commission who recently warned us that:

Japan-bashing is on the rise across the Nation, and there are signs that racial animosities toward Japanese Americans and other United States residents who trace their origin to many different Asian lands are increasing as well.

The Chairman is warning us that continued Japan-bashing may result in hate crimes against United States citizens. It already has hurt some Girl Scouts in Los Angeles—through the cruel remark of the man who said he would only buy cookies from American girls. This uncalled for swipe at these young Americans of Japanese descent ignored the fact that the troop members are no less United States citizens than he.

No matter how concerned the people of the United States may be about the trade balance with Japan, about the recession today in our country, or how unfamiliar they may be about Asian customs, I refuse to believe that this Nation, the birthplace of freedom, is willing to sacrifice the dignity and pride of young Girl Scouts or any other Japanese-American. Yet today we find ourselves—we, the keepers of the Bill of Rights—on a slippery slope toward racism.

Whatever role other Senators decide to play in the trade debate with Japan, I am hopeful that they each will reject the current tone. I fear that if we in the Senate and within Government do not set the standard, those who are truly racist will insert their own agenda into the debate. Bigotry cannot be

allowed to cloak itself in the name of saving jobs, no matter how complicated our relationship with Japan becomes.

Do not get me wrong: I am well aware of the anti-Americanism of some Japanese, as well. I, too, was discouraged to hear the remarks of the speaker of the Japanese Diet. His remarks were uncalled for, unfair, and most importantly, inaccurate. All I have to do is look around me to know that American workers are the best in the world.

In Oregon, they have proven this to be true at, of all places, Fujitsu America, where after only 2 years of production the American subsidiary of that Japanese company was outproducing its parent—using identical production facilities in Portland, OR.

But the honor of the American worker aside, it is a fact that our country cannot benefit from the current climate of suspicion and anger toward the Japanese. There is much to lose. If election-year politics and the frustration and pain caused by the economic recession force us into isolation, then we will have missed out on enormous opportunities for cooperation in the global economy.

I call for an end to the indiscriminate hostility not simply because I happen to represent a State which enjoys a good trading relationship with Japan. It is much deeper than that. I stand there today as someone who has seen the American relationship with Japan turn from bitter enemies to allies and business partners. I fought against the Japanese in World War II. I was in the Navy, the branch of our Armed Forces which took the brunt of Japanese aggression in Pearl Harbor and all over the Pacific. I fought at Iwo Jima and Okinawa. And I was at Hiroshima only 1 month after the bomb was dropped. I know what it is to hate an enemy.

But time should heal the wounds of war. After that terrible conflict, Japan was given the opportunity to rejoin the world community. Democracy was established at America's insistence and it has taken hold. Our military relationship with Japan is firmly in place. And our economies have become inextricably intertwined.

Certainly the trade and cultural relationship with Japan varies State to State, but I want everyone here to know about the special relationship between Oregon and Japan because I think it will help my colleagues understand my perspective on this issue.

The first sister city relationship between an American city and a Japanese city was established between Portland and Sapporo. Tokyo International University operates a campus adjacent to my alma mater, Willamette University, only two blocks from our State capitol. Oregon is home to the North Pacific Studies Center, to a renowned Japanese garden in Portland, and to a memorial on the waterfront to the Jap-

anese-Americans who were imprisoned by our Government during World War II. Now we are building Japanese-American cultural center in Ontario, OR. This year Portland will host a week-long observance highlighting the trade and cultural ties between our two great nations.

Japan is a good customer of Oregon's. It is Oregon's largest trading partner, exporting almost 3 billion dollars' worth of goods to Japan last year. Included in that total are the thousands of Hondas built in the United States by American workers, for the Japanese market. International trade represents nearly one-fifth of my State's GNP. Those who promote protectionism will be in for a surprise when they find that many of us will not follow their lead. Oregon, for one, simply cannot afford to do so, and neither can this Nation.

The contribution of Japanese-Americans in my State is very strong. One family the Naitos, has almost single-handedly revitalized a section of Portland, making it into a thriving part of that city. The largest travel agency is run by Americans of Japanese descent. Many of them are Oregon's best farmers. They have names like Teramura, Ohtani, and Kino. And they have some of the largest and most productive farms in potato and onion country. I am proud to say they are Oregonians. They are Americans. They are successful and they are loyal. And according to the United States Civil Rights Commission, they or their relatives may soon find themselves facing the fallout of the effort to turn Japan into our enemy for the 1990's.

One hundred and twenty-three thousand Japanese-Americans became the victims of overzealous patriotism and suspicion during World War II. They were driven from their homes and forced into internment camps. They left my classroom as fellow students that I had grownup with, the Takayamas, the Watanabes, and the Tanakas, and I could go naming many others. Are we prepared to allow a climate of suspicion to again be created against our own citizens? I think not, I pray not.

When I was a young man, the markings "made in Japan" meant, more often than not, that you were looking at a product in the local five and dime store. And for those of this generation, there was such a time when we had five and dime stores. "Made in Japan" was stamped on inexpensive and simple items. Not anymore. The symbol "Made in Japan" now stands for superb workmanship and technological expertise.

Japan has reason to be proud of their industrial output. It is the result of single-minded pursuit of quality and success.

That single-mindedness has resulted in practices which some argue are unfair. President Bush has made that ar-

gument. Many of my Senate colleagues have made that argument. I agree with them. Japan has barriers to United States products and those barriers must be removed. The President's trip to Japan—which was blindly labeled a failure before anyone had a chance to read the resulting agreements—highlighted some of the problems the United States is experiencing with its exports to Japan.

But our relationship with Japan is not all bad news. Even though the United States trade deficit with Japan has leveled off at \$40 billion dollars, United States exports to Japan are on the rise. Progress has been made on several fronts. Negotiations on foreign construction led to Japan allowing American firms to be eligible for government-financed projects. And the continuation of the structural impediments initiative may lead to changes which affect the very core of Japanese trading practices, including the tradition of keiretsu which encourages exclusive business practices.

Let us be honest: America's economic hardship was not created by Japan and it will not be solved by bashing Japan. Our trade with that country ought to be barrier-free. But even open markets will not guarantee prosperity. Look at the auto industry. The Big Three's problems are bigger than trade barriers alone. United States auto makers are challenged by an intensely competitive marketplace and by high overhead. It is in our interest to take a look at the way our Federal laws, guidelines, and requirements help or harm American business. Who is responsible for our competitiveness? Not the Japanese. Not the Germans. We are.

The world of trade is complicated. It requires resolve and deft maneuvering. It requires hard-bargained agreements. And sometimes it takes the threat of retaliation to get the point across. But name-calling and finger-pointing are hardly the tools of world-class traders. Carrying on about the Japan problem ignores our own problems. It is replacing leadership with scapegoating.

Leadership is looking beyond country of origin and recognizing that Japanese ownership of the Seattle Mariners means that the team would finally have an owner who holds a Washington State's driver's license. Leadership is studying her successes of the Ford Motor Co.-Mazda partnership, the Chrysler-Mitsubishi agreement, or the Textronix-Sony relationship in my own State, and finding out how they make it work. Leadership is recognizing that the United States benefits from a strong relationship with her trading partners, including Japan.

The days when America's interests could be furthered by hostile threat are over. There is no Commodore Perry to send sailing into Tokyo Harbor to open up Japan's markets all over again. Instead of verbal sabre-rattling we need

to show muscle in the boardrooms. Negotiation of free and fair trade is the work of Government officials and business leaders, not bigots. Let us refrain from using rhetoric which confuses the two. Our economic health and our loyal Japanese-Americans are depending on us to cool the scorching remarks before it is too late.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

#### SENATOR HATFIELD IS RIGHT— STOP JAPAN BASHING

Mr. BOND. Madam President, we have just heard a very important and a very thought-provoking message from our distinguished colleague from Oregon. Sometimes when we speak in morning business, people tend not to listen. I hope that all 97 of our colleagues who are not here, will either have watched this or see this or read it, when they have a chance. I hope it will be carried in the media. I hope it will be reported as the views of leaders of the U.S. Senate.

I believe that Senator HATFIELD has very appropriately identified a very dangerous practice in the United States, and that is abusing, downgrading, denigrating American citizens because of their national origin.

I had wanted to say something, and I was going to say something later on. I am here on another matter. But I want to associate myself with the remarks that the Senator from Oregon has made because I think they are very important. We do have trade disputes. We have to fight hard to make sure we end unfair trade practices. But we cannot do that and we cannot be competitive by discriminating against Japanese-American Girl Scouts. That is not what this country is about.

Mr. HATFIELD. Thank you.

The PRESIDING OFFICER (Mr. ROCKEFELLER). The Senator from Missouri is recognized.

Mr. BOND. I thank the Chair.

(The remarks of Mr. BOND pertaining to the introduction of S. 2361 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### PRACTICAL PROTECTION OF SPECIES

Mr. GORTON. Mr. President, last week the State of Washington took a

drastic measure that will have far-reaching adverse impacts on families, jobs, and rural and urban communities in eastern Washington. Absent any sort of deliberative process and without notice, the Washington State Department of Ecology announced last Friday that all water rights applications in the Columbia River basin filed after December 20, 1991, will be suspended indefinitely. December 20, 1991, is the day the Snake River sockeye salmon was listed as endangered. This action will delay decisions on new water rights for irrigation, public water supply, domestic use, industry and other uses.

I have several quarrels with this decision.

Since petitions to list salmon stocks in the Northwest as endangered or threatened were filed in the spring of 1990, regional organizations have made concerted efforts to develop programs which will lead to increasing the stocks at risk. I support these efforts and I firmly believe that regional organizations are most capable and best suited to develop a comprehensive, biologically sound, and economically realistic salmon recovery plan. If regional efforts are continued, I expect there is a reasonable possibility that a viable, sensible solution may be developed.

But the State's actions are wholly inconsistent with this process. The decision to take this action was made anywhere but in an open, deliberative environment in which consensus prevails.

Until the decision was announced, few even knew that the State intended to take this action. In fact, most State legislators, who had just completed their work during the legislative session and were still in the State capital, were unaware of this decision. Certainly, the people this action will impact most directly had no opportunity to comment until after the decision had been made.

This action does not set a good precedent for subsequent decisions involving the State, especially those decisions that the State can take unilaterally. I hope that communication with those affected by decisions of this magnitude will be better in the future.

Second, I do not believe that this action needed to be taken at all. Mr. President, the Endangered Species Act requires that fairly Draconian measures be taken to protect species under its ambit. The resulting impositions are often unreasonable. We do not need State governments unilaterally adding to those burdens by taking unnecessary steps to protect species.

No law or Federal action required the State to place a moratorium on water rights. The National Marine Fisheries Service did not ask for this action. In fact, I believe, NMFS has been reluctantly drawn into this debate as a result of the State's action.

Mr. President, minimum flows already have been established on both

the Snake and Columbia Rivers. Any water right that has been issued since the establishment of those minimum flows is junior to the minimum flows on the rivers. As a condition of every new water contract, water rights can be reduced or curtailed if they violate in any way either of the rivers' minimum flow requirements. A moratorium on water rights, therefore, is not necessary.

Finally, Mr. President, this action may not have been required by the ESA, but it was no doubt taken by the State in fear of the ESA. It is strikingly similar to direct effects of the ESA. It is another example of a law, or in this case a Government decision, that fails to balance the interests of people in a decision to protect nonhuman species. This moratorium implies that the potential effect this action may have for fish is more important than the impact it will have on people.

Water turned much of eastern Washington from desert to productive land. With the passage of the Water Reclamation Act in 1902, the Government made a promise to provide surface water to settlers in the West. Yet this decision by the State implies that the west, and eastern Washington in particular, has received enough water, and that for now economic development must take a back seat to species protection. Now, the State says, it is time to protect a narrow strain of a geographically distinct stock of fish—at the expense of and to the exclusion of people, jobs, families, and communities.

It is difficult to estimate the impact of this decision. On its face, though, it will bring new development in the region to a halt. For farmers who hope to modify their water rights, or for the company that wants to expand into or relocate to eastern Washington, the Department of Ecology's decision mandates an indefinite wait. But how long, even the State does not know.

It is difficult to understand this decision, especially coming on the heels of the Draconian measures regarding timber harvesting that have been imposed throughout the Northwest and have driven many timber communities into a 1930's-like depression. The State did not need to take this action; it simply chose fish over people.

Everyone I listen to around the State supports reasonable efforts to save species from extinction. And in fact, I have supported the regional process, which, if successful, is likely to result in somewhat higher power costs, and some reduction in water for irrigation and transportation. But what I oppose and what many other people oppose is unreasonable and unnecessary steps to save species at all costs to the exclusion of any concern for jobs, families, and communities.

This year, the ESA expires and debate on reauthorizing the law will

begin here in Congress. This is the time to change the law. I will work to amend the act to put the interests of people first, coupled with realistic and practical protection of species so that decisions like this one, that does not consider people, will not be made in the future.

#### THE DEATH OF MENACHEM BEGIN: A LIFE OF EXAMPLES FOR US ALL

Mr. PRESSLER. Mr. President, today I rise to mourn the passing of a man of honor and courage. A Nobel Laureate in Peace, some said he was "combative," others "brilliant." No matter if inclined to agree with his views or not, few disagree Menachem Begin was a talented and courageous leader of a very courageous nation.

It was my privilege to meet Mr. Begin several times over his years of public service, both here in Washington and in Israel. I found him to be a man dedicated to a cause from which he never wavered. He believed his survival was a metaphor for the survival of the Jewish people. He never deviated from his quest to protect the people of Israel, no matter what twists and turns history handed him.

His last wish was not to be eulogized at his death, and I will not. I only wish to use this man's life and accomplishments as an example of strength, courage, and unflinching dedication to principle for us all.

"I survived 10 wars, two World Wars, Soviet concentration camp, 5 years in the underground as a hunted man, and 26 years in the opposition in the parliament," Begin once said of himself. He truly was a survivor. His life encompassed the birth and maturation of the nation of Israel. As a leader of the movement for an Israeli homeland, Begin was branded as a terrorist. As a result, years after escaping the Nazis, he found himself imprisoned by the Soviet Union for his anti-Communist activities.

Begin was a leader in the fight for the independence of Israel. After winning the fight for Israeli independence, he served many years as a virtual political dissident, on the right wing of Israeli politics. Yet, despite the perceptions of his opponents, no one deserves more credit for making progress toward peace in the Middle East than Begin. Sometimes unpopular at home, Begin worked to cement the peace between his nation and Egypt, changing forever the course of affairs in the Middle East.

But aside from his many accomplishments, Begin is best remembered for the personal qualities he exhibited, qualities which make him a fine example to us all.

No matter what his opponents said of him, none could claim Begin ever compromised his principles. In all the years

on the edges of Israeli politics, Begin never altered the tenets of his politics. Not even during the difficult 1977 election campaign did Begin steer the middle road by pandering to the opposition to garner votes. This unwavering dedication to party and ideals represents a challenge for political leaders today. Many would be well served to follow Mr. Begin's example.

A humorous man, Begin had the rare ability to use his wit to amuse, and to help foster an atmosphere conducive to dialog. His reputation as a hard-nosed negotiator ensured that the people of Israel carried through with their promise to withdraw from the Sinai peninsula and abided by the Camp David accords.

Some will never agree with the end or even the means to which Menachem Begin dedicated his life. However, no one can dispute the fact that Begin lived his public life in the manner inscribed on the facade of Union Station here on Capitol Hill: "Let all ends thou aimst be thy country's, thy God's and Truth's."

#### NATIONAL INDIAN AMERICAN CHAMBER OF COMMERCE

Mr. PRESSLER. Mr. President, I rise today to make my colleagues aware of an important new organization of business leaders, the National Indian American Chamber of Commerce [NIACC]. I am proud to serve as honorary chair of the NIACC. This may be the first time you have heard of the NIACC, but I assure you, it will not be the last.

Almost 100,000 businesses in the United States today are owned and/or operated by Americans of Asian Indian heritage. Add to these the thousands of Indian American entrepreneurs, professionals, and executives and you have a powerful force in American business. The NIACC was created to provide a network linking these individuals, a network which, among other things, will promote international trade between the United States and India.

Mr. President, I know firsthand the importance of such a linkage in today's world. During a recent visit to India, I met with numerous business leaders. I am pleased to report that my meetings were marked by a great new enthusiasm for better relations with the United States.

India's business leaders are anxious to improve relations between the United States and India. The increased trade and exchange of ideas that could result represent exciting new developments, developments that could greatly benefit both countries. The NIACC will play a vital role in this process.

As I mentioned, the primary mission of the NIACC is to provide a network for Indian American businesses and associations. Its goals in this regard include promoting trade between the In-

dian American business community and its American and Indian counterparts, expanding business opportunities and creating ties between the private and public sectors. The NIACC will also serve as an advocate for the Indian American business community in public arenas.

The NIACC has planned an ambitious agenda of initiatives to achieve its objectives. The group intends to implement national programs to assist in economic development. It will also work to promote the development of Indian American businesses and entrepreneurs by providing them with technical assistance. Another initiative aimed at promoting the growth of Indian American businesses is a program recognizing the achievements of Indian American businesses and professionals.

Mr. President, the NIACC will hold its first annual convention here in the Nation's Capital on May 1 and 2, 1992. The organization's talented and hard working president, K.V. Kumar, is putting together an excellent program which will include United States and Indian Government officials, corporate executives, and business leaders. I urge all my colleagues to participate in the convention and to support the NIACC and its various activities.

I commend the leaders of the NIACC for their vision of increased cooperation between the business communities of the United States and India. I wish them great success in seeing this vision become a reality.

#### NATIONAL AGRICULTURE WEEK, THE FARMER'S STORY NEEDS TO BE TOLD

Mr. PRESSLER. The wonders of American agriculture represent a story not told often enough. America's pre-eminence in agriculture is unique and unequalled in the world. In no other American workplace is there greater productivity, cooperation, neighborly concern, creative use of applied science, hard work, and independence than on the farm and ranch. The ability of American farmers to provide abundant and high quality food and fiber for all our citizens and millions throughout the world is a source of great pride. This is why I love to tell the story of the American farmer and rancher—truly a wonder of the modern world.

Orion Samuelson, farm service director for WGN Radio and Television, who is heard daily on his syndicated National Farm Report, recently was the keynote speaker at my State's first Livestock Congress in Brookings, SD. In his address, he stated, "When the final book is written, the true soldiers of peace are not the ones who fire the rockets or guns or drive the tanks. They are the ones who put food in hungry stomachs around the world." He went further to say that farmers must work to tell their story.

Agriculture provides the United States with 16.6 percent of its jobs, 17 percent of its GNP, and provides Americans and the world with the highest quality and most reasonable priced food and fiber. This great country of ours sprouted from the roots of agriculture and has continued to grow from a solid agricultural base. Simply put, the future of agriculture is the future of America.

The world economy, including agriculture, has become much more interdependent over the last several decades. The United States is the world's largest exporter of agricultural products, with 1 out of every 3 acres farmed for export products. Feed grains account for about 33 percent of exports. U.S. exports of high-value agricultural products, such as red meat and processed foods, have grown from 39 percent of U.S. farm trade in 1926-30 to about 51 percent in 1986-88.

USDA's analysts estimate that each dollar earned from agricultural exports stimulates another \$1.52 of output in the U.S. economy. Thus, the \$40 billion of export sales in 1989 roughly meant an additional \$61 billion in support activities required to produce and transport products for export. Approximately 85 percent of this additional economic activity is earned by the non-farm sector. In terms of employment, U.S. agricultural exports generated 1.06 million full time civilian jobs in 1989. Of these, around 426,000 farm workers—13 percent of the farm labor force—were producing for export.

Mr. President, this is the week we reflect and pay homage to those Americans involved in this country's agricultural industry. American farmers and ranchers power today's world, and our food and fiber system is the most efficient and productive in the world. America's strength and backbone can be found in its agricultural abundance.

Agriculture is this Nation's largest industry and employer. Farm assets total \$853 billion, with equity totaling \$714 billion. Nearly 20 million people are involved in the process, from growing food and fiber to selling it at the supermarket. All in all, our food and fiber system accounts for 17 percent of this Nation's gross national product.

One story that puts a human perspective on all these numbers is that of Burton Ode of Brandon, SD. Burton serves on my Agriculture Advisory Committee, and has provided me with invaluable advice and counsel throughout my years in the House and Senate.

Burton's farm, purchased by his grandfather for \$11 an acre in 1887, entered its fourth generation when his son took over management in 1987. The farm is called Plowville, U.S.A., and it has a unique place in the history of American agriculture. Recently, Farm Journal ran an article on the Ode farm, and I ask unanimous consent, Mr. President, that the article be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. PRESSLER. The Ode family from my home county of Minnehaha has earned its living over the past century from the land and I am sure the family will continue its successful agricultural operation throughout the next century. The article indicates Mr. Ode has not participated in the Federal Farm Program since the late 1940's or early 1950's. He has made his living in the marketplace and has endured both the good and the hard times. The Odes have told me many times they have many things for which to be thankful. Mr. President, I think America should be thankful for farm and ranch families like Burton and Dorcas Ode of Brandon, SD.

Mr. President, I recently received a letter from a farm family in Bruce, SD, that tells yet another story seldom heard here in Washington, DC. Henry and Barbara Brands began farming in Brookings County in eastern South Dakota in 1975. The Brands were raised on the farm and they knew what time and monetary commitments it would take to begin their operation. The problem was they needed financial assistance to begin farming.

As the letter indicates, the Brands went to the Brookings County Farmers' Home Administration Office and applied for a loan. That FmHA loan got the Brands started and they have worked closely with their local county office over the years. The Brands have graduated from the FmHA program and now finance their operation through their local bank. Mr. President, I ask unanimous consent that a copy of the letter presenting the success story of Henry and Barbara Brands also be printed in the RECORD following my remarks.

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

(See exhibit 2.)

Mr. PRESSLER. It is the Brands' hope, and mine, that FmHA can continue to help young farmers get started in farming. This story shows there is a role for the Government in providing assistance to farmers and ranchers that enables them to make a living off the land.

As I stated before, the wonders of American agriculture represent a story that is not told often enough. It is a story of proud Americans doing their part in the world's most proficient industry. There are more stories that need to be told, and I will address some of them throughout this week in honor of the American men and women who contribute to the greatest story ever told, American agriculture.

#### EXHIBIT 1

[From the Farm Journal, December 1991]

#### FARM HOSTS TO THE FAMOUS

(By Sonja Hillgren)

Farmers and ranchers who live near cities and large airports become unpaid ambas-

sadors for the benefit of all of agriculture. They are asked repeatedly to be hosts to schoolchildren, foreign guests, politicians and whomever gets a whim to visit a farm or ranch. And invariably, local radio, television and newspaper reporters call on them to react to agricultural news.

Among this fraternity of ambassadors, Burton Ode, a retired South Dakota farmer, takes the cake. Ode and his wife Dorcas, their son and two daughters have been hosts to three future presidents—one of whom even got stuck in the mud. They have welcomed senators, governors, a virtual United Nations of foreign guests and literally thousands more. Ode is a public-spirited conservationist and community leader, but that's not the only reason his farm has been such a magnet. His explanation: "We live on a real nice oil road close to Sioux Falls and 10 minutes from an airport."

In 1960, 160,000 people came to their 560-acre farm for a three-day National Plowing Contest. Both John Kennedy and Richard Nixon, presidential contenders that year, delivered their major farm addresses to those thousands of people stopping around on the Ode farm, named Plowville, U.S.A., for those three days. Kennedy had no small talk for his hosts. "I felt Kennedy was out of place out here in nowhere," recalls Ode. But Nixon and his wife Pat were more friendly. "They just came sauntering in."

Lyndon Johnson, who was running for vice president to Kennedy in 1960, preceded Kennedy and Nixon at the plowing contest. A 3" rainfall that morning was so heavy that a giant tent where Johnson spoke nearly collapsed after the speech. Two hundred cars got stuck in the fields, including the one carrying Johnson and his wife Lady Bird. But the sun came out at noon and the plowing contest proceeded.

Johnson was president by the time the Odes were hosts to the National Cornpicking Contest in 1964. LBJ didn't return, but his vice presidential running mate, Hubert Humphrey, delivered a major farm speech at the Ode farm. So did Barry Goldwater, the GOP presidential candidate that year. Both of them were talkative, showing interest and knowledge about farm issues.

In 1976, Sen. Robert Dole (R., Kan.), who was the GOP vice presidential running mate for President Ford, delivered a farm speech on Ode's farm. Other visitors have included at least four South Dakota governors and three U.S. senators from South Dakota, including George McGovern, the Democratic presidential candidate in 1972.

But the Odes' favorite guest was Charles Kuralt of CBS, who spent the 1986 election night around their kitchen table. The purpose was to beam farm reaction to the rest of the nation about the election in which Sen. Tom Daschle (D., S.D.) defeated former GOP Sen. James Abdnor. "We enjoyed Charles Kuralt the most of anyone," says Ode. "He's just an old shoe."

In addition to U.S. network television, the Odes are visited frequently by local Sioux Falls television stations. They also have played host to Danish, French and German television. They've had young workers on exchange programs from the Netherlands, Sweden, Switzerland and Japan. And other guests have come from Syria, South Korea, Malaysia, Jordan, Kuwait and Venezuela. That doesn't count their own relatives from Sweden and Norway.

In this day of specialization, all these guests have seen an atypical farm, which Ode's grandfather bought in 1887 for \$11 an acre. They have a dairy herd and produce

hogs and chickens, just because they would hate to live on a farm and buy eggs. Until recently, they produced beef cattle as well. They grow corn, soybeans, oats and hay in rotation. Ode hasn't participated in the federal farm program since the late 1940s or early 1950s. He has sold his crops through his livestock and grazed his cattle on his own pasture.

Three years ago, Ode retired and his son Thomas took over management of the farm. There's still enough work to keep everybody busy. People with less to do are "unhappier because they sit around all winter thinking the government isn't doing this for me or the government isn't doing that for me," says Dorcas Ode, who was a social worker before she married Burton.

Once when the Odes heard that singer Willie Nelson was giving Farm Aid money to farmers with not enough to eat, the Odes looked at their dinner table and noted that all the food on the table had been produced on their own farm—except the cauliflower.

#### EXHIBIT 2

BRUCE, SD, February 14, 1992.

Senator LARRY PRESSLER,

Hart Senate Office Building, Washington, DC.

DEAR SENATOR PRESSLER: We began farming in Brookings County in March 1975. Since we had both grown up on a farm, we knew that farming was what we wanted to do. But we knew we had to have help getting started and FmHA gave us the help we needed.

In December 1975, we started financing through FmHA. We just recently "graduated" from FmHA this past December 1991 and are now with a local bank.

We have really enjoyed working with the Brookings County FmHA office these past 16 years. We have had excellent supervisors to work with, and the secretaries in the office were also very helpful, efficient and informative.

When we first started with FmHA, they helped us set up a budget and showed us how to project our income and plan our expenses. We have saved a lot of money in interest over the past years during the time when interest was so high because we were with FmHA.

We just wanted to let you know that we have nothing but praise for the Brookings County FmHA office as well as FmHA as a whole, and it has been a pleasure working with them these past 16 years. We hope FmHA can continue to help young farmers get started in farming as they have helped us.

Sincerely,

HENRY G. and BARBARA J. BRANDS.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. MCCAIN. Mr. President, I thank the Chair. I thank him for his patience late this afternoon.

#### NEW THREATS FOR OLD: THE CONSTANT PROBLEM OF PROLIFERATION

Mr. MCCAIN. Mr. President, there are many of my distinguished colleagues

who look at President Bush's defense program and ask "Where is the threat?" There are others who ask why the United States should not celebrate the end of the cold war by cutting its forces overseas and retreating back to its borders.

There are a great many reasons why we cannot give up our military strength or abandon the world, but one of the key reasons is proliferation. We are, in many ways, trading new threats for old. As the Confederation of Independent States and the other former members of the Soviet Union turn toward peace, democracy, and economic development, other nations are turning toward biological, chemical, and nuclear weapons.

#### THE FUTURE THREAT FROM IRAQ

As Secretary Cheney has warned the world today, the threat posed by Iraq is not over. We must not confuse the United Nations very real progress in reducing Iraq's capabilities, or our progress in arms control, with an end to the problem of proliferation.

Robert Gates, the Director of Central Intelligence, has been warning us since January that once the United Nations leaves, Iraq could start work on biological weapons in a matter of weeks, will probably be able to renew the production of chemical weapons in a matter of months, and will be able to rebuild much of its nuclear technology in a matter of a few years.

#### THE FUTURE THREAT FROM IRAN

We face a similar threat from Iran. Last week, we saw a North Korean ship deliver North Korean missiles to Iran, and possibly the equipment to manufacture or assemble such missiles in Iran.

These missiles are a major redesign of the Scud missile. They have a range of over 500 kilometers, a payload of at least 500 kilograms, and greatly improved reliability and accuracy in comparison with Iraq's relatively crude conversions of the Scud B missile. Their performance capabilities, however, are only part of the story.

While the world's attention has been focused on Iraq, Iran has also pursued the path of mass destruction. It has continued to expand its production of chemical weapons and integrate them into its armed forces with only passing notice. It has almost certainly developed biological weapons to the same level of technical sophistication as Iraq. It has actively pursued the nuclear weapons development effort begun under the Shah, and there have been many unconfirmed reports that Iran is seeking nuclear materials or weapons from the U.S.S.R.

The missiles Iran has bought from North Korea have no value as conventional weapons, except as terror weapons against large cities. They have no purpose other than the delivery of weapons of mass destruction.

Like Iran's purchases of Su-24's from the Soviet Union, the new missiles give

Iran the ability to strike at every major population center in Iraq, at Eastern Turkey, at cities in the CIS like Baku, and at every major target in the southern gulf. They give it the ability to strike at every target in Kuwait, in Bahrain, in Qatar, in the UAE, in Saudi Arabia's oil rich Eastern Province, and at the populated areas of upper Oman.

These missiles, and their chemical or biological warheads, will be able to threaten the populated areas that control over 50 percent of all the world's proven oil reserves. They will be in the hands of a nation that not only did as much to prolong the Iran-Iraq war as Saddam Hussein, but which showed that threats to strike at southern gulf states are not theoretical.

It was Iran, after all, that tried to attack tankers throughout the gulf during the Iran-Iraq war, that bombed Kuwait, that bombed targets in the UAE, and that forced Saudi Arabia to shoot down its attacking fighters.

#### THE FUTURE THREAT FROM SYRIA

The same missiles that have just been delivered to Iran have already been delivered to Syria. There are similar reports that North Korea is providing the equipment to manufacture these missiles and their launchers.

Syria already has regular Scud missiles with chemical warheads targeted on Israel. It has chemical bombs that can be delivered by its Su-25's and Mig-23's, and probably has chemical artillery shells and rockets.

The new North Korean missiles, however, will give Syria a missile with far greater range-payload characteristics. They will allow it to cover more of Israel, they will allow Syria to disperse its launchers over a much wider area and make them less vulnerable, and they will allow it to deliver more chemical agents.

These missile deliveries also raise new questions about Syria's biological weapons efforts. Israeli experts believe that Syria has at least two biological weapons research and production facilities and is capable of producing at least one active biological agent and one toxin. The details of this effort are far from clear, as is Syria's success in tailoring highly lethal agents, developing effective missile warheads and bombs, and developing the complex targeting and metrological systems necessary to use biological weapons with maximum lethality.

It should be noted, however, that biotoxins can theoretically be up to 100 times more lethal than the most lethal form of nerve gas, and that relatively limited amounts of biological agents can achieve many of the same killing effects as small nuclear weapons.

It may be a decade before Syria reaches this level of effectiveness, but it will almost certainly reach it if it continues down the path it is now pursuing. No one should have the illusion

that the threat of proliferation is only a nuclear threat in view of such actions.

Syria's efforts to develop weapons of mass destruction also cannot be divorced from its conventional threat to Israel. Jane's Defense Weekly has just reported that the Czech Government lied when it said it was halting T-72 deliveries to Syria. Germany has just turned back a ship carrying additional Czech T-72's being sent from Poland to Syria.

Syria is using money it desperately needs for economic development to double its present inventory of T-72's. It is doing so in a way that it will give its first-line combat units near the Golan late model T-72's that are far more effective in attacking Israeli forces. In fact, the only scenario where these T-72's would be useful would be in a surprise attack on Israel, or one in which Israel could not successfully mobilize.

Syria lacks the conventional air power to make a surprise attack succeed in the face of Israeli airpower, and now must fear Israel's mobilization system. The only way in which this equation can change is if Syria takes the risk of tying such a surprise attack to the threat of using its missiles or to their actual use on Israeli air bases and mobilization assembly areas.

We cannot confuse the fact that Syria talks of peace with the fact it arms for war.

#### THE FUTURE THREAT FROM LIBYA

I do not want to glorify Colonel Qadhafi. I think we often distract the world's attention from the fact that the chief result of his massive military buildup has been to steadily lower the living standards of his own people, and that his actions have killed far more Arabs and Moslems than Westerners or Israelis.

The colonel is, however, still producing chemical weapons. He has at least 100 tons stockpiled and a new chemical warfare plant in construction. He has Su-24 strike aircraft that are roughly equivalent to our F-111's, and he can refuel them.

He has spent his entire time in power being a threat to his own people and the Arab world, and no one can dismiss the fact that he remains a potential threat to Tunisia, Egypt, Israel, and the West.

#### THE FUTURE THREAT FROM ALGERIA

Like Libya, the Algerian Government has so far been much more of a threat to its own people than to other nations. Algeria's socialist military junta has spent vast amounts of money on a conventional military buildup that has not been justified by any real world military threats and at a time when it has mismanaged every other aspect of the Algerian economy.

It is not certain that this same junta has initiated a major nuclear weapons effort, but the argument that a gas and

oil rich—and cash-starved—Algeria needs nuclear powerplants is absurd. It is far more likely that the PRC-supplied nuclear reactor at Ain Oussera is the first step in a nuclear weapons program.

#### THE FUTURE THREAT FROM OTHER NATIONS

Mr. President, I have focused on the Middle East because I do not have time today to focus on all the threats posed by proliferation. Nor, on the other very real threats to peace and the United States. I do, however, want to remind my colleagues that other threats exist:

We face the day-to-day reality that the turmoil in the former Soviet republics may lead to the transfer of weapons systems, equipment, or technology for biological, nuclear, and chemical weapons to the developing world. We face an equal threat of the transfer of more long-range delivery systems—in fact, Su-24's are now being transferred to Iran. We also face the reality that this turmoil is not likely to have a stable and predictable outcome for at least the next decade.

There are two recent articles in the *Economist* and *United States News and World Report* that outline this threat in depth. Mr. President, and I ask unanimous consent that they are included in the *RECORD* after my statement.

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

(See exhibit 1.)

Mr. McCAIN. India and Pakistan are nuclear powers. Senior U.S. intelligence officers have said they have chemical weapons, they probably have biological weapons, and they are actively developing their own missiles and seeking missile technology from other states.

For all of its willingness to discuss nuclear safeguards, North Korea's nuclear weapons facility at Yongbyon has not been dismantled or subject to any inspection. North Korea almost certainly has a massive capability to manufacture and deliver chemical and biological weapons.

The People's Republic of China is a threat to world peace. In its search for hard currency, it has helped Iran in its nuclear weapons effort, has helped Algeria in its nuclear weapons effort, and has marketed missile technology throughout the developing world.

#### ARMS CONTROL AND POWER PROJECTION: PARTNERS IN AN ERA OF NEW THREATS

Mr. President, I do not wish to suggest for a moment that the only way to deal with these threats is to maintain and forward deploy U.S. military forces. I believe that arms control will play a critical role in helping to limit such threats.

I believe in international action like that of the U.N. Coalition and International Atomic Energy Agency. I believe we must strengthen the missile technology control regime, the Nuclear Nonproliferation Treaty and Biological Weapons Convention, and ratify the Chemical Weapons Convention.

Good intentions, however, require a partner to become effective. The world is only safe when good intentions are supported by strength, and there is no reliable source of strength other than the United States. There is also no practical prospect that our allies will contribute more than limited forces and money for at least a decade to come.

While Britain and France have been our allies in many critical peacekeeping and peacemaking efforts, they are already doing as much as they are likely to do, and their power projection forces may shrink. Germany and Japan are paralyzed in the effort to contribute even token forces.

This is why, Mr. President, I urge my colleagues to think long and hard about the threats I have outlined today. I also urge them to remember that if some of these threats are uncertain, or may take 5 to 10 years to become realities, it also takes that long to shape effective U.S. power projection forces.

Further, we have only begun to fund the kind of defense capabilities our power projection forces will need to defend against even today's threats from biological and chemical weapons, and long range missiles.

I believe that President Bush's base force concept is a sound foundation for the power projection strategy we need for the future, as we trade new threats for old. I believe that President Bush has already cut the fiscal year 1993 budget as much as it should be cut.

I also believe that if we rush down the slope to weakness, we will make effective arms control impossible. Worse, we will pay the price that democracies have always paid for expediency and moral and ethical weakness. We will pay in blood tomorrow for the money we save today.

#### EXHIBIT 1

[From U.S. News & World Report, Mar. 16, 1992]

#### THE NUCLEAR EPIDEMIC

(By Carla Anne Robbins)

Don't blame it on penurious Russian physicists selling their souls for 5,000 rubles and a Big Mac, or on accommodating German trading companies that are only too happy to ship sensitive electronic triggers under the label "automobile parts."

The North Koreans, who CIA Director Robert Gates recently warned may be only a few months away from building an atomic bomb, did it all by themselves. Saddam Hussein's Iraq got much closer to the bomb than anyone realized. And if the North Koreans and the Iraqis can do it, anyone can do it. "Things that were very difficult for the smartest people in 1943 are easy for ordinary people now," says Richard Garwin, a physicist at IBM's Thomas J. Watson Research Center and a former nuclear-weapons designer.

At the same time, the collapse of the Russian economy is unleashing a flood of uranium ore and other nuclear materials onto world markets: it may be only a matter of time before more dangerous products, in-

cluding tons of plutonium from spent Soviet reactor fuel and perhaps even uranium-processing technology from Central Asian republics, reach the black market. The West's attempt to prevent the spread of nuclear weapons, based on the premise that a combination of secrecy, export controls and inspections of civilian nuclear reactors could thwart the world's nuclear wannabes, has failed, and a new and much more dangerous era of nuclear proliferation has begun.

#### LOST OPPORTUNITY

U.S. officials privately concede that the system has failed—and that America blew an important opportunity to strengthen it after the gulf war. "We should have pointed to Iraq as proof positive that the system doesn't work and that something much more aggressive must be in place—an assertive nonproliferation policy instead of the passive one we have now," admits a senior U.S. official.

Now America and its allies may be facing a painful choice: Either use military force to prevent North Korea and others from going nuclear, or learn to live in a world in which nearly every nation that wants nuclear weapons has them. U.S. officials fear that a North Korean bomb could destabilize all of Northeast Asia, triggering a nuclear arms race that could bring South Korea, Japan and Taiwan into the nuclear club as well. A white paper issued by the South Korean Defense Ministry last autumn ominously warned that North Korea's bomb program "must be stopped at any cost."

But it would be much harder to muster allies for an attack on North Korea than it was to round up support for driving Saddam Hussein out of Kuwait. A commando raid, a cruise missile attack or a Stealth bomber raid on the North's nuclear installations could trigger another Korean war. In addition to its million-man Army, North Korea has thousands of artillery pieces and hundreds of Scud missile launchers lined up just across the demilitarized zone—well within range of Seoul, just 35 miles away. Japan would be likely to oppose the use of bases on its soil for such a mission; using them anyway could jeopardize the U.S.-Japan Security Treaty and magnify the growing tensions between Washington and Tokyo. "We'd like to see a political solution to this," says U.S. Under Secretary of Defense Paul Wolfowitz. "It's not the time to start discussing military options. But we haven't ruled anything out."

#### THE WRONG DOOR

North Korea's approach to building the bomb is a case study of how a determined country can evade international controls—and without much outside help, either. The primary aim of the nuclear safeguards regime, first developed in the 1950s, was to let developing countries have commercial nuclear-power plants without allowing their byproducts to be funneled into bombs.

As a result, almost all of the International Atomic Energy Agency's inspection and monitoring efforts are devoted to keeping tabs on the uranium fuel that's fed into nuclear-power plants and on the plutonium-containing waste that comes out of them. Inspectors attach seals to the reactor vessel of a power plant after fuel is loaded or install cameras to monitor the cooling pools where spent fuel rods are kept after being removed from a reactor. The safeguards regime did not anticipate that instead of trying to divert nuclear raw materials from power plants bought from abroad, even technologically primitive countries such as North

Korea might simply build their own, complete nuclear infrastructures—in effect, reproducing the Manhattan Project.

In fact, every country that has built a bomb or even come close has done it the same way—not by hijacking the operations of a civilian reactor but by building a dedicated bomb-making complex. That means the IAEA safeguards are largely focused in the wrong direction.

The hardest part of building a bomb is obtaining plutonium or highly enriched uranium to fuel the explosive chain reaction. Neither substance exists in nature. Plutonium is formed when uranium fuel is bombarded by neutrons inside a nuclear reactor; it must be extracted from the spent fuel, a step called reprocessing. Highly enriched uranium made in an industrial process that selectively concentrates the isotope uranium-235 from 1 percent or less—its abundance in natural uranium ore—to the 20 percent, or ideally 90 percent, that is required for a nuclear explosive.

North Korea picked the plutonium route, which meant it needed a nuclear reactor IAEA rules control the sale of reactors, as well as the hard-to-come-by materials needed to fuel and operate most power-producing reactors; low-enriched uranium fuel, which is needed for the water-cooled reactors typical in the United States and Europe, and heavy water (a combination of deuterium—a heavy isotope of hydrogen—and oxygen), which is needed for reactors fueled by more easily obtainable natural, unenriched uranium.

The North Koreans sidestepped these obstacles entirely. The design they chose went back to the dawn of the nuclear age. It uses natural uranium fuel and, in place of heavy water, graphite—which North Korea has in abundance." The first reactor, which we built at the University of Chicago football field, was a graphite reactor, notes Michael Golay, a professor of nuclear engineering at MIT. "It was built by stacking blocks [of graphite] on a wooden scaffold. North Korea, like just about every country in the world, also has its own source of uranium ore.

The North Korean reactor, completed in 1987, is tiny by commercial standards, with a power output of 30 megawatts compared with 1,000 megawatts for a typical electric power plant. Yet it can produce at least 20 pounds of plutonium a year—more than enough to build one nuclear weapon.

"If you're in a weapons program, you don't want to tie in to your electric power system; you want a reactor that's especially for that purpose," says A. David Rossin, a nuclear engineer and a former U.S. assistant secretary of energy. Trying to divert plutonium from a power reactor presents a host of technical hurdles. Fuel in a power reactor is left in the core for a long time to maximize energy production; that makes it highly radioactive and hard to handle. Then it has to be reprocessed by remote control behind heavy shielding.

Moreover, long irradiation leads to undesirable nuclear reactions that complicate the bomb maker's task. When the neutrons produced in a nuclear reactor strike uranium-238—the abundant and otherwise uninteresting isotope of natural uranium—it is converted to plutonium-239, the stuff that bombs are made of. But in subsequent reactions the Pu-239 can in turn capture more neutrons itself, forming Pu-240 and -241. These isotopes not only are highly radioactive, but because they tend to undergo nuclear fission spontaneously, they can cause the nuclear chain reaction of a bomb to

begin a fraction of a second too soon—making a whimper instead of a bang. To overcome this problem, a bomb has to be designed so the conventional explosives that squeeze the plutonium together to create a critical mass do their job much more quickly, an extremely difficult technical challenge. "But if your whole thing is oriented to production of the bomb, you avoid some of the headaches," says Leonard Spector, an expert on nuclear proliferation at the Carnegie Endowment for International Peace.

The obstacles that secrecy and technical backwardness once presented to the world's would-be bomb makers have largely vanished, too. Perfectly legal assistance has provided countries such as North Korea with a cadre of skilled technicians. Technicians from the former Soviet Union are working in Libya and Algeria. North Korea even received technical aid from the IAEA in uranium mining and assaying, and had reactor operators trained by the Soviet Union as part of an IAEA-sanctioned deal during the 1960s in which the Soviets provided a small, safeguarded research reactor at Yongbyon, the site of North Korea's burgeoning nuclear complex.

Even designing a nuclear weapon, once the most closely guarded of secrets, is now not a terribly difficult task for a physicist anywhere. "What's classified today is how to build a good weapon," says Golay, "not how to build a weapon." Mathematical problems that challenged some of the best minds in the world during the Manhattan Project can now be solved on a personal computer. What's more, not all the best minds in the world are in the West anymore. Citizens of Taiwan, South Korea and India, for example, account for more than 2,600 of the science and engineering Ph.D.'s awarded annually by American universities.

The United States has been pressing its allies and the IAEA to tighten up export controls and inspection procedures to eliminate the kind of loopholes that North Korea exploited. All the major nuclear nations—with the notable exception of China—have now agreed that they will not sell any nuclear technology to a nation that refuses to open all its facilities to IAEA inspection—so-called full-scope safeguards. Under the non-proliferation treaty, the only obligation of a supplier nation is that the particular plant or material it sells be placed under safeguards. That loophole allowed Pakistan, India, Algeria and Israel, non of which have signed the treaty, to receive nuclear help from abroad while pursuing nuclear-weapons programs at uninspected sites.

Germany, embarrassed by the prominent role played by German companies in the legal, quasi-legal and blatantly illegal sales of nuclear technology to Pakistan, Iraq and other proliferators, has recently tightened its export controls. An new IAEA policy announced late last month has affirmed the agency's right to conduct inspections at undeclared facilities in countries that have signed the treaty or otherwise accepted full safeguards. Such inspections might have detected Iraq's clandestine nuclear program, for example, and may be invoked soon in an IAEA demand to see North Korea's undeclared production reactor and reprocessing plant.

But with the equivalent of only 40 full-time inspectors to cover 1,000 declared nuclear installations, the IAEA has its hands full already. And what especially concerns many nuclear experts is the increasing ease with which a determined nation can gain direct access to the critical technologies need-

ed to enrich uranium or reprocess plutonium, as well as to weapons-grade materials themselves. Once a nation has the ability to manufacture its own highly enriched uranium or plutonium, no inspection regime is worth very much. It takes only a few weeks to make plutonium from a sealed and monitored storage depot into a nuclear bomb. Argentina, Brazil, Pakistan, India, Israel and South Africa all have declared or undeclared reprocessing or enrichment plants in operation. "Good intentions in peaceful times last for years: plutonium lasts forever once it's separated into weapons-usable form," says Paul Leventhal of the private Nuclear Control Institute.

China continues to provide legal nuclear assistance to Iran, Algeria and Pakistan, insisting that the technology will be used only for "peaceful" purposes; it rejected as "totally groundless" charges that a 15-megawatt research reactor it provided Algeria could be used to make nuclear fuel for weapons. But the reactor, which Algeria agreed only last week to place under IAEA safeguards, is in theory capable of producing 12 pounds of plutonium a year, almost enough for one bomb. "At the center of the hub, again and again we see China," says one top U.S. official. "This is the kind of network which we really have no control of." U.S. officials fear that Algeria and Iran, following North Korea's lead, could use such legal help to build up indigenous nuclear weapons programs.

In the case of North Korea, U.S. officials are especially worried that Pyongyang may continue its foot dragging on allowing IAEA inspections just long enough to reprocess a couple of bombs' worth of plutonium, which it could then hide—or sell to the highest bidder.

But if the North Koreans try to peddle plutonium, they could face stiff competition. Russia has recovered at least 20 tons of plutonium from power reactors, in addition to military stockpiles of 115 tons of plutonium and 500 tons of highly enriched uranium, all of which the government is eager to sell as reactor fuel.

#### PEACEFUL USES?

"It could conceivably be sold to companies and consumers, as can any other valuable commodity. Hopefully it will be useful in a beneficial method," says Boris Nikipelov, first deputy minister of Russia's Ministry of Atomic Power and Industry. "We see no technical or political restrictions against utilizing the materials." The fact that they have a market value of close to \$1 billion is no doubt a factor, too. The Soviet Union sold 12 million pounds of uranium in the United States last year, worth \$110 million, nearly 30 percent of the entire U.S. consumption; Russian shipments reached as much as 5 million pounds in the first month of 1992 alone. American uranium producers have filed an antidumping suit against the Russian sales.

The plutonium trade, meanwhile, is getting a boost from Japan, which is reprocessing reactor fuel in France and Britain, and plans this year to ship a ton of plutonium aboard a freighter escorted by a single Japanese patrol boat armed with a light cannon and machine guns. Japan plans to reprocess a total of 100 tons of plutonium over the next 20 years.

"You have an impossible task of accounting for it all," says Leventhal, "and ensuring that the 15 pounds you need to blow up a city doesn't fall into the wrong hands" through theft, terrorism, or black-market sales.

Leventhal argues that a global ban on the production of weapons-grade material would

shut this door. "We haven't produced any plutonium for two or three years because our production reactors are all unsafe or broken," adds physicist Richard Garwin, "and we haven't produced any highly enriched uranium since 1964." The only remaining use the United States has for HEU is as fuel for reactors in ships and submarines, a demand Garwin says could easily be met from the U.S. stockpile of 500 tons. Russia says it no longer makes HEU and will stop plutonium production by 2000.

But it is unclear whether France and Britain, eyeing lucrative Japanese reprocessing contracts, would go along. And even some U.S. officials, while acknowledging that the nation no longer needs to produce weapons-grade material, are apathetic about a ban on the production of weapons-grade nuclear fuel. "I don't believe that I see any downside to it," says Everet Beckner, an official at the U.S. Department of Energy who works on defense programs, "but there are more important problems to consider."

In any event, nuclear experts are virtually unanimous in believing that no "technical fix" alone can do the job. "It's effectively impossible to keep the lid on," says MIT's Golay. "The only way you're going to control these things is to make them uninteresting." Unfortunately, some of the most unsavory regimes in the world are just now discovering that their motives and their opportunities for going nuclear are converging.

[From U.S. News & World Report, Mar. 16, 1992]

#### THE X FACTOR IN THE PROLIFERATION GAME (By Carla Anne Robbins)

For the right price almost anything is available in the former Soviet Union these days, including your own underground nuclear explosion. Or so claims the International Chetek Corp., a shadowy private company with strong ties to the Russian nuclear establishment and foreign representatives in Hamburg and Montreal.

In several slickly written brochures, Chetek—the name is an acronym from the Russian words for man, technology, and capital—is promoting the explosions as a "guaranteed and ecologically pure" way to dispose of toxic wastes, chemical weapons and nuclear warheads. Last May, Chetek was granted exclusive commercial rights to market the nuclear services of the then Soviet Ministry of Atomic Power and Industry. In December, the plan was publicly endorsed by Viktor Mikhailov, now the head of the new Russian Ministry of Atomic Energy. Mikhailov, four other top nuclear officials and Maj. Gen. Alexei Leonov, the first Soviet cosmonaut to walk in space, appeared the same month at a Chetek dinner in Moscow for U.S. environmentalists from the Natural Resources Defense Council.

It is not clear who is really behind Chetek. Its president describes his backers, improbably, as "Russian millionaires" while others believe Chetek is a front for either Mikhailov's atomic energy ministry or its senior staff. No one knows whether Chetek can deliver what it promises. But American officials found the company's sales pitch troubling enough to pursue the matter with the Yeltsin government. "The Russians say: 'This is a private company. To do what they intend to do, they need one of our nukes and we're not inclined to give them one,'" says a senior official who finds the Chetek affair "worrying." Adds another top aide: "There's a certain Wild West capitalism out there. We're just not certain what's for sale or who's selling it."

The breakup of the world's other superpower poses the biggest proliferation threat facing the world today. "We're not just talking about Pakistan putting [a bomb] together," says a senior official. "The scale here is just tremendous."

In recent months, U.S. analysts have been deluged with reports of shopping expeditions to Russia, Kazakhstan and other former republics by delegations from Iraq, Libya and Iran and other nuclear wannabes. Cash-starved republican governments, and perhaps even some military officers, are already trying to sell off conventional weapons. The arms-control office at the Russian Foreign Ministry, for instance, is reorganizing itself to begin selling arms for hard currency. So is the Russian military's general staff, says one U.S. arms-control expert. Other parts of the Russian government are considering selling nuclear and chemical materials for peaceful purposes, such as servicing electric power plants or making fertilizer.

#### JOBBS, JOBS, JOBS

So far, the U.S. intelligence community has not confirmed any leakage of sensitive nuclear, chemical or biological weapons—or the know-how or materiel needed to make them. "But absence of evidence doesn't necessarily mean evidence of absence," warns the top official, who admits that American monitoring of the chaos in the former Soviet Union is extraordinarily difficult.

The Bush administration is confident that Russian President Boris Yeltsin, who recently authorized special pay and privileges for nuclear scientists, is committed to controlling proliferation. But how much of his country's vast military-industrial complex does Yeltsin control? And how long will that control last if the economic situation continues to deteriorate? U.S. officials are not sure they can answer those questions.

American officials remain confident that Russia can corral and control the former Soviet Union's nuclear weapons (see box), but they are fearful that thousands of once cosseted and now desperately underpaid nuclear scientists and engineers can be wooed with cash. U.S. officials also say that the republics have almost no accounting system for their weapons-grade materials—tons of highly enriched uranium and plutonium that are the explosive components of a nuclear bomb—which could be siphoned off without anyone knowing. "They don't appear to know what they have," says a senior official. Andrei Kokoshin, the leading contender for the new position of Russian defense minister, told *U.S. News* last week that control over Russian's huge stock of weapons-grade material "disappeared for several months" while power was transferred from the defunct Soviet government to Russia.

Even under the best of circumstances, some leakage will be unavoidable, officials in both Russia and the United States concede. "We're not going to be able to have a commissar present in every unit," says a top American official. The goal instead, officials say, is to prevent wholesale hemorrhaging.

The Bush administration has mounted an aggressive diplomatic effort, linking American recognition and aid to the former republics to acceptable antiproliferation behavior. "We may be willing to look the other way on some issues, say a less-than-rigid definition of democracy or a free market," says one aide close to the negotiations. "But on nuclear thing the message never wavers." Keeping up the pressure may not be easy, however. Judging from recent experiences with Pakistan and China, monitoring compliance is at best problematic—even when

friendly governments are involved. And in Russia, especially, the United States may quickly find its nonproliferation goals colliding with its desire for good relations with Yeltsin. Washington has pointedly looked the other way while China, Germany, France and others have sold nuclear technology around the globe.

The United States is also offering legal and technical advice to help republic leaders set up workable export controls as well as the computer hardware and software to keep track of their uranium and plutonium. And while the White House was less than enthusiastic last November when Congress reallocated \$400 million in defense funds to help dismantle Soviet nuclear weapons, it has since embraced the plan. So far, however, it has pledged only a fraction of the funds allotted, and spent none of them. "We haven't got one dollar," complains Russia's new minister of atomic energy, Viktor Mikhailov, a Chetek supporter.

#### BULLETPROOF BLANKETS

In February, the United States pledged \$25 million to help finance an international science and technology center that will employ several thousand top nuclear scientists and engineers who are the No. 1 targets for a brain drain. The United States also has promised 25 terrorist-proof railroad cars, bulletproof blankets and specialized containers to protect nuclear weapons and transport them to dismantling sites.

Is this enough, and will it arrive in time? Government and private experts give the administration high marks for the scientific center—if it gets started quickly. Evgeny N. Avrorin, chief scientist at Chelyabinsk-70 (Russia's Los Alamos), says his scientists will stay where they are—so long as their families aren't starving. "Would I sell my services to a Third World country?" he says. "Ask again in six months." U.S., Japanese and European officials will meet this week to work out the details of the center.

Critics worry that the administration is moving too slowly on nearly every front. The railroad cars may not be delivered before early summer, when all the tactical nuclear weapons are supposed to be back in Russia. Far more important, the administration has not reached an agreement on how to help finance and accelerate the dismantling of nuclear and chemical weapons and the storage of weapons-grade material.

Much of the fault lies with the Russians, who have been slow to respond to American requests for meetings and chary of American offers of collaboration in the dismantling process. Russia's military chiefs would clearly like the money, but they are balking at giving U.S. experts free run of their dismantling sites or the blueprints for their weapons. So far, the Americans are not pressing them.

A blunt nuclear chief Mikhailov told U.S. News that he won't accept congressional demands that American technical experts "supervise" the dismantling process or that limits be placed on future Russian military investments. "When I met Yeltsin recently, I told him 'If [these conditions] really exist, not only on paper, we cannot accept them,'" says Mikhailov. "I was told the conditions are more important for Bush's election . . . and they have nothing to do with us." In fact, Congress has asked only for American verification of weapons destruction, not supervision, and for limiting military modernization to defensive requirements.

#### NEW BUSINESSES

But Washington must also shoulder part of the blame for the slow start toward heading

off a proliferation nightmare. Critics say the State Department, which has been running the program, has been relying on traditional arms-control negotiators who are only comfortable dealing with the highest levels of an extremely disorganized Russian government. A U.S. technical team is now in the former Soviet Union, and State Department officials expect to reach a series of agreements before Russian President Boris Yeltsin visits Washington in mid-June.

Perhaps the most disturbing development—and one that the United States hasn't publicly acknowledged—is the sudden appearance of a host of new commercial enterprises, such as Chetek, with friends in high places and ambitious moneymaking schemes. Chetek may now be negotiating a deal with South Korean officials to store spent nuclear fuel, for a reported price of \$1 million per ton. "If one of these entrepreneurial centers can come to the government and say: 'We can get \$100 million,' they may give them the go-ahead," warns Thomas L. Neff, a physicist and Chetek watcher at the Massachusetts Institute of Technology.

The U.S. Department of Energy's decision to hire Russian scientists in Moscow to research peaceful uses of nuclear fusion may give hope to thousands of others that help is on the way. But the one-year contract will pay a total of \$90,000 to employ more than 100 scientists. And even if the West had billions to spend, it could not bail out all the former Soviet Union's thousands of weapons factories and laboratories. But before they go under, warns Russian Parliament member Col. Alexei Tsarjov, many defense contractors—once the jewels in the Soviet industrial crown—may try to follow the capitalist road, seeking protection from influential politicians and selling their wares to the highest bidder. "The defense industry will try to take the road of least resistance," he warns. That is a frightening prospect.

[From the Economist, Mar. 14, 1992]

#### A NICE RED AFTERGLOW

The end of Soviet communism was applauded almost everywhere except in China, Vietnam and Cuba. The replacement of the Soviet Union by the Commonwealth of Independent States has scared the world. A disintegrating nuclear-armed superpower is a nightmare.

Concern has focused on the ex-Soviet Union's nuclear weapons—about 27,000 of them, from artillery shells to warheads on missiles. Military officials claim that tactical nuclear weapons have been withdrawn from all former Soviet republics, except Ukraine and Belorussia. The remainder should be back in Russia by July. Dismantling them will cost several billions of dollars; America has offered \$400m.

Strategic weapons are another matter. Russia, Ukraine, Kazakhstan and Belorussia have such weapons on their territory. All say they will give them up. Getting rid of nuclear weapons is a condition for getting out of the Commonwealth, and Ukraine is desperate to leave. Kazakhstan might be tempted to keep some, but its SS-18 missiles are under Russian control and their liquid fuel makes them difficult to maintain.

Like the United States, the Soviet Union built a vast industry to support its nuclear arsenal, including stockpiles of fissile material, laboratories, test sites, components factories, assembly plants, transport and storage facilities. Some 700,000 people work in the once-closed cities of the nuclear-weapons industry, although perhaps only 2,000-3,000 have access to the most sensitive secrets.

Elaborate schemes are being concocted with western cash to provide new work, and thus to preserve scientists from temptation by secret bomb-builders, such as Libya and Iran.

Then there is the problem of what to do with the 100-150 tonnes of weapons-grade plutonium, and the 500-700 tonnes of highly enriched uranium (some of it now in weapons), thought to have been produced by the Soviet nuclear-weapons industry over the past 40 years. Both are valuable commodities. A small amount of uranium (probably ex-Soviet, and unsuitable for a weapon) was discovered recently in the boot of a car in Germany.

In the past the Soviet Union accounted for about half the world's uranium reserves (chiefly in Russia, Kazakhstan and Uzbekistan) and 20-35 percent of its enrichment and reprocessing capacity. Nuclear weapons-making was concentrated at a few sites, mostly in the Russian republic. Close-down and clean-up operations present horrendous problems.

Among the most difficult sites are: the huge reactor complex at Chelyabinsk-40, in the southern Urals just east of Kyshtym, where plutonium for the first Soviet atomic bomb was produced; the Siberian atomic-power station, north-west of the city of Tomsk, which also produced plutonium; and Dodonovo, a conglomeration of reactors and chemical plants on the Yenisey river in western Siberia. Of the 14 reactors at these three sites in 1987, producing plutonium and tritium for weapons-making, seven have been closed. Others will follow.

#### LETHAL POLLUTION

In addition, there are thought to be two main nuclear-weapons design laboratories (similar to America's Lawrence Livermore and Los Alamos National Laboratories), one at Sarova, 160 kilometres (100 miles) south-west of Nizhny Novgorod (formerly Gorky) and the other at Chelyabinsk-70, east of the Urals, just north of Kasil. Warheads were built at Nizhnaya Tura, north of Sverdlovsk, and possibly also at Chelyabinsk and Novosibirsk. Until both sites were closed as a result of protests by environmental groups, Soviet nuclear tests were carried out at Novaya Zemlya in the Arctic, and at Semipalatinski in Kazakhstan.

The accident at the Chernobyl civilian nuclear-power plant in Ukraine alerted the world to the poor standards of Soviet civilian reactors. Its weapons industry is scarcely better. Radioactive waste has been systematically pumped into rivers and lakes. According to a survey in the Bulletin of the Atomic Scientist (May 1991), Karachay Lake, near Chelyabinsk-40, has accumulated 120m curies of caesium-137 and strontium-90.

In 1989 Professor Alexei Yablokov, a Soviet biologist, claimed that 20 percent of the Soviet population lived in what he called "ecological disaster zones", and another 35-40 percent in badly polluted areas. In December 1991 Russia's new environment minister confirmed that much of the damage had been done by the weapons industry.

Earlier this year officials in Murmansk, home of the ex-Soviet Northern Fleet, suspended all unloading of nuclear fuel from decommissioned ships, after flagrant violations of safety regulations by the navy. For 20 years nuclear waste, including the damaged reactor core from a nuclear-powered icebreaker, has been dumped in the Barents and Kara Seas, off Russia's northern coast. Russia has no programme for coping with the damage, or for storing nuclear waste more safely in future.

#### DIMONA ET AL.

Proliferation has suited Israel. Its undeclared nuclear arsenal, put by outsiders anywhere between 60 and 300 warheads, is thought to have dissuaded the Iraqis from using chemical weapons in last year's Scud bombardment of Israeli cities. But Israel's nuclear monopoly is threatened from opposite directions: from potential enemies who want to go nuclear too, and from George Bush, who has made eliminating such weapons one of his chief aims for the post-war Middle East.

Although the United Nations suspects that Iraq may still be hiding an underground reactor and some enriched uranium, much of the Iraqi programme has clearly been destroyed. Attention is now switching to Iran and Algeria.

In 1984 China helped Iran build a nuclear-research centre at Isfahan. A Chinese research reactor may follow. China has also sent Iran on calutron, a tiny version of the machines the Iraqis secretly put to work enriching uranium. There are persistent reports of Chinese and Pakistani experts setting up uranium-enriching centrifuges at Moallem Kalayeh, north of Tehran, although inspectors from the International Atomic Energy Agency found nothing there in February. Iran has signed the Nuclear Non-Proliferation Treaty (NPT): it hopes to buy—from India, China or both—"a few" legitimate civil reactors soon.

For Algeria, the Chinese are building a large research reactor at Ain Oussera. This looks fishy. The Algerians kept it secret until it was spotted by satellites. They then said it had a capacity of only 15 megawatts (powerful enough to produce the plutonium for one bomb a year). The satellite photographs made it look at least twice as big. The Algerians, who have not signed the NPT, agreed to ad hoc inspections by the IAEA, whose people prowled around the reactor twice in January and found nothing to contradict the Algerian claims. A full inspection has yet to come. Rumours that the Algerians plan a reprocessing plant near the site would, if confirmed, set off a new panic.

The Iranians and Algerians naturally deny trying to build a bomb. After the Iraqi experience they are naturally disbelieved. But even if either is lying, both are considered at least five and maybe ten years away from building their own bombs. Unless a Middle Eastern country buys a nuclear weapon off the shelf, Israel's monopoly is probably secure for the time being.

The other threat to Israel's monopoly—Mr. Bush's arms-control plan for the Middle East—also looks remote. Last May the president called for a ban on the production and acquisition of bomb-grade fuel, to be followed later by the creation of a nuclear-weapons-free zone in the region. Under this plan Israel would close its Dimona reactor, keeping the weapons it has. In return for the capping of Israel's arsenal the Arabs would give up their right to produce nuclear fuel. Israel would eventually disarm altogether.

This idea got short shrift. The Arabs said it would preserve the Israeli advantage. The Israelis said they might welcome a nuclear-free zone, but only as part of a wider agreement. Israel self-servingly defines weapons of mass destruction as "all weapons capable of killing many people indiscriminately". It says it will talk about nuclear, chemical and conventional weapons simultaneously, but not solely about the nuclear bombs that it alone possesses. The debate is now tangled in the Arab-Israeli peace talks, which could ramble on for years.

## ASIA'S POWERFUL UPSTARTS

Asia's one acknowledged nuclear power, China, has been in the club for so long that no one challenges its credentials. Not so North Korea, India and Pakistan, the three Asian upstarts at the door.

China exploded its first atomic bomb in 1964, a year before the turmoil of the cultural revolution. Its first hydrogen bomb, in 1967, came during the cultural revolution's full chaos. Yet despite China's instability, its bomb alarmed few Asians. It was intended mainly to counter the Soviet Union rather than India, with which China had fought a border war in 1962. It never seemed likely that hot-heads would get their fingers on China's nuclear trigger.

North Korea is a scarier proposition. Russia, China, Japan and the United States all have interests in the Korean peninsula. The balance between them is now roughly stable. If North Korea got the bomb, it would threaten Japan as much as the South. The Japanese are, for nuclear-energy purposes, now amassing the world's largest stockpile of plutonium. If threatened, they could well use it for weapons. A nuclear Japan would make all Asia jumpy.

North Korea is the world's most secretive and rigid regime. It may be beginning to starve, and is certainly facing an internal power struggle. Kim II Sung, the North's 79-year-old communist dictator, wants his son, Kim Jong II, to succeed him. Kim the younger is said to be loathed in the party and army. A bomb in his hands, or being tossed around while he and his rivals fought for power, would scare everybody witless.

Since last autumn America has sought to enlist Japan and China to press the North to comply with the NPT, sign a safeguards agreement with the IAEA, and open its facilities for inspection. The most troubling site is at Yongbyon, 100 kilometers (60 miles) north of the capital, Pyongyang. The Americans think the North produces weapons grade plutonium in a research reactor there.

Seeking to cajole the North into concessions, the Americans withdrew all their own nuclear weapons from South Korea late in 1991. North and South Korea did reach an agreement committing them to a nuclear-free Korea. The North signed an IAEA safeguards agreement in January, and says its parliament will rubber-stamp this in April. But it has stalled on international inspections, and this week again rejected the South's demand for mutual inspections.

A dispute broke into the papers this week between America's CIA, which counts the time to a Northern bomb in months, and the State Department, which counts in years. Whatever the timing, America and South Korea will have to consider a military strike against the North's nuclear capacity, if negotiations have not taken it out first.

## SUBCONTINENTAL, NEAR-NUCLEAR

Both India and Pakistan have long dabbled in nuclear matters. The Indians exploded a "device" (peaceful, they insisted) in 1974; having made their point, they apparently put their nuclear programme into abeyance. Pakistan, having lost three wars with its neighbour since independence, has doggedly pursued its nuclear projects. Shahryar Khan, the country's foreign secretary, admitted in Washington in February that "the capability is there: elements which, if put together, would become a device."

In January Larry Pressler, an American senator, claimed that the American government believed Pakistan already had a bomb. The Bush administration does not confirm this, yet has since 1990 suspended American

aid to Pakistan because President Bush felt himself unable to assure Congress, as he must if aid is to be given, that Pakistan "does not possess" a bomb.

There is no American law making aid to India dependent on the president's assurance that it does not have a bomb. Even so, America and Britain are pressing both India and Pakistan not to pursue nuclear ambitions. The neighbours are being urged to sign the NPT, and asked to attend a five-power conference (with Russia, America and China) to declare the subcontinent a nuclear-free zone.

India says it will not sign the NPT until Pakistan does, adding that anyway the treaty is discriminatory. Pakistan refuses to sign, but says it is ready to talk about a nuclear-free zone. India, having briefly seemed to soften, was insisting in January that better relations in general with Pakistan had to precede any talks about a nuclear-free subcontinent.

Both India and Pakistan would be worried if (as now seems less likely) nearby Kazakhstan were to inherit a nuclear arsenal from the Soviet Union. Some suspect that India is biding its time until the mid-1990s, when it will have missile technology to deliver nuclear weapons against China as well as against Pakistan. The Pakistanis, interested in alliances with Islamic neighbours like Iran, would find nuclear expertise useful for making friends as well as for keeping up with the Singhs.

Along the Pakistan-India front line itself, the bomb should not be too disturbing. If the conditions of Soviet-American nuclear stability can anywhere be duplicated in miniature, this is where: two antagonistic powers with a close understanding of each other and a deep interest in seeing that nothing goes wrong. Others in the neighbourhood may not see it that way.

## THE LATIN SAFETY NETWORK

Democracy has saved Latin America a lot of trouble and expense with nuclear weapons. In 1967, when going nuclear was a far more expensive and remote option than it now is, a treaty made at Tlatelolco in Mexico declared the Americas a nuclear-free zone from the Rio Grande southwards, including the Caribbean. All nuclear plants there would be open to inspection both by the International Atomic Energy Agency, and by the treaty's own agents, on any reasonable request.

Two nations of the Americas took no part in the Tlatelolco treaty-making—Cuba and Russia's then sympathiser, tiny Guyana. When the Russians pulled out of Cuba last year, they took Latin America's only nuclear weapons capability with them.

The Tlatelolco deal was struck largely because the signatories wanted help from the United States in developing peaceful nuclear programmes—which, in the event, came to less than they had hoped for. Two of the treaty's 21 signatories stuck out. In Argentina and Brazil, anti-American military rules wanted to feel "strong", and to buy themselves status by making nuclear deals with other third-world regimes. More rationally, they argued that military and civil nuclear technology should go together, and that their scientists might do better if unconstrained by international anti-proliferation rules. The generals also found nuclear programmes a useful way of handing contracts to their friends.

Elected governments in both countries stopped the nonsense. President Raul Alfonsín (elected in Argentina in 1983) and President Jose Sarney (Brazil, 1985) began by talking about joint nuclear-weapons

schemes, inviting each other to visit their hitherto secret installations. Their successors, Carlos Menem (Argentina, 1989) and Fernando Collor (Brazil, 1990), stopped the secret projects but kept up the visits. By inviting each other's specialists to drop in as often as they wanted, they in effect opened their nuclear industries to what less friendly rulers might call a challenge-inspection regime. Both presidents have recently promised to obey the IAEA and Tlatelolco rules.

Latin America is nuclear-free less because of treaties and inspection techniques than because its democratic rulers no longer want to nuke their neighbours.

## IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt run up by Congress stood at \$3,854,493,181,967.94, as of the close of business on Friday, March 13, 1992.

As anybody familiar with the U.S. Constitution knows, no President can spend a dime that has not first been authorized and appropriated by the Congress of the United States.

During the past fiscal year, it cost the American taxpayers \$286,022,000,000 just to pay the interest on spending approved by Congress—over and above what the Federal Government collected in taxes and other income. Averaged out, this amounts to \$5.5 billion every week, or about \$600 million every day.

What would America be like today if there had been a Congress that had the courage and the integrity to operate on a balanced budget?

## FRIENDS OF IRELAND ST. PATRICK'S DAY STATEMENT—1992

Mr. KENNEDY. Mr. President, since 1981, the Friends of Ireland in Congress have joined together in an annual St. Patrick's Day statement which focuses on the problems that plague Northern Ireland.

The Friends of Ireland is a bipartisan group of Senators and Representatives committed to fostering the ties that bind the United States to Ireland. We are unequivocally opposed to violence and terrorism, and we advocate a peaceful, negotiated solution to the conflict that has claimed the lives of almost 3,000 people over the past two decades.

I believe that all our colleagues will find this statement of interest, and I ask unanimous consent that it may be printed in the RECORD.

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

## ST. PATRICK'S DAY STATEMENT—FRIENDS OF IRELAND, U.S. SENATE AND HOUSE OF REPRESENTATIVES, MARCH 17, 1992

On this St. Patrick's Day, the Friends of Ireland in the United States Congress join friends of Ireland everywhere in urging all parties to the crisis in Northern Ireland to make a greater effort to reverse the ominous increase in violence and achieve a peaceful resolution of the conflict.

We are deeply concerned about the worsening violence and bloodshed in Northern Ireland. In recent months, we have witnessed new depths of terrorism and inhumanity in a further spiral of violence and atrocities which threaten the lives and well-being of everyone in Northern Ireland. The murderous activity of paramilitaries on both sides serves no purpose other than spreading fear, mistrust, division, hostility, and destruction. We unequivocally condemn all acts of violence and reiterate our strong conviction that true and lasting progress can only come about through a political process of negotiation and mutual trust.

The tragedies suffered daily in Northern Ireland underscore the need to reinvigorate the political process on all levels. The Friends of Ireland strongly support the Anglo-Irish Agreement and believe it must continue to be vigorously implemented until it can be superseded by more effective and mutually agreed arrangements. We commend the wisdom of the Irish and British Governments for approaching the issue of political talks on the broadest possible terms, embracing the three linked aspects of the crisis—relations between the Catholic and Protestant communities within Northern Ireland, relations between Northern Ireland and the Republic of Ireland, and relations between Britain and Ireland. The talks last June marked an important advance toward this goal. Their resumption last week is heartening for the cautious hope it engenders that the parties to the talks see the talks as the only path to peace and reconciliation. The Friends applaud the direct involvement of the British Prime Minister in assigning this process increased priority by gathering together representatives of the constitutional parties in the North to urge resumption of the talks.

While progress toward a negotiated settlement must remain the top priority, it should not detract from the need to make progress on other issues in Northern Ireland. The recently published 1990 British Social Attitudes Survey for Northern Ireland vividly demonstrates the extent to which significant numbers of the Catholic community continue to lack confidence in the security forces of the British Government, including the police, the administration of justice and the court system. We urge the British Government to take urgent and ongoing steps to end this alienation.

In particular, we are concerned about the number of killings by British security forces in controversial circumstances. The case of Fergal Caraher illustrates the often unsatisfactory, slow and inadequate response by the British Government to the improper use of force by its security forces. Dissatisfied with the official inquiry into their son's death in December 1990, when British soldiers fired on his car at a checkpoint in Cullyhanna, Northern Ireland, Mr. Caraher's parents initiated their own independent investigation. Last month, largely because of international outrage about the incident, the work of the independent inquiry, and the efforts of the Director of Public Prosecutions, two soldiers were charged with the murder of Mr. Caraher. We welcome this development and we urge the British Government to institute more effective restraints on its security forces.

Our concerns about the British Government's record on human rights in Northern Ireland were heightened by the Amnesty International report in June 1991, which described examples of the abuse of detainees, inadequate inquests, the alleged shoot-to-

kill policy of the security forces, and collusion between those forces and Protestant paramilitaries. We call on the British Government to more fully address these issues, and to demonstrate that human rights are not only respected in Northern Ireland, but are seen to be respected.

Our concern continues over job discrimination in Northern Ireland. We welcome the British Government's action in closing the significant loophole in fair employment legislation that had prohibited employers from disclosing the religious affiliation of an employee, thus preventing victims of religious discrimination from pursuing their case. We hope now that the backlog of discrimination cases will be dealt with expeditiously by the Fair Employment Tribunal. We will continue to monitor this process to ensure that the promise of the 1989 Fair Employment Act is fulfilled.

We also remain strongly committed to the International Fund for Ireland. In 1991, a record 600 projects were approved by the Fund. These real advances are enhanced by the impressive psychological impact of the Fund on communities where levels of unemployment are high and violence is commonplace. The role of the Fund in promoting economic and social progress is disadvantaged areas and in fostering contact, dialogue and reconciliation between Catholic and Protestant workers and communities brings hope and encouragement to many who have suffered most from the tragedy of Northern Ireland.

In the past year, we have witnessed both change and continuity in Ireland. It has been a privilege to work with Prime Minister Charles Haughey, who deserves great credit for his leadership, especially in the search for peace and reconciliation in Northern Ireland. We congratulate his successor, Albert Reynolds, on his recent election as Prime Minister and we look forward to working closely with him and continuing the close relationship between the United States and Ireland.

We also recognize the tireless efforts of the Secretary of State for Northern Ireland, Peter Brooke, for initiating and nurturing the latest round of talks in Northern Ireland and for bringing this most sensitive of efforts farther along than nearly anyone could have predicted at the outset. We also greatly appreciate the consistent efforts of the British and Irish Governments to keep the Friends informed of the progress of the peace process and we pledge our efforts to support that process in the coming year.

In 1991 as well, we were also honored to welcome President Mary Robinson of Ireland to the United States. President Robinson has long been an outstanding champion of social justice and equal opportunity for women. We admire her achievements, and we are impressed by the inspiration that her election as President has given to Ireland, to America, and to peoples throughout the world.

Lastly, this past year has seen the initiation of an immigrant visa program for Irish citizens proposed by the Congress and strongly supported by the Friends of Ireland which promises to both enrich and enliven the cultural diversity of this nation. We welcome these new arrivals to our shores and look forward to further Irish immigration in 1992.

The end of the Cold War marks the beginning of a new era for Ireland and all of Europe. We join the large numbers who marched for peace in Northern Ireland this past weekend, and we express our hope on St. Patrick's Day 1992 that as part of this new

era, the benefits of peace, cooperation and reconciliation will come to all the people of Ireland, North and South.

#### THE "SECOND ANNUAL CHILDREN'S WATER FESTIVAL"

Mr. BROWN. Mr. President, today I would like to bring to the attention of the Senate a creative children's educational program designed for fourth and fifth graders in Greeley, CO.

On March 24, the Central Colorado Water Conservancy District will sponsor its Second Children's Water Festival to educate young people about the importance of water as a natural resource. Last year, the festival was the first of its kind in Colorado. It was so successful that several other cities in Colorado and in other States plan to hold similar festivals this year.

What makes this program so entertaining and informative for youngsters is its hands-on approach to learning about water. Throughout the day, the children will learn about the many organisms that live in water, how hydrologists measure and allocate water, and how we all can help to conserve this important resource.

In addition, the program encourages students to participate in "The Water Court" in order to learn about Colorado's effective water rights adjudication system. This unique and vital system has ensured that Colorado's water needs have been met while our streams and rivers have been protected.

Innovative educational programs such as the Children's Water Festival provide important interaction between students and local organizations. Creative activities stimulate a real desire to learn about issues, such as water, which are of great importance to Colorado. I commend the Central Colorado Water Conservancy District for its efforts in cooperation with Aims Community College for providing this outstanding program.

#### SADDAM HUSSEIN, THE KURDS, AND GENOCIDE

Mr. DOLE. Mr. President, this week marks the fourth anniversary of one of the most heinous acts of the 20th century. On March 17-18, 1988, the military forces of Saddam Hussein exterminated thousands of innocent women, children, and old men in a mountain village in Iraq called Halabja. This massacre was accomplished with chemical weapons, the same kinds of chemical weapons that the United Nations is seeking to find and destroy in Iraq today.

Since that awful moment in 1988, Saddam Hussein and his Republican Guard military units have struck repeatedly at the Kurdish people in northern Iraq with chemical weapons, with mass executions, with almost every form of torture imaginable.

These atrocities were shown to much of the world on television but somehow these matters are quickly forgotten. Just this month the television program "60 Minutes" covered the latest atrocities which Saddam Hussein's military has visited upon the Kurdish people. It seems the Iraqi troops had video cameras to record the slaughter so that they could be rewarded for their successes. The video footage has been captured along with thousands of pages of documentation. The graphic detail was horrifying—revolting. An estimated 60 million Americans watched "60 Minutes" and yet there is hardly a mention in Washington of what can only be called genocide in progress.

Even now the focus of the United States and the Western powers is on the technologies and the factories that produce weapons of mass destruction rather than the people who have been and may soon again become the victims of Saddam Hussein's weapons.

In the past week, news accounts have covered the arrogant and defiant stance of Saddam Hussein's Deputy Prime Minister as he tells the United Nations what Saddam will and will not allow with respect to the United Nations' search for weapons.

There is pressure building in both great Britain and the United States for some kind of military action. However, the hostile reaction to Saddam seems more motivated by an embarrassment that Saddam is thumbing his nose at the West than by a genuine outrage at the murderous, ongoing genocide against the Kurdish people in northern Iraq.

Where is the outrage? Have we not learned from Hitler's Holocaust, from the killing fields of Cambodia? Continued indifference to the determined and systematic genocide of the Kurdish people should not be permitted.

#### A TRIBUTE TO MENACHEM BEGIN

Mr. DECONCINI. Mr. President, Menachem Wolfovitch Begin was a man forged by the fires of two world wars and five Arab-Israeli wars. He was a man who first fought for the freedom of his people in Poland during World War II, and who went on to become a leader in the war to create a Jewish national homeland. Prime Minister Begin was a fighter almost all his life. For 30 years he was the leader of the Likud Party, then the opposition party in the Israeli Parliament. Though his battles were many, he always moved forward—never losing sight of his purpose—the greater good of the people of Israel. In the end, he won many victories, including the first ever Likud victory over the Labor Party. That victory enabled Likud to control the Knesset, and propelled him into the position of Prime Minister of Israel.

During his historic tenure, this former guerrilla fighter received the

Nobel Peace Prize, while never sacrificing the fortune and safety of his people for personal glory.

Prime Minister Begin, a man of great courage, was not afraid to make a personal sacrifice. In 1939, while evading the advancing army of Adolf Hitler, Begin came into the possession of a visa that would have allowed him to go to Palestine. However, he gave his passport to a friend whom he thought would have even greater trouble than himself escaping the oncoming Russian and German forces. This selfless act of friendship and benevolence cost Begin 2 years in a Siberian prison.

On March 26, 1979, the Prime Minister made another great sacrifice that might have resulted in miseries for the Jewish people as a whole had not his bold gamble borne fruit. I am, of course, referring to the Camp David peace accords under which Israel and Egypt, led by Prime Minister Begin and President Anwar Sadat, boldly moved forward with vision and courage that cast a ray of hope in the vast darkness that had been the Arab-Israeli conflict.

As a tested and compelling orator he delivered his first public speech when he was 10 years old. Prime Minister Begin delivered a passionate speech in support of the peace accord declaring, "Why is this peace treaty so important? This is the first peace treaty Israel has ever signed, the first peace treaty after five wars in which we lost 12,000 of our people. Our aim, our yearning, and our dream is to smash this helix of hatred. We must sign this treaty because it is a human act of the highest degree."

Becoming Prime Minister of Israel was a dream that he envisioned early in his life. Traveling widely with his father as a young child, he was introduced to many Jews who spoke yearningly of a future Jewish nation. At the age of 15, he joined Betar, the Zionist revisionists' youth movement that prepared and recruited Jews for the purpose of creating their own homeland. Working with many of his soon-to-be countrymen, he opposed the British mandate of control of Palestine and eventually forced the world to approve the realization of their collective dreams—the creation of the independent and sovereign state of Israel in 1948.

In 1982, in the midst of one of the most difficult periods in his leadership of Israel, Menachem Begin lost Aliza, his wife of 43 years. Together they had endured the wars and his imprisonment in Siberia. This tragedy broke his powerful spirit. He resigned shortly after her death, and lived in seclusion there after. Thus, it was only fitting that on March 9, 1992, Mr. Begin was laid to rest next to his beloved wife.

Prime Minister Menachem Begin was a man of courage and conviction, and it was these very qualities that enabled

him to forge for his young and proud country their first peace.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### YEAR OF RECONCILIATION BETWEEN AMERICAN INDIANS AND NON-INDIANS; NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS WEEK

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged, en bloc, from further consideration of the following joint resolutions:

Senate Joint Resolution 222, designating 1992 as "Year of Reconciliation between American Indians and Non-Indians" and House Joint Resolution 284 designating "National Public Safety Telecommunicators Week"; and that the Senate proceed, en bloc, to their immediate consideration, that the resolutions be deemed read a third time and passed and the motion to reconsider laid upon the table, and the preambles agreed to; further that any statements relating to these resolutions be placed in the RECORD at an appropriate place.

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

So, the joint resolution (S.J. Res. 222) was deemed read a third time and passed.

The preamble was agreed to.

The joint resolution with its preamble, is as follows:

#### S.J. RES. 222

Whereas 1992 will be recognized as the quinquennial anniversary of the arrival of Christopher Columbus to this continent;

Whereas this 500th anniversary offers an opportunity for the United States to honor the indigenous peoples of this continent;

Whereas strife between American Indian and non-Indian cultures is of grave concern to the people of the United States;

Whereas in the past, improvement in cultural understanding has been achieved by individuals who have striven to understand the differences between cultures and to educate others;

Whereas a national effort to develop trust and respect between American Indians and non-Indians must include participation from the private and public sectors, churches and church associations, the Federal Government, Tribal governments and State governments, individuals, communities, and community organizations;

Whereas mutual trust and respect provides a sound basis for constructive change, given a shared commitment to achieving the goals of equal opportunity, social justice and economic prosperity; and

Whereas the celebration of our cultural differences can lead to a new respect for Amer-

ican Indians and their culture among non-Indians: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That 1992 is designated as the "Year of Reconciliation Between American Indians and non-Indians".* The President is authorized and requested to issue a proclamation calling upon the people of the United States, both Indian and non-Indian, to lay aside fears and mistrust of one another, to build friendships, to join together and take part in shared cultural activities, and to strive towards mutual respect and understanding.

So, the joint resolution (H.J. Res. 284) was deemed read a third time and passed.

The preamble was agreed to.

#### 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.)

#### SCIENCE AND TECHNOLOGY REPORT AND OUTLOOK—MESSAGE FROM THE PRESIDENT—PM 117

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

*To the Congress of the United States:*

I am very pleased to submit the *Science and Technology Report and Outlook: 1989-1990* as required by the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6615).

The report reinforces and highlights that strong and vigorous support for our Nation's science and technology has been one of the central policies of this Administration. In addition to providing a general record of accomplishments, the report also suggests a number of possibilities in the form of an outlook for the future in key areas of science and technology.

The Federal Government's science- and technology-related activities support our Nation's quest to ensure a high quality of life for current citizens and future generations by meeting national needs, investing for the future, exploring intellectual, social, and physical frontiers, building on the fun-

damentally international character of science and technology, and strengthening math and science education.

The various chapters illuminate selected areas essential for meeting national needs. There is a focus on international competitive advantage, national security, global environmental needs, foreign policy, biotechnology, and information technology. Each chapter describes the area's key features, its policy relevance, and major components for which detailed strategies, policies, programs, and budgets have been or are being designed and implemented.

Science, as Vannevar Bush pointed out nearly half a century ago, is an endless frontier. Exploiting the opportunities of that frontier has helped to strengthen this Nation and the entire world in the past and can continue to in the future. This Administration believes that seizing these opportunities in science and technology and securing their benefits to the United States require policies that are forward-looking and reflect a rapidly evolving world. This Administration also believes that these objectives require vigorous initiatives in the private sector, continued excellence in academic research, and sustained progress in education.

In many ways, investment in science and technology reflects a deep-seated American belief in the possibility of a better future. With concerted action, that future—that endless frontier—lies within our reach.

GEORGE BUSH.

THE WHITE HOUSE, March 17, 1992.

#### TEXT OF PROPOSED AGREEMENT FOR COOPERATION BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF POLAND—MESSAGE FROM THE PRESIDENT—PM 118

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 Foreign Relations:

*To the Congress of the United States:*

I am pleased to transmit to the Congress, pursuant to sections 123 b. and 123 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b), (d)), the text of a proposed Agreement for Cooperation Between the United States of America and the Republic of Poland Concerning Peaceful Uses of Nuclear Energy with accompanying annex and agreed minute. I am also pleased to transmit my written approval, authorization, and determination concerning the agreement, and the memorandum of the Director of the United States Arms Control and Disarmament Agency with the Nuclear Proliferation Assessment Statement concerning the agreement. The joint memorandum submitted to me by the Secretary of

State and the Secretary of Energy, which includes a summary of the provisions of the agreement and various other attachments, including agency views, is also enclosed.

The proposed agreement with the Republic of Poland has been negotiated in accordance with the Atomic Energy Act of 1954, as amended by the Nuclear Non-Proliferation Act of 1978 and as otherwise amended. In my judgment, the proposed agreement meets all statutory requirements and will advance the non-proliferation and other foreign policy interests of the United States. It provides a comprehensive framework for peaceful nuclear cooperation between the United States and Poland under appropriate conditions and controls reflecting our strong common commitment to nuclear non-proliferation goals.

Poland has consistently supported international efforts to prevent the spread of nuclear weapons. It was an original signatory of the Non-Proliferation Treaty (NPT) and has strongly supported the Treaty. It is committed to implementing a responsible nuclear export policy, and declared in January 1978 that it intended to apply a full-scope safeguards nuclear export requirement. Poland supports the work of the NPT Exporters ("Zangger") Committee and adheres to the Nuclear Supplier Guidelines. It is a member of the International Atomic Energy Agency (IAEA) and has played a positive role in the Agency's safeguards and technical cooperation activities. It has also cooperated with the United States and other likeminded members in working to prevent the politicization of the Agency. Poland is a party to the Convention on the Physical Protection of Nuclear Material.

I believe that peaceful nuclear cooperation with Poland under the proposed agreement will be fully consistent with, and supportive of, our policy of responding positively and constructively to the process of democratization and economic reform in Eastern Europe. Cooperation under the agreement will also provide opportunities for U.S. business on terms that fully protect vital U.S. national security interests.

I have considered the views and recommendations of the interested agencies in reviewing the proposed agreement and have determined that its performance will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved the agreement and authorized its execution and urge that the Congress give it favorable consideration.

Because this agreement meets all applicable requirements of the Atomic Energy Act, as amended, for agreements for peaceful nuclear cooperation, I am transmitting it to the Congress without exempting it from any

requirement contained in section 123a. of that Act. This transmission shall constitute a submittal for purposes of both sections 123b. and 123d. of the Atomic Energy Act. The Administration is prepared to begin immediately the consultations with the Senate Foreign Relations and House Foreign Affairs Committees as provided in section 123b. Upon completion of the 30-day continuous session period provided for in section 123b., the 60-day continuous session period provided for in section 123d. shall commence.

GEORGE BUSH.

THE WHITE HOUSE, March 17, 1992.

**ENROLLED BILL AND JOINT RESOLUTIONS PRESENTED**

The Secretary of the Senate reported that on March 16, 1992, he had presented to the President of the United States the following enrolled bill and joint resolutions:

S. 2324. An Act to amend the Food Stamp Act of 1977 to make a technical correction relating to exclusions from income under the food stamp program, and for other purposes;

S.J. Res. 176. Joint resolution to designate March 19, 1992, as "National Women in Agriculture Day"; and

S.J. Res. 240. Joint resolution designating March 25, 1992 as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

**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-2811. A communication from the President of the United States, transmitting, pursuant to law, a report on the status of efforts to obtain compliance by Iraq with the resolutions adopted by the U.N. Security Council; to the Committee on Foreign Relations.

**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. PELL (by request):

S. 2358. A bill to amend the Asian Development Bank Act to authorize consent to, and authorize appropriations for, the United States contribution to the fifth replenishment of the Asian Development Fund, and for other purposes; to the Committee on Foreign Relations.

By Mr. HEFLIN:

S. 2359. A bill to amend chapter 153 of title 10, United States Code, to permit the Secretary of Defense to provide certain property and services of the Department of Defense to certain educational entities; to the Committee on Armed Services.

By Mr. DURENBERGER:

S. 2360. A bill to amend the Solid Waste Disposal Act to encourage pollution prevention and to require additional reporting on

the use and release of toxic chemicals; to the Committee on Environment and Public Works.

By Mr. BOND (for himself, Mr. DASCHLE, Mr. GRASSLEY, Mr. HEFLIN, Mr. MCCONNELL, Mr. DANFORTH, Mr. HARKIN, Mr. KASTEN, and Mr. DIXON):

S. 2361. A bill to enhance the competitiveness of United States processed and high-value agricultural products in export markets and expand domestic employment opportunities; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MCCAIN (for himself, Mr. WIRTH, Mr. GRASSLEY, Mr. NICKLES, Mr. STEVENS, and Mr. BROWN):

S. 2362. A bill to amend title XVIII of the Social Security Act to repeal the reduced medicare payment provision for new physicians; to the Committee on Finance.

By Mr. KERRY:

S. 2363. A bill to develop, assist, and stabilize recycling markets; to the Committee on Environment and Public Works.

**STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS**

By Mr. PELL (by request):

S. 2358. A bill to amend the Asian Development Bank Act to authorize consent to, and authorize appropriations for, the United States contribution to the fifth replenishment of the Asian Development Fund, and for other purposes; to the Committee on Foreign Relations.

**REPLENISHMENT OF THE ASIAN DEVELOPMENT FUND**

Mr. PELL. Mr. President, by request, I introduce for appropriate reference a bill to amend the Asian Development Bank Act to authorize consent to, and authorize appropriations for, the United States contribution to the fifth replenishment of the Asian Development Fund, and for other purposes.

This proposed legislation has been requested by the Department of the Treasury, and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD, together with the letter from the general counsel of the Department of the Treasury to the President of the Senate, which was received on March 9, 1992.

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

S. 2358

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Asian Development Bank Act (Pub. L. 89-369, 80 Stat. 71), as amended, is further amended by adding at the end thereof the following new section:*

"SEC. 30. (a) The United States Governor of the Bank is authorized to contribute, on behalf of the United States, \$680,000,000 to the

Asian Development Fund, a special fund of the Bank, except that any commitment to make such contributions shall be subject to the availability of appropriations.

"(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, \$680,000,000 for payment by the Secretary of the Treasury."

DEPARTMENT OF THE TREASURY,  
Washington, DC, March 5, 1992.

Hon. DAN QUAYLE,  
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: I am pleased to transmit herewith a draft bill, "To amend the Asian Development Bank Act to authorize consent to and authorize appropriations for the United States contribution to the fifth replenishment of the resources of the Asian Development Fund, and for other purposes."

The Asian Development Bank (Bank) is an extremely cost-effective vehicle for forwarding U.S. international economic priorities in the Asian region. The Asian Development Fund (Fund) is the soft loan window of the Bank, providing concessional resources to the poorest countries in Asia. Donors reached agreement on December 10, 1991 to replenish the resources of the Fund by \$4.2 billion over four years, 1992-1995. The U.S. contribution to the replenishment is \$680 million, or \$170 million annually.

In the context of this replenishment, the United States was able to obtain important policy reforms that will improve the efficiency and quality of the Bank's lending operations, and promote U.S. economic policy objectives in the region. Specifically, the U.S. was successful in obtaining agreement to strengthen the Bank's environmental activities, increase Bank operations to stimulate private sector activities, allocate Fund resources based on the economic performance of the borrower, strengthen the Bank's efforts in the area of poverty reduction, enhance the role of women in development, and strengthen the Bank's efforts to promote economic growth-oriented policies. Donors also reached agreement that India and China will not have access to the resources of this replenishment.

The draft bill would add a new section to the Asian development Bank Act. Proposed section 30 would authorize the United States Governor of the Asian Development Bank to contribute \$680,000,000 to the Asian Development Fund, subject to obtaining the necessary appropriations.

This legislation is important to U.S. foreign economic policy. It would be appreciated if you would lay the draft bill before the Senate. An identical proposal has been transmitted to the Speaker of the House of Representatives.

The Office of Management and Budget advises that there is no objection to the submission of the draft bill to Congress and that its enactment would be in accord with the President's program.

Sincerely,

JEANNE S. ARCHIBALD,  
General Counsel.

By Mr. HEFLIN:

S. 2359. A bill to amend chapter 153 of title 10, United States Code to permit the Secretary of Defense to provide certain property and services of the Department of Defense to certain educational entities; to the Committee on Armed Services.

## UNITED STATES SPACE CAMP

Mr. HEFLIN. Mr. President, in this era of global competition, cheap labor and government subsidies will not make us victors. Instead, we can only win through our leadership in the high-technology industries. But to ensure this victory, we must invest now in our children.

Preparation for high-technology careers often begins as early as the seventh or eighth grade, with courses like algebra, biology, and chemistry. Without a strong foundation in math and science, many high school students find that they don't have the option of pursuing engineering and science degrees in college. With numerous studies by independent educational and commercial organizations revealing that literacy in math and science among U.S. students rank far behind that of many other industrialized nations, the alarm goes off, warning us to act now to preserve America's leadership role in high technology.

President Bush, through his America 2000 education strategy, has stated that the well-being of America's education system will determine the future well-being of U.S. industry and Government. Among the strategy's goals is the aim to have our students ranking first in the world in math and science literacy. Achievement of this goal depends on the combined efforts of both the public and private sectors. Together, this team can create programs that stimulate students' interests, promote their awareness, and provide these future scientists with hands-on access to high-technology vehicles and machines that will fire their imaginations. Our goal in Congress must be to support these programs and to tear down any barriers that would prevent Government agencies from working in conjunction with private enterprise dedicated to teaching our youth.

Three private programs with this mission are the U.S. Space Camp, U.S. Space Academy, and Aviation Challenge. These programs use the wonder of NASA and military aviation to motivate students, grades 4-12, to prepare academically for high-technology careers. Camp, Academy, and Aviation Challenge creators and promoters have proven that hands-on education is a vital key to unlocking young potential and guiding students to the high-technology track. Consequently, trainees in these three programs not only spend time in lectures and classroom environments, they also spend a great deal of time in simulations training. As they become acclimated to a functioning, high-technology environment, students soon realize the importance of a solid foundation in math and science. Additionally, teachers who attend the academy programs for professional educators learn techniques to take the excitement of mission simulations back to their classrooms.

To maintain educational integrity and hands-on enthusiasm, Camp, Academy, and Aviation Challenge education staff continually work to update and enhance offerings and create new, more sophisticated agendas for advanced-level students. In this manner, program coordinators ensure that these curricula complement accelerated public education.

Mr. President, the U.S. Space Camp, Space Academy, and Aviation Challenge have gained widespread recognition for a job well done. For this reason, I am introducing legislation today that gives congressional endorsement of the programs, as well as grants their developers access to, at the Secretary of Defense's discretion, certain properties and services of the Department of Defense. This access could include the temporary use of military housing, loan of military personnel as guest instructors, donated surplus equipment, and temporary use of training facilities for the enhancement of current programs and creation of anticipated advanced courses of study.

The key here is hands-on involvement. Field trips to Air Force and Navy installations will allow students to observe the actual training of military aviators and talk with them in person about their experiences. To meet these men and women, to touch their aircraft, will do more to inspire these young kids than a stack of books. They'll learn that the Air Force and Navy choose only the best to be aviators, reinforcing the lesson to these young students that the courses they choose and the grades they make will determine their future.

Mr. President, the success of this legislation will mean a victory for both industry and government, because it will help prepare our youth to face the future. With our eyes on this goal, I encourage my colleagues to support the quick passage of this bill.

By Mr. DURENBERGER:

S. 2360. A bill to amend the Solid Waste Disposal Act to encourage pollution prevention and to require additional reporting on the use and release of toxic chemicals; to the Committee on Environment and Public Works.

## TOXICS RELEASE AND POLLUTION PREVENTION ACT

Mr. DURENBERGER. Mr. President, today I am introducing the Toxics Release and Pollution Prevention Act. If enacted, this bill will amend section 313 of the Emergency Planning and Community Right-to-Know Act to expand the toxics release inventory. It will also require each facility for which reports are filed under section 313 to prepare a pollution prevention plan every 3 years.

The toxics release inventory was first established under section 313 in 1986. It requires industrial facilities in the manufacturing sector of our economy

to report on their pollution. Reports are filed annually. Each facility reports the amount of toxic chemicals that it discharges to surface waters, emits into the air or disposes on land. These reports are required for each of more than 300 toxic chemicals listed under the law. The facility reports are compiled by EPA and published as a national inventory of toxic pollution.

The first reports under section 313 were required for calendar year 1987 and were filed in July 1988. When EPA published the first national inventory in June 1989, the public was quite surprised by the very large numbers that were reported. Emissions of toxic substances to the air exceeded 2.7 billion pounds. Discharges to surface waters were 9.6 billion pounds in 1987, and total releases to all environmental media exceeded 22.5 billion pounds. Even the chemical industry expressed surprise at the magnitude of the releases.

The shock caused by the first toxics release inventory prompted action. Many facility owners tried to get ahead of the public relations problem and promised substantial reductions in their emissions to be implemented over the next few years. The voluntary pollution prevention plans that have been developed in response to the national toxics release inventory have the potential to substantially reduce risks to public health and to the environment, if they are implemented.

The section 313 reports have also prompted Government action. I believe that the air toxics title of the 1990 Clean Air Act amendments passed in part because the Congress and the Bush administration were convinced of the need as the result of the toxics release inventory. The Congress also passed the Pollution Prevention Act of 1990 which is directly based on section 313 and has been augmented by several State pollution prevention laws.

The bill I am introducing today is designed to build on the success of the Community Right-to-Know Program under section 313. It is not the only bill pending in the Congress on this subject. Last November I joined with Senator LAUTENBERG to introduce a bill that has similar provisions, and on the House side Congressman SIKORSKI from Minnesota has introduced H.R. 2880 with similar objectives.

There are three basic ways to expand the toxics release inventory to provide a right to know more. We can add more chemicals to the list. We can require more facilities to report. And we can require additional information on the use or release of each chemical from each facility.

Before discussing the specifics of the legislation, let me outline four considerations that ought to be weighed in the balance as we think about ways to expand the toxics release inventory.

The first consideration is the burden on EPA and the States and the size of

the data base we are creating. TRI can be looked at as collection of discrete pieces of information that must be carefully and reliably managed and manipulated to produce any useful public understanding. The size of that data base is dependent on the number of chemicals listed, the number of facilities reporting and the information that must be reported on each chemical.

Under current reporting requirements, EPA is managing about 5 million data elements. The reporting amendments that were made by the Congress as part of the Pollution Prevention Act of 1990 will increase the data base to 8 or 9 million data points in 1993. That is 9 million. By way of comparison, EPA has estimated that other bills now pending on this subject would bring in well over 100 million pieces of information each year.

There is a limit to how fast and how far the data base can be expanded. We don't want a toxics release inventory so big that EPA and States take years to produce summary reports. We don't want to delay the publication of the information or its reliability in a quest to get every last scrap of information on toxic releases. There is a point of diminishing returns.

A second consideration is the burden on facilities that must report. That is not a serious problem under current requirements. There have not been serious complaints from industry to the Congress about the TRI paperwork burden. But it could become an issue in the future. We don't want to weaken public support for this program by requiring facilities to collect and report data that are not essential.

A third issue is the burden on those facilities that are covered by TRI because they are in a listed industrial category, but which do not have to report because they do not make or use the chemical in more than the threshold amounts. Even if they do not ultimately file a report, managers at these facilities may nevertheless be required to invest considerable effort to determine that right to know does not apply to them. We should only cover industrial categories that may present a real risk to public health or the environment.

A final consideration is on the benefit, not the burden, side. The world seems to have a 90-10, or maybe it is an 80-20, rule for toxic risks; 90 percent of the problem is at 10 percent of the facilities. You can get to most of the human health and environmental problems by working with a small percentage of the potentially regulated universe.

The costs you pay to get at the last 10 percent of the risk can be staggering and are often not justified by the incremental gain in public benefits that is realized. I firmly believe that this rule applies to the toxics release inventory. We can probably capture 90 percent, or

95 percent, or even 99 percent of the risk by requiring 40,000 facilities to report on 500 substances. To require 225,000 facilities to report on 1,000 chemicals, as other pending bills would do, likely provides very little additional public health benefit.

So, let me get to the specifics of the bill.

The first way to expand the toxics release inventory is to add chemicals. This bill requires EPA to prepare a list of the 250 toxic chemicals not already listed that present the greatest threat to human health and the environment. EPA will prepare the list based on an expert screening of health effects information that is now available. The 250 chemicals are grouped into high priority substances that will be added immediately and other substances to be added later when the data base can reliably be expanded to include them.

The bill requires that EPA propose this list of 250 additions before September 1, this year. It is unlikely that the bill would even be enacted by that date. By selecting September 1, I am sending the message that Congress should have an opportunity to review the list before the legislation is sent to the President. EPA promised us a list like this last summer and it has not yet appeared.

Now, let's move to facilities. There are various factors that determine whether a facility is required to report under current law. It has to report if it is in a standard industrial classification code between 20 and 39, the manufacturing sector of the economy, if it has more than 10 employees, and if it manufactures or imports more than 25,000 pounds or uses more than 10,000 pounds of a listed chemical each year. Based on these thresholds, 22,569 facilities filed reports for 1989. The General Accounting Office has determined that perhaps 29,000 should have reported.

Other bills that are pending on right to know more expand the toxics release inventory to cover all facilities in every industrial and commercial category. Every law firm, grade school, grocery store, beauty parlor, mortuary, and government agency in the country will be covered. If it has 10 employees, it must look for chemical uses.

EPA estimates that some 225,000 facilities might be covered by TRI under these other right to know more bills. But thousands more would experience the burden of the nonreporter—being covered and having to search the incoming shipments for TRI chemicals, even if they aren't there in threshold amounts.

Again, I am recommending a much more targeted approach. The bill I am introducing today selects specific 2-, 3- and 4-digit SIC codes where use, releases, and risks are likely to be high. My selections are based on studies done by several States to identify high risk industries.

Based on those studies this bill lists the SIC codes for mining, oil, and gas production, transportation services, drum reconditioning, petroleum handling, paint supply, wholesaling, laundries, exterminating services, photofinishing, solvent recovery, hospitals, research facilities, and all the facilities owned by the Federal Government.

In addition to listing specific SIC codes now, this bill also requires EPA to do a thorough screening of the remaining four digit codes and to submit a report and to take action to list those industries with a preponderance of facilities that have high use or emissions.

The third way to expand the toxics release inventory is to require more information from each facility. Since 1987, we have collected data on annual releases. Beginning in 1991, we will be getting new information on pollution prevention.

In 1986, when the community right to know law was enacted, one of the most hotly contested issues was the so-called mass-balance reporting requirement. Industry resisted the community right to know law because it feared that divulging mass-balance information might compromise trade secrets. Rather than require industry to report mass-balance data, the Congress asked for a report from the National Academy of Sciences on the mass-balance issue.

The report entitled "Tracking Toxic Chemicals at Industrial Facilities" is very helpful. It makes a distinction between mass-balance calculations from a chemical engineering perspective and what the NAS chose to call materials accounting or throughput data. The report indicates that there is some utility in looking at throughput data for facilities handling large volumes of toxic substances.

The report also suggests that the trade secret problem can be mitigated, if the data are reported on a per product basis. The most sensitive trade secret information is market position which might be revealed by reporting the total quantities of a chemical that flows through a plant. But stating the ratio of inputs and outputs per unit of product hides market position, while still allowing some understanding of efficiencies at the facility and the effectiveness of its pollution prevention efforts.

Using materials accounting on a per product basis solves some of the problems raised in the old mass-balance debate. But I also think industry will be more willing to accept this requirement today for another reason. At the same time that this bill expands the toxic release inventory, it also establishes new pollution prevention responsibilities for each facility.

There are a variety of pollution prevention options before the Congress.

We could require each facility to prepare pollution prevention plans. We could require each facility to submit to an outside pollution prevention audit and implement the findings. We could set industrywide pollution prevention goals or standards. We could phase out particular chemicals or uses like we have with CFC's. We could tax chemical production, uses or releases—a step also applied to CFC's with stunning pollution prevention results.

Of all those options, industry prefers the voluntary, facility-by-facility planning process for obvious reasons. The bill I am introducing today has a second title that requires pollution prevention planning by each facility subject to section 313. The goals of the plan will be voluntarily set by the facility, but must be publicly announced. Specific methods, measures and time-tables will be reported to the States. Annual updates on progress will also be required.

The pollution prevention planning requirement in my bill might be called pledge and review. Each facility will make a voluntary pollution prevention pledge to its home community. And over a 3-year period the facility will have to update the community on its progress.

If this kind of pledge and review approach to pollution prevention is going to work, the community needs to have a fair chance to determine whether the voluntary goal set by the facility is reasonable. That determination can only be made, if materials accounting, input and output information on the toxic chemicals used at the facility, is available.

If industry says no to materials accounting reports in 1992, as it did to mass-balance reports in 1986, then Congress cannot rely on voluntary plans as the foundation for pollution prevention. We would have to look at industrywide standards or taxes or audits instead.

Public availability of materials accounting data is a necessary foundation for a pledge and review approach to pollution prevention. They go hand in hand. That's the bottom line.

The pollution prevention goals for each plan will be up to the facility. I recognize that facilities have already made varying levels of effort and nationwide goals would not be fair to those who made an early start.

I also understand that we will not get good, aggressive plans if we apply penalties to those who fail to meet their own goals. Everybody would shoot low, if a penalty was attached to failure in a pledge and review system.

Mr. President, I would address one final item with respect to this bill, and that is the issue of toxics use reduction. For many years, the Congress has supported the vision reflected in the waste management hierarchy of the Resource Conservation and Recovery

Act. Avoid producing a waste at the source, if you can. Recycle wastes that are produced, nevertheless. Treat the wastes that cannot be recycled to reduce volume and toxicity. Safely dispose of the residue. What part of that hierarchy qualifies as true pollution prevention?

The Pollution Prevention Act passed by the Congress in 1990 puts the emphasis on source reduction, measures like good housekeeping, process changes and product reformulations that avoid the production of wastes altogether.

In recent months, a new tier for the hierarchy has caught the public's imagination. It is toxic use reduction. Not only should our industrial facilities avoid making a waste, they should also avoid using toxic substances whenever possible. In addition to the pollution prevention advantages, toxics use reduction can also reduce risks to workers, consumers, and communities that can be affected by catastrophic spills of chemicals in commerce. To me there is a great deal of appeal in a management hierarchy that starts with toxics use reduction as the first priority.

But it is not quite so appealing to a company whose products are industrial chemicals listed under section 313. They don't look at a plan that reduces their marketable outputs as an unmitigated public benefit.

In fact, many in industry see recycling and even treatment as equally appropriate pollution prevention endeavors in some circumstances. So, we will have a debate on that—the definition of pollution prevention.

In the bill I am introducing, pollution prevention has a new and mixed definition. Pollution prevention is defined to include toxic use reduction, source reduction, and in-process recycling. Pollution prevention plans may include elements of all three, but the bill encourages each facility to look for ways to move up the hierarchy to reduce risks to workers, consumers, communities, and the environment.

Mr. President, I would ask that the text of the bill be printed in the RECORD.

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

S. 2360

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

SHORT TITLE

SECTION 1. This Act may be cited as the "Toxics Release and Pollution Prevention Act of 1992".

FINDINGS

SEC. 2. The Congress finds that:

(1) The Toxics Release Inventory established by section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11023) provides substantial public benefit. Broad dissemination of information from the Inventory has increased citizen awareness and understanding of the

threat to human health and the environment posed by the release of toxic chemicals in their communities. The chemical-specific and multi-media characteristics of the reports required from each facility and reflected in the aggregated data are a significant strength of the Inventory. Because the total quantity of releases reported has been much larger than expected, the Inventory has prompted commitments by facility owners and operators and actions by the States and by the Federal Government to reduce releases and the associated threats in the near term.

(2) Notwithstanding such benefits, the full potential of the Toxics Release Inventory has not been realized. Many toxic chemicals posing substantial health and environmental threats as the result of releases are not on the list for which reporting is required. Many facilities outside the manufacturing sector of the economy have substantial releases of listed and other toxic chemicals but are not required to report. Many facilities releasing toxic chemicals and now covered by the reporting requirements do not comply with the law. Although the Administrator of the Environmental Protection Agency has authority to expand the Toxics Release Inventory by listing other toxic chemicals and requiring additional facilities to report, this authority has not been adequately exercised. Congress should now strengthen and improve the Toxics Release Inventory by listing additional chemicals, by requiring reports from facilities in additional industrial categories and by enhancing the enforcement authorities of the Federal Government and the States.

(3) The Congress, Federal agencies and the State have long recognized a hierarchy for the management of production byproducts that become hazardous and solid wastes. Wherever feasible, the generation of such byproducts should be reduced or eliminated at the source. Byproducts that are nevertheless generated should be recycled consistent with the protection of human health and the environment. Waste that cannot be recycled should be treated to reduce volume and toxicity. Waste that is disposed should be managed to prevent any threat to human health and the environment now and in the future. This hierarchy should now be augmented to recognize toxic use reduction as the first priority. In addition to reducing the threat to human health and the environment resulting from releases of byproducts as hazardous and solid waste, toxic use reduction also protects workers, consumers and the communities in which production facilities are located from the risks associated with toxic chemicals in commerce.

(4) Pollution prevention includes toxic use reduction, source reduction and in-process recycling that is integral to a production process or activity. Opportunities to reduce the toxic chemical threat to human health and the environment through pollution prevention are substantial, but often unrecognized or unrealized by facility owners and operators. In addition to reducing such threats, pollution prevention is typically associated with improved production efficiencies that save money and enhance competitiveness. The Federal Government and the States should play an active role in facilitating pollution prevention. In many cases pollution prevention will prove more effective and efficient than traditional pollution control measures directed toward the same goals.

(5) At the present time there is great variability in the capacity of individual facility

owners and operators to achieve reductions in the use, generation and release of toxic chemicals through pollution prevention. Federal agencies and the States are not now in a position to mandate the use of particular pollution prevention measures or to prescribe the attainment of pollution prevention performance standards for particular industries. For the near term, pollution prevention initiatives conducted by government agencies must be based on pollution prevention plans prepared by the owners and operators of industrial facilities and reflecting this variability. Pollution prevention plans should contain voluntary pledges for pollution prevention for each significant production unit or activity at a facility reflecting the hierarchy of toxic use reduction, source reduction and in-process recycling. The goals and measures pledged in such plans should be available for public review and comment.

(6) To assure that the public is able to effectively review and comment on the goals and measures pledged in pollution prevention plans, the Toxics Release Inventory should be expanded to include materials accounting data for covered facilities and information on toxic chemical use and byproduct generation for significant production units within such facilities. This information can be shared with the public through the Toxics Release Inventory and in plan summaries and progress reports that do not compromise trade secrets entitled to protection under Federal law.

**TITLE I—COMMUNITY RIGHT-TO-KNOW MORE**  
**SHORT TITLE**

SEC. 101. This title may be cited as the "Community Right-to-Know More Act of 1992".

**TOXICS RELEASE INVENTORY**

SEC. 102. (a) Section 313(a) of the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11023(a)) is amended by: (1) inserting "or released" after "was manufactured, processed or otherwise used"; (2) striking "quantity" and inserting in lieu thereof "quantities"; and (3) striking "releases" and inserting in lieu thereof "toxic chemical uses, releases and other information".

(b) Section 313(b)(1)(A) of the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11023(b)(1)(A)) is amended by: (1) inserting "or released" after "that manufactured, processed, or otherwise used"; and (2) by striking "quantity" and inserting in lieu thereof "quantities".

(c) Section 313(b)(1)(C) of the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11023(b)(1)(B)) is amended by:

(1) adding at the end of clause (ii) the following:

"The term 'process' shall also include the use of any toxic chemical as a fuel to recover heat or energy or to combust a toxic chemical for the purposes of treatment or disposal or for any other purpose."; and

(2) adding at the end thereof the following new clauses:

"(ii) The term 'production unit' means a production line, method, activity, or technique, or combination or series thereof, which is integral to and necessary for the production of a product including storage of raw materials, maintenance, and finished goods handling, and does not include any waste management activities or out-of-process recycling.

"(iv) The term 'byproduct' means any toxic chemical other than a product (includ-

ing fugitive emissions, process residues, or other nonproduct outputs that result from any manufacturing, extraction, servicing or other processing, including pollution control, or use of materials) that enters a waste stream or is otherwise released to the environment from a production unit prior to recycling, treatment, disposal, handling or release.

"(v) The term 'source reduction' means any practice which—

"(I) reduces the amount of any hazardous substance, pollutant, or contaminant entering any waste stream or otherwise released into the environment (including fugitive emissions) prior to recycling, treatment or disposal; and

"(II) reduces the threat to public health and the environment associated with the release of such substances, pollutants or contaminants.

The term includes equipment or technology modifications, process or procedure modifications, reformulation or redesign of products, substitution of raw materials, and improvements in housekeeping, maintenance, training, or inventory control. The term does not include any practice which alters the physical, chemical, or biological characteristics or the volume of a hazardous substance, pollutant, or contaminant through a process or activity which itself is not integral to and necessary for the production of a product or the providing of a service."

(d) Section 313(b) of the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11023(b)) is amended: (1) by striking "that are in" in paragraph (1)(A) and inserting in lieu thereof "that conduct any portion of their business in"; and (2) by redesignating paragraph (2) as paragraph (4) and by adding the following new paragraphs after paragraph (1):

"(2) Beginning with reports filed for calendar year 1993, the requirements of this section shall also apply to owners and operators of facilities that have 10 or more full-time employees and—

"(A) that conduct any portion of their business in Standard Industrial Classification Codes 0782 (lawn fertilizing services), 10 through 14 (mining, mineral and oil and gas extraction), 172 (painting and paper hanging), 40 (railroad transportation), 42 (motor freight transportation and warehousing), 44 (water transportation), 45 (air transportation), 46 (pipelines), 49 (electric, gas and sanitary services), 505 (metals and minerals (except petroleum) wholesaling), 507 (plumbing and heating equipment and supplies wholesaling), 508 (machinery, equipment and supplies wholesaling), 516 (chemicals and allied products wholesaling), 517 (petroleum and petroleum products wholesaling), 5191 (farm supplies wholesaling), 5198 (paints, varnishes and supplies wholesaling), 721 (laundry, cleaning and garment services), 7342 (exterminating services), 7384 (photo finishing), 7389 (solvent recovery), 7532 (auto body and paint shops), 7623 (air conditioning and refrigeration repair), 806 (hospitals), 807 (medical and dental laboratories), 822 (colleges, universities, professional schools, and junior colleges), 824 (vocational schools), 8734 (testing laboratories), and 9223 (correctional facilities);

"(B) that have combustion units (other than units operated principally to heat buildings at the facility and fueled with natural gas or petroleum products) with a heat input capacity exceeding 25 million Btu per hour for any unit or group of units located at the facility; and

"(C) that are facilities owned or operated by the Federal Government.

"(3) LISTING OF ADDITIONAL FACILITIES.—Not later than 24 months after the date of enactment of the Community Right-to-Know More Act of 1992, the Administrator shall propose additions to the list of facilities subject to this section including on such list facilities in each Standard Industrial Classification Code which present a threat of adverse effects to human health or the environment as the result of the use or release of toxic chemicals from facilities grouped under that Code comparable to the threats presented by facilities grouped under Codes listed in paragraphs (1) and (2). The Administrator shall promulgate such additions not later than the date 36 months after the date of enactment of the Community Right-to-Know More Act of 1992 and the owner or operator of each facility covered by the additions shall begin reporting under this section for the calendar year 1997."

(e) Section 313(b)(4) of the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11023(b)(4)), as redesignated by subsection (d), is amended by inserting "or releases" after "that manufacturers, processes, or otherwise uses".

(f) Section 313(b) of the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11023(b)) is amended by adding at the end thereof the following new paragraph:

"(5) PRESIDENT EXEMPTION.—The President may exempt any facility of any department, agency or instrumentality in the executive branch from compliance with the requirements of this section, if the President determines it to be in the paramount interest of the United States to do so. Any exemption shall be for a period not to exceed one year, but additional exemptions may be granted if the President makes a new determination. The President shall report each January to the Congress all exemptions from the requirements of this section granted during the preceding year, together with the President's reason for granting each such exemption."

(g) Section 313(c) of the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11023(c)) is amended to read as follows:

"(c) TOXIC CHEMICALS COVERED.—

"(1) IN GENERAL.—The toxic chemicals subject to the requirements of this section are:

"(A) those chemicals on the list in Committee Print Number 99-169 of the Senate Committee on Environment and Public Works, title "Toxic Chemicals Subject to Section 313 of the Emergency Planning and Community Right-to-Know Act of 1986" (including any revised version of the list as may be made pursuant to subsection (d) or (e));

"(B) all class I and class II substances listed pursuant to title VI of the Clean Air Act (42 U.S.C. 7671 et seq.);

"(C) for calendar years beginning with 1993, those chemicals listed by the Administrator pursuant to paragraph (2)(A); and

"(D) for calendar years beginning with 1995, those chemicals listed by the Administrator pursuant to paragraph (2)(B).

"(2) ADDITIONAL LISTING.—Not later than September 1, 1992 the Administrator shall propose a revision of the list established pursuant to paragraph (1) (A) and (B) which would add 250 toxic chemicals to such list. The toxic chemicals proposed for addition under this paragraph shall be the 250 chemicals which, considering the factors outlined in subsection (d), present the greatest threat to human health and the environment as the result of use at or release from facilities sub-

ject to the requirements of this section. Such list shall be divided into—

“(A) the 100 toxic chemicals in the group of 250 presenting the greatest threat to human health or the environment as the result of release or use; and

“(B) the remaining 150 toxic chemicals included on the list.

The Administrator shall promulgate additions to the list established under paragraph (1) meeting the requirements of this paragraph not later than 270 days after the date of enactment of the Community Right-to-Know More Act of 1992.

“(3) If the Administrator fails to propose the additions required by paragraph (2) prior to September 1, 1992, then the list established by paragraph (1) (A) and (B) shall be modified by operation of law to include each of the following substances—

“(A) priority pollutants listed under regulations relating to steam electric power point source pollutants under the Federal Water Pollution Control Act (33 U.S.C. 1311 et seq.) (as listed in Appendix A of section 423 of title 40, Code of Federal Regulations, subject to any subsequent modifications of the list);

“(B) hazardous waste identified and listed under regulations promulgated under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) (as listed in Appendix A of sections 261.33(e), 261.33(f), and Appendix VIII of part 261 of title 40, Code of Federal Regulations, subject to any subsequent modifications of such lists);

“(C) any chemical or chemical category listed under section 112(b)(1), 112(r)(3), 602(a) or 602(b) of the Clean Air Act (42 U.S.C. 7412(b)(1), 7412(r)(3), 7671(a), and 7671(b));

“(D) any pesticide (as defined in section 2(u) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a))—

“(i) with respect to which the registration has been denied, canceled (including voluntary cancellation following the special review process, as described in part 154 of title 40, Code of Federal Regulations) or is under suspension;

“(ii) that is undergoing special review (as described in clause (i)) or is undergoing other administrative review (including for cancellation of use pursuant to section 6 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136d)); or

“(iii) that is classified as a restricted use pesticide under section 3(d)(1) of such Act (7 U.S.C. 136a(d)(1)).

“(E) contaminants identified in section 1412(b)(1) of the Safe Drinking Water Act (42 U.S.C. 300g-1) and for which maximum contaminant levels have been proposed or promulgated;

“(F) chemicals identified by the Carcinogen Assessment Group of the Environmental Protection Agency, the International Agency for Research on Cancer, or the National Toxicology Program as known or probable human carcinogens;

“(G) extremely hazardous substances listed pursuant to section 302(a)(2) of this Act (42 U.S.C. 11002(a)(2)); and

“(H) chemicals listed in 90 California Regulatory Notice Register 990 (July 1990) as reproductive toxins.”

(h) Section 313(d)(2) of the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11023(d)(2)) is amended by striking “The number of chemicals included on the list described in subsection (c) on the basis of the preceding sentence may constitute in the aggregate no more than 25 percent of the total number of chemicals on the list.”

(i) Section 313(d)(3) of the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11023(d)(3)) is amended by striking “not sufficient evidence to establish any of the criteria described in paragraph (2)” and inserting in lieu thereof “sufficient evidence that the effects described by the criteria in paragraph (2) are not established.”

(j) Section 313(f)(1) of the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11023(f)(1)) is amended by adding at the end thereof the following new subparagraph:

(C) The Administrator is authorized to establish additional thresholds for reporting under this section based on the amount of any toxic chemical or chemicals released to the environment or transferred offsite from any facility. Thresholds established under this subparagraph shall reflect the relative risk of adverse health or environmental effects which may be associated with the release of the toxic chemical or chemicals for which a threshold is established and shall be consistent with the goals and requirements of this Act. The Administrator shall, not later than 18 months after the date of enactment of this subparagraph, report to the Congress with respect to the Administrator's implementation of the authority established by this subparagraph including in such report release and transfer thresholds which the Administrator intends to propose for various toxic chemicals.”

(k) Section 313(f)(2) of the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11023(f)(2)) is amended by: (1) inserting “uses or” before “releases”; and (2) adding at the end thereof the following new sentences:

“Any release threshold established under authority of this subsection shall not supersede the thresholds established by paragraphs (1)(A) or (1)(B). Any authorized State may establish threshold amounts lower than the amounts in paragraph (1) for facilities in its jurisdiction.”

(l) Section 313(g) of the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11023(g)) is amended by redesignating paragraph (2) as paragraph (4) and by inserting the following new paragraphs after paragraph (1):

(2) SOURCE REDUCTION.—The Administrator shall modify the toxic chemical release form for facilities covered by this section to require that the following information (in addition to information required by paragraph (1)) be reported for each toxic chemical listed pursuant to subsection (c) beginning for calendar year 1992—

“(A) The quantity of the toxic chemical entering any waste stream (or otherwise released to the environment) prior to recycling, treatment or disposal during the calendar year for which the report is filed and the percentage change from the previous year. The quantity reported shall not include any amount reported under subparagraph (G). When actual measurements of the quantity of a toxic chemical entering the waste streams are not readily available, reasonable estimates should be made on the best engineering judgment.

“(B) The amount of the chemical from the facility which is recycled (at the facility or elsewhere) during such calendar year, the percentage change from the previous year, and the process of recycling used.

“(C) The source reduction practices used with respect to each toxic chemical during such year at the facility. Such practices shall be reported in accordance with the fol-

lowing categories, unless the Administrator finds other categories more appropriate—

“(i) equipment, technology, process or procedure modifications;

“(ii) reformulation or redesign of products;

“(iii) substitution of raw materials;

“(iv) improvement in management, training, inventory control, materials handling, or other general operational phases of industrial facilities.

“(D) The amount expected to be reported under subparagraphs (A) and (B) for the two calendar years immediately following the calendar year for which the report is filed. Such amount shall be expressed as a percentage change from the amount reported under subparagraphs (A) and (B).

“(E) A ratio of production in the reporting year to production in the previous year. The ratio should be calculated to most closely reflect all activities involving the toxic chemical. In specific industrial classifications subject to this section, where a feedstock or some variable other than production is the primary influence on waste characteristics or volumes, the report may provide an index based on that primary variable for each toxic chemical. The Administrator is encouraged to develop production indexes to accommodate individual industries for use on a voluntary basis.

“(F) The techniques which were used to identify source reduction opportunities. Techniques listed should include, but are not limited to, employee recommendations, external and internal audits, participative team management, and material balance audits. Each type of source reduction listed under subparagraph (C) should be associated with the techniques or multiples of techniques used to identify the source reduction technique.

“(G) The amount of any toxic chemical released into the environment which resulted from a catastrophic event, remedial action, or other one-time event, and is not associated with production processes during the reporting year.

“(H) The amount of each toxic chemical from the facility which is treated (at the facility or elsewhere) during such calendar year and the percentage change from the previous year.

For the first year of reporting under this paragraph, comparison with the previous year is required only to the extent such information is available.

“(3) MATERIALS ACCOUNTING INFORMATION.—

“(A) Not later than 270 days after the date of enactment of the Community Right-to-Know More Act of 1992, the Administrator shall modify the uniform toxic chemical release form for facilities covered by this section to require that the following information (in addition to the information required by paragraphs (1) and (2)) be reported beginning with calendar year 1994 for each toxic chemical listed pursuant to subsection (c) and for each facility subject to the requirements of this section—

“(i) a compilation of annual input, accumulation, and output quantities of each toxic chemical at the facility, including the quantities produced, used, generated as by-product, consumed, recycled onsite but out-of-process, or transferred as a product or as a constituent in products (hereinafter referred to as “materials accounting”);

“(ii) for each of the production units at the facility which in the aggregate account for not less than 90 percent of the toxic chemicals used at the facility—

“(I) the amount of each toxic chemical used per unit of product;

"(II) the amount of each toxic chemical generated as byproduct per unit of product;

"(III) the amount of each toxic chemical present in the product per unit of product;

"(IV) a description of the production unit, including the production process, product, and unit of product; and

"(V) the amount of product manufactured (or otherwise created) and used, expressed as a range.

"(ii) the three-year goals for pollution prevention at the production unit (as established in the most recent pollution prevention plan prepared pursuant to subtitle E of the solid Waste Disposal Act) including—

"(I) goals for the reduction in each amount reported under clauses (ii)(I), (ii)(II) and (ii)(III); and

"(II) goals for the reduction in the amount of each toxic chemical manufactured, processed, or otherwise used and generated as byproduct at the facility.

"(B) For any calendar year prior to the calendar year 1997, the Administrator may by rule limit the applicability of paragraphs (A)(ii) and (A)(iii) to—

"(i) the 20 toxic chemicals with the largest reported releases (aggregated for all media) for calendar year 1991;

"(ii) facilities in Standard Industrial Classification Codes 20 through 39; or

"(iii) facilities owned or operated by entities other than entities which are small business concerns as defined in the Small Business Act."

(l) Section 313(h) of the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11023(h)) is amended by inserting "the uses of toxic chemicals at covered facilities and" before "release of toxic chemicals to the environment".

(m) Subsections (k) and (l) of section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11023(k) and 11023(l)) are repealed.

**INFORMATION GATHERING AND ACCESS**

SEC. 103. Section 325 of the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11045) is amended by adding at the end thereof the following new subsection:

"(g) **INFORMATION GATHERING AND ACCESS.**—

"(1) **ACTION AUTHORIZED.**—Any officer, employee or representative of the Administrator is authorized to take action under paragraph (2), (3) or (4) (or any combination thereof) at any facility subject to the requirements of this Act or other location described in paragraph (3) or (4). Any duly designated officer, employee or representative of a State carrying out the provisions of this Act is also authorized to take such action.

"(2) **ACCESS TO INFORMATION.**—Any officer, employee, or representative of the Administrator or a State described in paragraph (1) may require any person who has or may have information relevant to the identification, nature and quantity of materials including hazardous substances, extremely hazardous substances, toxic chemicals or other materials covered by this Act which may have been used, generated, treated, stored, disposed at or released or transferred from a facility subject to the requirements of this Act to furnish, upon reasonable request, information or documents pertaining to such matter. In addition, upon reasonable notice, such person either (A) shall grant any such officer, employee or representative access at all reasonable times to such facility or location to inspect and copy all documents and records relating to such matters or (B) shall copy and furnish to the officer, employee or

representative all such documents or records, at the option and expense of such person.

"(3) **ENTRY.**—Any officer, employee, or representative described in paragraph (1) is authorized to enter at reasonable times—

"(A) any facility subject to the requirements of this Act; or

"(B) any other facility, establishment, or other place or property owned or operated by a person owning or operating a facility subject to the requirements of this Act where entry is needed to determine compliance with and enforce this Act.

"(4) **INSPECTION AND SAMPLES.**—

"(A) Any officer, employee, or representative described in paragraph (1) is authorized to inspect and obtain samples from any facility subject to the requirements of this Act or other location described in paragraph (3). Any such officer, employee or representative is authorized to inspect and obtain samples of any containers of toxic chemicals or other materials maintained at such facility. Each such inspection shall be completed with reasonable promptness.

"(B) **SAMPLES.**—If the officer, employee or representative obtains samples, before leaving the premises such officer, employee or representative shall give to the owner or operator of such facility a receipt describing the sample obtained and, if requested, a portion of each sample. A copy of the results of any analysis made of such samples shall be furnished promptly to the owner or operator of the facility.

"(5) **COMPLIANCE ORDERS.**—

"(A) **ISSUANCE.**—If consent is not granted regarding any request made by an officer, employee or representative under paragraph (2), (3) or (4), the Administrator may issue an order directing compliance with the request. The order may be issued after such notice and opportunity for consultation as is reasonably appropriate under the circumstances.

"(B) **COMPLIANCE.**—The Administrator may ask the Attorney General to commence a civil action to compel compliance with a request or order referred to in subparagraph (A). Where there is a reasonable basis to believe there may be a violation of this Act, the court shall take the following actions:

"(i) In the case of interference with entry or inspection, the court shall enjoin such interference or direct compliance with orders to prohibit interference with entry or inspection unless under the circumstances of the case the demand for entry or inspection is arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with law.

"(ii) In the case of information or document requests or orders, the court shall enjoin interference with such information or document requests or orders or direct compliance with the requests or orders to provide such information or documents unless under the circumstances of the case the demand for information or documents is arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with law.

The court may assess a civil penalty not to exceed \$10,000 for each day of noncompliance against any person who unreasonably fails to comply with the provisions of paragraph (2), (3) or (4) or an order issued pursuant to subparagraph (A) of this paragraph.

"(6) **OTHER AUTHORITY.**—Nothing in this subsection shall preclude the Administrator or a State from securing access or obtaining information in any other lawful manner."

**GRANT PROGRAM**

SEC. 104. The Emergency Planning and Community Right-to-Know Act of 1986 (42

U.S.C. 11001 et seq.) is amended by striking section 327 (42 U.S.C. 11047) and inserting in lieu thereof the following:

**"SEC. 327. GRANT PROGRAM.**

"(a) **IN GENERAL.**—

"(1) **ESTABLISHMENT.**—(A) The Administrator shall establish a grant program to assist States, local governments, local emergency planning committees and State emergency response commissions (as described in section 301) in carrying out the provisions of subtitles A, B and C of this Act.

"(B) The Administrator shall implement the grant program under this section in a manner fostering coordination among the various offices of the Environmental Protection Agency having responsibility for carrying out the provisions of this Act (including the Office of Pesticides and Toxic Substances and the Office for Solid Waste and Emergency Response) and the Administrator shall assure that the grant program established under this section shall be implemented in coordination with State emergency response commissions.

"(2) **APPLICATIONS.**—(A) Not later than six months after the date of enactment of this section, the Administrator shall accept applications for grants under this section.

"(B) The Administrator shall make a determination on a grant application not later than 45 days after the Administrator receives the application.

"(b) **GRANT REQUIREMENTS.**—

"(1) **DISTRIBUTION.**—The Administrator shall ensure that States shall make available to local governments or local emergency planning committees (as described in subsection (a)) an amount equal to 75 percent of the amount of the grant to the State under this section for the purposes of assisting local governments and local emergency planning committees in carrying out the provisions of subtitles A, B and C.

"(2) **MATCHING.**—(A) The amount of any grant awarded under this section shall not exceed an amount equal to 80 percent of the cost of carrying out the activities authorized under the grant program. The Administrator shall not require any State to match any grant awarded under this section in an amount that exceeds 50 percent of the cost of carrying out the activities authorized under the grant program.

"(B) The remaining percentage of such costs shall be funded from non-Federal sources. Such sources may include amounts appropriated by the State for State activities or to finance activities of local governments or local emergency planning committees carrying out subtitles A, B and C.

"(3) **CRITERIA.**—The Administrator shall award grants under this section in proportion to State and local needs, as measured by such factors as the extent to which chemical substances and mixtures are manufactured, processed, used, and disposed of in a State, the extent of potential exposure in a State of human beings and the environment to chemical substances and mixtures, and the population of the State. The Administrator shall assure that State awards to localities or local emergency planning committees are in proportion to local needs as measured by factors similar to those described in the preceding sentence, including such factors as presence of substances, extent of potential exposure and population.

"(d) **AUTHORIZATION.**—There are authorized to be appropriated to the Administrator for the purpose of carrying out this section \$12 million for each of the fiscal years 1992 through 1996."

**DEFINITION OF PERSON**

SEC. 105. Section 329 of the Emergency Planning and Community Right-to-Know

Act of 1986 (42 U.S.C. 11049) is amended by inserting "Federal agency," after "association,".

#### REPORTING METHODS

SEC. 106. (a) The Administrator shall conduct a study of methods for encouraging the reporting of information under section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11023) through the use of computer telecommunication and other means. Such study shall identify methods to—

- (1) increase the rate at which such information is made available to the public;
- (2) improve the accuracy of such information;
- (3) improve public accessibility to such information; and
- (4) enhance the overall efficiency of the information reporting and collection process.

(b) Not later than 12 months after the date of enactment of this Act, the Administrator shall submit a report of the findings of the study described in subsection (a) and plans for implementing methods to improve reporting to the appropriate committees of the Congress.

#### TECHNOLOGY FOR PROVIDING INFORMATION

SEC. 107. (a) Not later than 12 months after the date of enactment of this Act, the Director of the Office of Technology Assessment (hereinafter in this section referred to as the "Director") shall, in consultation with the Administrator, conduct and complete a study of all matters relating to the provision to the public of toxic release inventory information described in section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11023) (hereinafter in this section referred to as "toxics release information").

(b) The study conducted by the Director shall include the following:

(1) A review of the methods by which toxics release information is made available to the public, with a concentrated emphasis on the computer data base described in section 313(j) of the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11023(j)).

(2) A review of the efficacy and cost-effectiveness of each method described in paragraph (1).

(3) The development of recommendations for more effective means to disseminate toxics release information, and to promote ease of public access to such information.

(4) The development of recommendations for alternatives to basing the publicly accessible data base in the T.O.X.N.E.T. system of the National Library of Medicine.

(c) Upon completion of the study described in subsection (a), the Director shall submit to the Administrator and to the appropriate committees of the Congress a report containing a detailed statement of the findings and conclusions of the study, together with such recommendations for such regulations and administrative actions as the Director, in consultation with the Administrator of the Environmental Protection Agency, considers appropriate to make improvements in the provision of toxics release information to the public.

## TITLE II—POLLUTION PREVENTION

### SHORT TITLE

SEC. 201. This title may be cited as the "Pollution Prevention Act of 1992".

### GOALS AND OBJECTIVES

SEC. 202. Section 1003(b) of the Solid Waste Disposal Act (42 U.S.C. 6902(b)) is amended to read as follows:

"(b) NATIONAL POLICY.—The Congress establishes the following hierarchy for the management of hazardous and solid wastes and other materials generated as byproducts of industrial and commercial processes. The hierarchy shall be implemented under this Act in a manner consistent with the protection of human health and the environment. Pollution prevention is the highest priority and includes toxic use reduction, source reduction and in-process recycling. Wherever feasible, wastes should be eliminated through changes in raw materials, production technologies and methods, products, or services to reduce the volume and toxicity of such wastes at the source. Wastes that are generated should be recycled consistent with the production of human health and the environment. Wastes that cannot be recycled should be treated to reduce volume and toxicity. Wastes that are disposed should be managed to prevent any threat to human health or the environment now and in the future."

### POLLUTION PREVENTION

SEC. 203. (a) The title of subtitle E of the Solid Waste Disposal Act is amended to read:

"Subtitle E—Pollution Prevention".

(b) Sections 5001 through 5006 of the Solid Waste Disposal Act are redesignated as sections 6010 through 6015 in part B of subtitle F.

(c) Subtitle E of the Solid Waste Disposal Act is amended by adding the following new section:

#### "SHORT TITLE

"SEC. 5001. This subtitle may be cited as the "Pollution Prevention Act"."

(d)(1) Subtitle E of the Solid Waste Disposal Act is amended by redesignating section 6002 of the Pollution Prevention Act of 1990 (Public Law 101-508) as new section 5002.

(2) Section 5002 of the Solid Waste Disposal Act, as redesignated by paragraph (1), is amended by:

(A) striking "source reduction" wherever it occurs and inserting "pollution prevention" in lieu thereof; and

(B) striking subsection (a)(5).

(e)(1) Subtitle E of the Solid Waste Disposal Act is amended by redesignating section 6003 of the Pollution Prevention Act of 1990 (Public Law 101-508) as new section 5003.

(2) Section 5003 of the Solid Waste Disposal Act, as redesignated by paragraph (1), is amended by:

(A) striking subsections (1) and (2);

(B) redesignating subsections (3) through (7) as subsections (1) through (5), respectively; and

(C) by adding the following new subsections:

"(6) The term "pollution prevention" means—

"(i) toxic use reduction;

"(ii) source reduction; or

"(iii) in-process recycling.

"(7)(A) The term "toxic use reduction" means any change in a practice, process, or activity involved in a facility or a production unit at a facility that reduces or eliminates the use of any toxic chemical, or the amount of any toxic chemical entering any waste stream, or otherwise released to the environment (including fugitive emissions and hazardous secondary materials), prior to recycling, treatment, disposal, handling, or release, without creating or increasing the threat of adverse health effects for the public, workers, consumers or the threat of adverse effects to the environment. The term includes equipment or technology modifications, changes in processes or procedures, re-

formulation or redesign of products, substitution of raw materials, and improvements in housekeeping, maintenance, training or inventory control.

"(B) The term "toxics use reduction" does not include (i) waste management activities or any other practice which alters the physical, chemical, or biological characteristics, or the volume, of a toxic chemical through a process or activity which itself is not integral to and necessary for the production of a product or the providing of a service, or (ii) the use of byproduct as product.

"(8) The term "in-process recycling" means a process whereby materials are—

"(A) returned to the original process or processes from which they were generated; and

"(B) reused in the production process in the following manner—

"(i) the process, through completion of reclamation, is enclosed by being entirely connected with pipes or other comparable enclosed means of conveyance; and

"(ii) the materials are stored in tanks and containers and are used or reused within twelve months.

"(9) The term "recycling" or "recycle" means any use, reuse, or reclamation of solid waste or other material for any purpose but does not include:

"(A) placement of any material that would otherwise be a hazardous waste on the land;

"(B) incineration for energy recovery;

"(C) speculative accumulation of material that would otherwise be a hazardous waste;

"(D) the treatment of hazardous waste prior to use, reuse or reclamation; or

"(E) the use, reuse or reclamation of materials in a manner constituting disposal.

"(10) The term "byproduct" means any toxic chemical (including fugitive emissions, process residues, or other nonproduct outputs that result from any manufacturing, extraction, servicing or other processing, including pollution control, or use of materials) other than a product that enters a waste stream or otherwise is released to the environment from a production unit prior to recycling, treatment, disposal, handling, or release.

"(11) The term "facility" means all buildings, equipment, structures, and other items which are located on a single site or contiguous or adjacent sites and which are owned or operated by the same person or by a person which controls, is controlled by, or is under common control with such person.

"(12) The term "production unit" means a production line, method, activity, or technique, or combination or series thereof, which is integral to and necessary for the production of a product including storage of raw materials, maintenance, and finished goods handling, and does not include any waste management activities or out-of-process recycling.

"(13) The term "materials accounting" means a compilation of the annual input, accumulation, and output quantities of each toxic chemical at a facility or production unit, including quantities produced, used, generated as byproduct, consumed, recycled onsite but out-of-process, transferred as product, or transferred as constituents in products."

(f)(1) Subtitle E of the Solid Waste Disposal Act is amended by redesignating section 6004 of the Pollution Prevention Act of 1990 (Public Law 101-508) as a new section 5004.

(2) Section 5004 of the Solid Waste Disposal Act, as redesignated by paragraph (1), is amended by adding the following new sub-

section prior to subsection (a) and by redesignating subsections (a) and (b) as subsections (b) and (c), respectively:

"(a) IN GENERAL.—The Administrator, in promulgating or issuing regulations, guidance or guidelines concerning any standard, policy or other requirement, or in taking any other action under this Act; the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9601 et seq.); the Toxic Substances Control Act (15 U.S.C. 2601 et seq.); the Clean Air Act (42 U.S.C. 7401 et seq.); the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); the Federal Insecticide, Fungicide and Rodenticide Act (7 U.S.C. 136 et seq.); the Safe Drinking Water Act (42 U.S.C. 300f et seq.); the Emergency Planning and Community Right-to-Know Act (42 U.S.C. 11001 et seq.); and the Marine Protection, Research and Sanctuaries Act (33 U.S.C. 1401 et seq.), whether to be implemented by the Administrator, any other Federal department, agency or instrumentality, any State or municipality, or any other person and each State (and political subdivision, thereof) with responsibility for management of solid wastes under this Act, shall implement such authorities giving pollution prevention considerations the highest priority, consistent with the purposes of this Act to protect human health and the environment and other requirements of Federal law. Nothing in this section shall alter in any manner any otherwise legally applicable deadline or requirement established by law."

(3) Section 5004 of the Solid Waste Disposal Act, as redesignated by paragraph (1), is amended by striking "source reduction" wherever it occurs and inserting in lieu thereof "pollution prevention".

(4) Section 5004(c) of the Solid Waste Disposal Act, as redesignated by paragraphs (1) and (2), is amended by:

(A) redesignating paragraphs (8) through (13) as paragraphs (7) through (12), respectively; and

(B) adding "Federal departments and agencies, State departments and agencies, local governments and non-profit institutions" after "businesses" each time it appears.

(g)(1) Subtitle E of the Solid Waste Disposal Act is amended by redesignating section 6005 of the Pollution Prevention Act of 1990 (Public Law 101-508) as a new section 5005.

(2) Section 5005 of the Solid Waste Disposal Act, as redesignated by subsection paragraph (1), is amended by:

(A) striking "source reduction" wherever it occurs and inserting in lieu thereof "pollution prevention"; and

(B) by inserting "State departments and agencies, local governments, and non-profit institutions" after "businesses" each time it appears.

(h)(1) Subtitle E of the Solid Waste Disposal Act is amended by redesignating section 6006 of the Pollution Prevention Act of 1990 (Public Law 101-508) as a new section 5006.

(2) Section 5006 of the Solid Waste Disposal Act, as redesignated by paragraph (1), is amended by:

(A) striking "source reduction" each time it appears and inserting "pollution prevention" in lieu thereof; and

(B) striking "6605" and inserting in lieu thereof "5005".

(i) Section 6007 of the Pollution Prevention Act of 1990 is repealed.

(j)(1) Subtitle E of the Solid Waste Disposal Act is amended by redesignating sec-

tion 6008 of the Pollution Prevention Act of 1990 as a new section 5007.

(2) Section 5007 of the Solid Waste Disposal Act, as redesignated by paragraph (1), is amended by:

(A) striking "section 4(b)" and inserting in lieu thereof "section 5004(d)";

(B) striking paragraphs (10 and (2) of subsection (b) and redesignating paragraphs (3) through (9) as paragraphs (1) through (7), respectively;

(C) striking "source reduction" wherever it occurs and inserting in lieu thereof "pollution prevention"; and

(D) striking "subtitle" in the first sentence of subsection (a) and inserting in lieu thereof "the Pollution Prevention Act of 1990".

(k) Subtitle E of the Solid Waste Disposal Act is amended by redesignating section 6009 of the Pollution Prevention Act of 1990 (Public Law 101-508) as a new section 5008.

POLLUTION PREVENTION PLANS

SEC. 204. Subtitle E of the Solid Waste Disposal Act is amended by adding the following new section at the end thereof:

"POLLUTION PREVENTION PLANS

"SEC. 5009. (a) IN GENERAL.—The owner or operator of each facility for which a toxic chemical release form is required to be submitted pursuant to section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11023) shall periodically prepare pollution prevention plans, pollution prevention plan summaries, and pollution prevention plan progress reports meeting the requirements of this section.

"(b) SCHEDULE.—

"(1) A pollution prevention plan shall be prepared for each such facility not less often than every three years beginning for the third full calendar year after the date of enactment of this section or the third full calendar year after a facility is first subject to the requirements of section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11023), whichever is later. The Administrator may phase in the planning requirement, provided that the initial pollution prevention plans for all facilities subject to the requirements of this section be completed for the year not later than the seventh full calendar year after the date of enactment of this section.

"(2) A pollution prevention plan summary for each such facility shall be prepared according to the same schedule for pollution prevention plans set forth in paragraph (1).

"(3) A pollution prevention plan progress report for each such facility shall be prepared annually according to the schedule for the submission of toxic release forms under section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11023), beginning for the first full calendar year after a pollution prevention plan has been prepared pursuant to paragraph (1).

"(c) CONTENTS OF PLAN.—Each plan shall include—

"(1) a statement of management policy for pollution prevention;

"(2) pollution prevention goals for the subsequent three-year period, including, as appropriate, toxic use reduction goals, source reduction goals and in-process recycling goals for specific toxic chemicals used or generated as byproducts at the facility for the facility as a whole and for each of those production units which in the aggregate account for not less than 90 percent of the toxic chemicals used at the facility;

"(3) a current and projected analysis (over the same three-year period) for each produc-

tion unit covered by paragraph (2), including—

"(A) materials accounting; and

"(B) an assessment of the costs (including liabilities) associated with each toxic chemical used at or released or transferred from the facility and such production units;

"(4) an evaluation of options for reducing the use and byproduct generation of toxic chemicals for each production unit covered by paragraph (2), including—

"(A) a comprehensive search for pollution prevention options, including substitution of raw materials, reformulation or redesign of products, production unit modifications, improvements in operation and maintenance, and in-process recycling, but not including waste management activities;

"(B) a materials accounting and economic impact analysis of selected technically feasible options for the purposes of comparison with the results of paragraph (3);

"(C) any feasibility study required by the Administrator pursuant to section 5011;

"(5) a description and implementation schedule for the pollution prevention measures and activities that have been selected;

"(6) an analysis of the extent to which the plan will reduce risk of adverse effects on workers, consumers, the general public and the environment and affect production efficiencies including energy use;

"(7) the results of any pollution prevention audits that have been conducted for the facility or unit; and

"(8) for plans other than the first plan prepared under this section, a report on success at achieving past goals.

"(d) CONTENTS OF SUMMARY.—Each plans summary shall include for the facility as a whole and for each production unit for which a plan is required:

"(1) a description of the facility or unit;

"(2) the three-year pollution prevention goals for the facility of the unit;

"(3) a description of the techniques and measures that will be implemented to reach the goal;

"(4) such other information as the administrator shall require.

"(e) CONTENTS OF PROGRESS REPORTS.—Each plan progress report shall include for the facility as a whole and for each production unit for which a plan is required the information described in section 313(g)(3) of the Emergency Planning and Community Right-to-Know Act (42 U.S.C. 11023(g)).

"(f) GUIDELINES.—Not later than 24 months after the date of enactment of this section and after notice and opportunity for public comment, the Administrator shall publish guidelines for the preparation of pollution prevention plans, pollution prevention plan summaries and pollution prevention plan progress reports.

"(g) AVAILABILITY OF PLANS, SUMMARIES AND REPORTS.—

"(1) The pollution prevention plan for each facility shall be retained at the facility and shall be available to the Administrator, the State in which the facility is located and any local government agency given authority by the State to inspect the plans.

"(2) The pollution prevention plan summaries for each facility shall be submitted to the Administrator, to the State in which the facility is located and be made available to the public at the facility during normal business hours.

"(3) The pollution prevention plan progress reports for each facility shall be submitted to the Administrator and to the State along with the toxic release forms required under section 313 of the Emergency Planning and

Community Right-to-Know Act of 1986 (42 U.S.C. 11023) and shall be made available to the public at the facility during normal business hours.

"(h) REVIEW AND MODIFICATION.—The Administrator or a State may require the modification of pollution prevention plans and pollution prevention plan summaries to correct plan deficiencies. Any modification required by the Administrator or a State shall be completed by the owner or operator of the facility not later than 90 days after the Administrator or the State provides written notice that such modification is necessary.

"(i) TRAINING.—The Administrator may require that persons preparing plans for each facility or for facilities in particular industrial categories or subcategories receive training or attend seminars and workshops on the proper preparation of toxic release inventories and pollution prevention plans and on the pollution prevention measures that are available. The Administrator may contract with State or local government agencies, with colleges and universities, or with other institutions for higher education and research to provide training, seminars, and workshops in the preparation of toxic release inventories and pollution prevention plans and on available pollution prevention measures."

#### REPORTS

SEC. 205. Subtitle E of the Solid Waste Disposal Act is amended by adding the following new section at the end thereof:

#### "REPORTS

"SEC. 5010. (a) POLLUTION PREVENTION REPORTS.—The Administrator shall report to the President and to the Congress not less often than every three years describing the pollution prevention plans that have been prepared pursuant to section 5009. The report shall contain statistical information on production efficiencies and pollution prevention plans for each industrial category or subcategory containing facilities subject to the requirements of section 5009.

"(b) INDUSTRIAL SECTOR REPORTS.—The Administrator shall, after consultation with State and local officials and persons from industry, academia and public interest organizations, periodically prepare reports with respect to specific industrial categories or subcategories of facilities and production units at facilities for which a pollution prevention plan is required under section 5009. Such reports shall include a description of the pollution prevention plans and activities for facilities or units in the category or subcategory, including a description of the pollution prevention goals and objectives adopted in plans, a description of the pollution prevention measures and schedules that have been selected to meet such goals, a percentile ranking by name for each facility or production unit in the category or subcategory according to the efficiency of current production practices (measured as use and byproduct generation of toxic chemicals per unit of production). The report shall also include a description of the pollution prevention measures that are available to facilities and units in the category or subcategory including detailed technical and economic data and specifications for such measures. Beginning four years after the date of enactment of this section, the Administrator shall publish reports for not less than 15 industrial categories and subcategories each year."

#### FEASIBILITY STUDIES

SEC. 206. Subtitle E of the Solid Waste Disposal Act is amended by adding at the end thereof the following new section:

#### "FEASIBILITY STUDIES

SEC. 5011. (a) IN GENERAL.—The Administrator may require the owner or operator of each facility in a particular industrial category or subcategory required to file a pollution prevention plan under section 5009 to conduct a feasibility study with respect to—

"(1) the attainment of a specific pollution prevention performance standard for the facility or a production unit at the facility (which may be expressed as use or byproduct generation of a toxic chemical per unit of production);

"(2) the implementation of a particular pollution prevention measure at the facility or at a production unit within the facility; or

"(3) the use of out-of-process recycling as a compliment to pollution prevention for facilities in such industrial category or subcategory.

Any feasibility study required by the Administrator under this subsection shall be conducted according to a schedule established by the Administrator and the results of such study shall be included in the subsequent pollution prevention plan for the facility. Nothing in this section shall be interpreted, construed or applied to authorize the Administrator to require that particular pollution prevention measures be implemented or that pollution prevention performance standards be achieved at such facilities or units."

#### RESEARCH

SEC. 207. Subtitle E of the Solid Waste Disposal Act is amended by adding at the end thereof the following new section:

#### "POLLUTION PREVENTION RESEARCH

"SEC. 5012. The Administrator shall establish a research program to assist the Agency's Office of Pollution Prevention in performing its functions. The program shall include—

"(a) basic research into technological barriers to reductions in the use of toxic chemicals and byproducts and the development of strategies for overcoming these barriers;

"(b) basic research into social, economic and institutional barriers to reducing the reliance of society on toxic chemicals and the development of strategies for overcoming these barriers;

"(c) developing, evaluating, and demonstrating methods to assess reductions resulting from toxic use of other source reduction methods; and

"(d) research or pilot projects to develop and demonstrate innovative technologies for source reduction and toxic use reduction methods. The research program established by this section shall be conducted in close cooperation with the States and shall rely principally on grants and contracts with colleges and universities."

#### INFORMATION GATHERING

SEC. 208. Subtitle E of the Solid Waste Disposal Act is amended by adding at the end thereof the following new section:

#### "INFORMATION GATHERING AND ACCESS

"SEC. 5013. (a) ACTION AUTHORIZED.—Any officer, employee or representative of the Administrator is authorized to take action under subsections (b), (c) or (d) (or any combination thereof) at any facility subject to the requirements of this subtitle or other location described in subsections (c) or (d). Any duly designated officer, employee or representative of a State carrying out the provisions of this subtitle is also authorized to take such action.

"(b) ACCESS TO INFORMATION.—Any officer, employee, or representative of the Adminis-

trator or a State described in subsection (a) may require any person who has or may have information relevant to the identification, nature and quantity of materials including toxic chemicals or other materials covered by this subtitle which may have been used, generated, treated, stored, disposed at or released or transferred from a facility subject to the requirements of this subtitle to furnish, upon reasonable request, information or documents pertaining to such matter. In addition, upon reasonable notice, such person either (1) shall grant any such officer, employee or representative access at all reasonable times to such facility or location to inspect and copy all documents and records relating to such matters or (2) shall copy and furnish to the officer, employee or representative all such documents or records, at the option and expense of such person.

"(c) ENTRY.—Any officer, employee or representative described in subsection (a) is authorized to enter at reasonable times—

"(1) any facility subject to the requirements of this subtitle;

"(2) any other facility, establishment, or other place or property owned or operated by any person owning or operating any facility subject to this subtitle where entry is needed to determine compliance with and enforce this subtitle.

#### "(d) INSPECTION AND SAMPLES.—

"(1) Any officer, employee or representative described in subsection (a) is authorized to inspect and obtain samples from any facility subject to the requirements of this subtitle or other location described in subsection (c). Any such officer, employee or representative is authorized to inspect and obtain samples of any containers of toxic chemicals or other materials maintained at such facility. Each such inspection shall be completed with reasonable promptness.

"(2) SAMPLES.—If the officer, employee or representative obtains samples, before leaving the premises such officer, employee or representative shall give to the owner or operator of such facility a receipt describing the sample obtained and, if requested, a portion of each sample. A copy of the results of any analysis made of such samples shall be furnished promptly to the owner or operator of the facility.

#### "(e) COMPLIANCE ORDERS.—

"(1) ISSUANCE.—If consent is not granted regarding any request made by an officer, employee or representative under subsections (a), (b), or (c), the Administrator may issue an order directing compliance with the request. The order may be issued after such notice and opportunity for consultation as is reasonably appropriate under the circumstances.

"(2) COMPLIANCE.—The Administrator may ask the Attorney General to commence a civil action to compel compliance with a request or order referred to in paragraph (1). Where there is a reasonable basis to believe there may be a violation of this subtitle, the court shall take the following actions:

"(A) In the case of interference with entry or inspection, the court shall enjoin such interference or direct compliance with orders to prohibit interference with entry or inspection unless under the circumstances of the case the demand for entry or inspection is arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with law.

"(B) In the case of information or document requests or orders, the court shall enjoin interference with such information or document requests or orders or direct compliance with the requests or orders to pro-

vide such information or documents unless under the circumstances of the case the demand for information or documents is arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with law.

The court may assess a civil penalty not to exceed \$25,000 for each day of noncompliance against any person who unreasonably fails to comply with the provisions of subsections (a), (b) or (c) or an order issued pursuant to paragraph (1).

"(f) OTHER AUTHORITY.—Nothing in this section shall preclude the Administrator or a State from securing access or obtaining information in any other lawful manner.

ENFORCEMENT

SEC. 209. Subtitle E of the Solid Waste Disposal Act is amended by adding the following new section at the end thereof:

"ENFORCEMENT

SEC. 5014. (a) COMPLIANCE ORDERS.—

"(1) Whenever on the basis of any information the Administrator determines that any person has violated, or is in violation of, any requirement or prohibition in effect under this subtitle (including any requirement or prohibition in effect under regulations under this subtitle), the Administrator may issue an order (A) assessing a civil penalty for any past or current violation, (B) requiring compliance immediately or within a specified time period, or (C) both, or the Administrator may commence a civil action in the United States district court in the district in which the violation occurred for appropriate relief, including a temporary or permanent injunction. Any order issued pursuant to this paragraph shall state with reasonable specificity the nature of the violation.

"(2) Any penalty assessed in an order under this section shall not exceed \$25,000 per day of noncompliance for each violation of a requirement or prohibition in effect under this subtitle. In assessing such a penalty, the Administrator shall take into account the seriousness of the violation and any good faith efforts to comply with applicable requirements.

"(3) Any order issued under this subsection shall become final unless, not later than 30 days after the issuance of the order, the persons named therein request a public hearing. Upon such request, the Administrator shall promptly conduct a public hearing. In connection with any proceeding under this paragraph, the Administrator may issue subpoenas for the production of relevant papers, books, and documents, and may promulgate rules for discovery procedures.

"(4) In the case of an order under this subsection requiring compliance with any requirement of or regulation under this subtitle, if a violator fails to take corrective action within the time specified in an order, the Administrator may assess a civil penalty of not more than \$25,000 for each day of continued noncompliance with the order.

"(b) CRIMINAL PENALTIES.—Any person who—

"(1) knowingly violates the requirements of or regulations under this subtitle; or

"(2) knowingly omits material information or makes any false material statement or representation in any record, report, or other document filed, maintained, or used for purposes of compliance with this subtitle or regulations thereunder

shall, upon conviction, be subject to a fine of not more than \$50,000 for each day of violation, or imprisonment not to exceed 2 years. If the conviction is for a violation committed after a first conviction of such person under this subsection, the maximum punish-

ment shall be doubled with respect to both the fine and imprisonment.

"(c) CIVIL PENALTIES.—Any person who violates any requirement of or regulation under this subtitle shall be liable to the United States for a civil penalty in an amount not to exceed \$25,000 for each such violation. Each day of such violation shall, for purposes of this section, constitute a separate violation.

AUTHORIZATIONS

SEC. 210. (a) Subtitle E of the Solid Waste Disposal Act is amended by redesignating section 6010 of the Pollution Prevention Act of 1900 (Public Law 101-508) as a new section 5015.

(b) Section 5015 of the Solid Waste Disposal Act, as redesignated by subsection (a), is amended by adding the following new sentence:

"There is authorized to be appropriated to the Administrator \$25,000,000 for each of the fiscal years 1994 through 1997 for the functions carried out under this subtitle (other than State grants), and \$10,000,000 for each of the fiscal years 1994 through 1997 for grants to the States made pursuant to section 5005."

TECHNICAL AMENDMENTS

SEC. 211. (a) The Table of Contents for subtitle E of the Solid Waste Disposal Act is amended to read as follows:

"Subtitle E—Pollution Prevention

- "5001. Short title.
- "5002. Findings and Policy.
- "5003. Definitions.
- "5004. EPA activities.
- "5005. Grants to States for technical assistance programs.
- "5006. Pollution prevention clearinghouse.
- "5007. EPA report.
- "5008. Savings provision.
- "5009. Pollution prevention plans.
- "5010. Reports.
- "5011. Feasibility studies.
- "5012. Research.
- "5013. Information gathering.
- "5014. Enforcement.
- "5015. Authorizations."

(b) The Table of Contents for subtitle F of the Solid Waste Disposal Act is amended:

(1) by inserting after the title the following:

"PART 1—GENERAL PROVISIONS"; and

(2) by inserting the following at the end thereof:

"PART 2—DUTIES OF THE SECRETARY OF COMMERCE

- "6010. Functions.
- "6011. Development of specification for secondary materials.
- "6012. Development of market for recovered materials.
- "6013. Technology promotion.
- "6014. Nondiscrimination requirement.
- "6015. Authorization of appropriations."

By Mr. BOND (for himself, Mr. DASCHLE, Mr. GRASSLEY, Mr. HEFLIN, Mr. MCCONNELL, Mr. DANFORTH, Mr. HARKIN, Mr. KASTEN, and Mr. DIXON):

S. 2361. A bill to enhance the competitiveness of United States processed and high-value agricultural products in export markets and expand domestic employment opportunities; to the Committee on Agriculture, Nutrition, and Forestry.

EXPANSION OF PROCESSED AND HIGH-VALUE AGRICULTURAL EXPORTS AND EMPLOYMENT OPPORTUNITIES ACT

Mr. BOND. Mr. President, today I, along with Senators DASCHLE, GRASSLEY, MCCONNELL, HEFLIN, KASTEN, HARKIN, DANFORTH, and DIXON introduce the Expansion of Processed and High-Value Agricultural Exports and Employment Opportunities Act of 1992. This legislation sets a goal for the United States to gain 15 percent of the world market of processed and high-value agricultural products.

Mr. President, I would like to stand here today and tell you that everything is just fine with our role in international agricultural trade, but frankly, it is not. Plain and simple: The Europeans continue to drag their feet on reform while dumping huge subsidies into their exports.

It is time the administration recognizes that the United States is losing out when it comes to value-added exports. Worldwide processed and value-added products increased by more than 50 percent in the last decade and we can expect this demand to continue to grow. While our competitors have nearly doubled their value-added trade, U.S. trade in high-value agriculture products actually declined.

In fiscal years 1981-87 the United States had 19 percent of the world share for value-added products, but in fiscal year 1990 it was only 8 percent of the world share. However, during this same time period the EC's share was 38 and 40 percent.

For some who may not be familiar with what we mean by value-added products, I say along with sending raw products, corn, wheat or soybeans or brood stock for animal production, we also send hamburgers, ready-to-cook poultry, pork chops, soybean meal, soybean oil. The reason it is so important is because the processing, adding value, creates jobs in the United States. We need those jobs. We need those jobs to remain competitive in the world market.

To reach our goal of 15 percent of the share of world trade in processed agricultural products we must become more focused. We would do this by focusing our export assistance programs toward value-added products. These programs, which have concentrated on raw commodities, have been good for both farmers and our trade balance. However, now is the time to look at the opportunities to create jobs for American workers. We need to provide American farmers the opportunity to sell value-added processing operations here in the United States, and also to improve our international trade position.

Under the Export Credit Guarantee Program, the GSM-102 and 103, this bill requires that the Commodity Credit Corporation, to the extent practicable, use 35 percent of the total funds to pro-

mote exports of processed and high-value agricultural products.

In fiscal year 1988, 37.3 percent of U.S. export credit guarantees went to value-added products, but in fiscal 1991, only 23.6 percent went to value-added.

Under the export Enhancement Program, another program, this bill would require the CCC, to the extent practicable, to use 25 percent of the total funds to promote exports of processed and high-value agricultural products. In 1986, almost 40 percent went to value-added products. By 1991 that figure had dropped to only about 8 percent.

If we use these programs aggressively, with the Credit Guarantee Program and the Export Enhancement Program, we can create jobs for American workers, provide better markets for American farmers, and have the opportunity to gain new markets in the future. USDA's own Economic Research Service backs this up. If we can increase the U.S. share of high-value, processed, agricultural products to 15 percent, then we can create 1½ million jobs and increase our gross national product between \$50 and \$100 billion a year.

Agricultural exports are vital to the economic health of this Nation. More than one-third of our cropland moves into export channels. Last year, Missouri farmers produced more than \$4 billion in farm marketings of which over \$1.2 billion went overseas as farm exports.

The legislation we introduce today would provide economic growth in many sectors of the American economy, not just agriculture. Over 21 million jobs in America today are related to growing, transporting, processing, distributing, and marketing agricultural products. Efficiency and productivity have made American agriculture the envy of the world. To continue to be the envy of the world, the United States must be able to compete fairly with the EC on the world market. The European Community will continue to expand its value-added exports while United States exports continue to fall unless we take this aggressive action. The way to get ahead of the EC is to get behind the American producer. I urge my colleagues to support this legislation.

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

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

S. 2361

*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 "Expansion of Processed and High-Value Agricultural Exports and Employment Opportunities Act of 1992".

#### SEC. 2. SET-ASIDE IN EXPORT ASSISTANCE PROGRAMS FOR PROCESSED AGRICULTURAL PRODUCTS AND HIGH-VALUE AGRICULTURAL PRODUCTS.

(a) DECLARATION OF POLICY.—Congress declares that the export credit guarantee program and the export enhancement program required by sections 202 and 301 of the Agricultural Trade Act of 1978 (7 U.S.C. 5622 and 5651) should be administered by the Commodity Credit Corporation in a manner that contributes to the achievement of the objective that the United States share of world trade in processed agricultural products and high-value agricultural products shall not be less than 15 percent.

(b) DEFINITIONS.—Section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602) is amended by adding at the end the following new paragraphs:

"(8) PROCESSED AGRICULTURAL PRODUCT.—The term 'processed agricultural product' means a product of an agricultural commodity derived from a bulk or raw agricultural commodity that, as a result of the application of human labor, the use of machines, or other factors involved in a manufacturing process, or any combination thereof, is increased in value and made more appropriate for human consumption or use. The term includes livestock, dairy, and poultry products, wheat, flour, milled rice, refined sugar, vegetable oil, and prepared, preserved, canned, frozen, refrigerated and other processed food products.

"(9) HIGH-VALUE AGRICULTURAL PRODUCT.—The term 'high-value agricultural product' means an agricultural commodity the value of which, on a per unit or equivalent volume basis, is substantially higher than the value of bulk or raw agricultural commodities, such as grains and oilseeds. The term includes fresh, chilled and frozen meats and other livestock, dairy, and poultry products, eggs, breeder stock, plant seeds, and tobacco."

(c) PROCESSED AND HIGH-VALUE AGRICULTURAL PRODUCT EXPORT CREDIT GUARANTEE PROGRAM.—Section 202 of such Act (7 U.S.C. 5622) is amended—

(1) in subsections (a) and (b), by inserting "including processed agricultural products and high-value agricultural products," after "agricultural commodities" both places it appears; and

(2) by adding at the end the following new under this section, the Commodity Credit Corporation shall ensure that, to the extent practicable, 65 percent of the total funds expended under this section for a fiscal year are expended to promote the export of bulk or raw United States agricultural commodities and that, to the extent practicable, 35 percent of the funds are expended to promote the export of processed agricultural products and high-value agricultural products."

(d) PROCESSED AND HIGH-VALUE AGRICULTURAL PRODUCT EXPORT ENHANCEMENT PROGRAM.—Section 301 of such Act (7 U.S.C. 5651) is amended—

(1) in subsection (a), by inserting "including processed agricultural products and high-value agricultural products," after "agricultural commodities"; and

(2) in subsection (e)—  
(A) by striking "(e) FUNDING LEVELS.—The" and inserting the following:

"(e) FUNDING LEVELS.—  
(1) IN GENERAL.—The";  
(B) by indenting 2 ems the left margin of paragraph (1) (as amended by subparagraph (A)); and

(C) by adding at the end the following new paragraph:

"(2) SET-ASIDES.—For each such fiscal year, the Commodity Credit Corporation shall ensure that, to the extent practicable—

"(A) 75 percent of the total funds available under this section (or 75 percent of the value of any commodities employed) are expended to promote the export of bulk or raw United States agricultural commodities; and

"(B) 25 percent of the funds (or 25 percent of the value of any commodities employed) are expended to promote the export of processed agricultural products and high-value agricultural products."

(e) COST-REVENUE AND EMPLOYMENT ANALYSIS OF EXPORT ASSISTANCE.—Section 303 of such Act (7 U.S.C. 5653) is amended to read as follows:

"SEC. 303. QUARTERLY AND ANNUAL REPORTS ON THE COST-REVENUE ANALYSIS AND EMPLOYMENT EFFECTS OF SUPPORTING THE EXPORT OF PROCESSED AND HIGH-VALUE AGRICULTURAL PRODUCTS.

"(a) QUARTERLY REPORTS.—

"(1) IN GENERAL.—Not later than 30 days after the end of each quarter of a fiscal year, the Secretary shall submit to Congress a report containing an estimate for the preceding quarter of the costs and imputed revenues, attributable to the export of processed agricultural products and high-value agricultural products and raw and bulk commodities under sections 202 and 301.

"(2) BASIS OF REVENUE ESTIMATE.—The revenue estimate under paragraph (1) shall be determined by Economic Research Service of the Department of Agriculture on the basis of the net effect on Federal tax receipts of exports under sections 202 and 301 on the personal and corporate income of persons directly and indirectly assisted.

"(3) EFFECT ON EMPLOYMENT.—The Secretary shall, after consultation with the Secretary of Labor, include in a report required under paragraph (1) an examination of the direct and indirect effect of the export efforts under sections 202 and 301 for the preceding quarter on employment levels and opportunities in the United States agricultural sector and related industries.

"(b) ANNUAL REPORT.—Not later than 30 days after the end of each fiscal year, the Secretary shall submit to Congress a report for the preceding fiscal year containing the information required under subsection (a)."

(f) APPLICATION OF SECTION.—

(1) IN GENERAL.—This section and the amendments made by this section shall become effective on the date of the enactment of this Act.

(2) FISCAL YEAR 1992.—The Commodity Credit Corporation shall apply this section and the amendments made by this section during fiscal year 1992 to the maximum extent practicable.

Mr. DASCHLE. Mr. President, America is losing a struggle for the future of our rural communities. Our competitors are gobbling up the growing market for processed, value-added, agricultural products, while we trail far behind. If we do not reverse this trend and increase our share of world trade in value-added agricultural products, our rural communities will wither like corn stalks in an August drought. This dismal prospect is not the result of the invisible hand of free markets, but the direct consequence of Government policy. It is time to change that policy.

Since 1983, global trade in high-value products has grown by 57 percent, while trade in raw commodities grew by only 4 percent. In 1989, high-value products accounted for almost 75 per-

cent of world agricultural trade. Today, the value-added sector is a \$140 billion market.

High-value products, such as wheat flour, vegetable oil and red meat, provide greater benefits to the exporting Nation than raw commodities because value-added processing creates jobs, boosts economic development and raises Government revenues. Every dollar received from agriculture exports stimulates another \$1.51 worth of business activity for the rest of the economy. But all agriculture exports are not equal. Selling a ton of corn overseas does not create the same benefit for the American economy as selling a ton of red meat; selling a ton of wheat does not generate as much economic activity as selling a ton of wheat flour.

One million dollars of wheat exported in bulk form generates \$5.21 million of economic activity, as well as jobs for 85 workers, and personal income of \$1.25 million. The same quantity of wheat exported as flour generates \$14.2 million in economic activity, 194 jobs and \$3.14 million in personal income.

Meat and poultry exports generate even more economic activity, which leads to higher tax revenues. Exporting corn in the form of dressed poultry generates 9.3 times more gross national product and Federal tax revenues than exporting the corn. If fed to livestock for export, every \$1 million worth of corn would produce \$1.3 million in Federal tax revenues.

With the benefits of exporting value-added products so obvious, Mr. President, one would think USDA must be taking advantage of every tool at its disposal to promote our value-added products. Sadly, Mr. President, USDA is not doing all that it can or should do to expand our share of this important and growing market.

In September, the General Accounting Office called USDA unresponsive to the new challenges facing American agriculture. The GAO report says USDA has focused on increasing the production of raw commodities at low prices, while our competitors have been employing sophisticated marketing strategies to swallow up value-added markets. We are not matching their efforts. GAO says our Government has failed to recognize the changes in world trade. "The United States' continuing emphasis on lowering the production cost of bulk commodities disregards a decade-old shift in global trade from a relatively few major bulk commodities to profitable market opportunities in processed and consumer-oriented products."

USDA is on the sidelines in the trade game. Instead of running interference for our producers, and using its muscle to open holes for our products, our Government is watching from the stands. As our competitors dominate value-added markets, American farm-

ers are forced to produce cheap raw commodities because that's the only markets left to them. That's a prescription for economic decline in rural America, not for economic prosperity.

During the 1980's, as the value-added market grew, the United States' share of the market stayed the same at about 8 to 9 percent. The EC, on the other hand, recognized early the opportunities in value-added markets. Today, the EC countries control a 50-percent market share, commanding \$70 billion in value-added agricultural trade.

The value-added market is expected to grow through the nineties at 8 to 100 percent annually. If current trends continue, by the year 2000, the EC will control 50 percent of a \$250 billion market, while the U.S. share will be about 10 percent at \$25 billion, hardly enough to cover the potential declines in trade revenues from raw commodities and to provide growth for American agriculture.

Our second-place status in the high-valued market is no accident. We are being out-marketed. The EC pays export refunds on beef, veal, pork, and poultry products to help EC exporters stay competitive. EC pork producers export more than 600 million dollars' worth of their products, while American pork producers are able to export barely over 100 million dollars' worth of products.

The EC is moving aggressively into the markets of the Commonwealth of Independent States [CIS]. By demanding that the CIS buy EC value-added products, the EC dictates what products we can sell. The EC takes the main course, while we get the leftovers.

Mr. President, it's time we fought back. Today, I join with Senator BOND and several other Senators in introducing legislation to increase the share of Export Enhancement Program [EEP] funds for value-added exports. The 1990 farm bill calls for using at least 25 percent of EEP funds for value-added products. So far, only 7 percent of EEP funds have been devoted to processed products. This legislation puts new emphasis on the 1990 farm bill goal by directing USDA to make sure at least 25 percent of EEP funds are used to promote exports of value-added agricultural products.

While this legislation takes a major step in the right direction, there are likely to be more initiatives down the road to improve our Government's efforts to expand our share of world value-added trade. We must streamline the interagency review process for EEP initiatives, and review the State Department's role in EEP decisions. For years, agriculture has been a tool of foreign policy. That approach made no sense before and it makes no sense now. In too many cases, foreign policy considerations have overrode the need to increase sales of agricultural prod-

ucts through promotional programs. It is time to reevaluate the role of the foreign-policy establishment in agricultural trade policy.

We also must develop better marketing strategies. Instead of looking for ways to sell more of what we already produce, USDA wants to produce more. Production is not the problem, marketing is. We must set goals, target markets and set out to capture them. Producing more raw commodities at lower prices plays into European hands. If we continue to be the world's supplier of cheap grain, European farmers can grow prosperous satisfying the world's need for value-added products. They will reap the benefits of value-added production. Their rural communities will enjoy the jobs and economic growth food processing generates. Our rural communities will struggle to stay alive.

Under the 1990 farm bill, USDA is directed to develop a long-term trade strategy. This strategy will guide USDA trade programs for the future. What is USDA's strategy for value-added exports? Zero growth. That is right, Zero growth. What kind of strategy is that? I tell you what kind it is—a losing strategy.

We should set a goal of increasing our share of the value-added market by 5 percent and then get the job done. If we achieved this goal, by the year 2000, our trade revenue from the value-added market would be \$39 billion instead of \$25 billion.

Finally, we need to stop thinking of export programs as a cost to the Government. Money that is spent to increase revenues is money well spent. Value-added exports generate more tax revenue, paying for the cost of export assistance many times over. It is time we start seeing export promotion as a revenue gain, not a revenue loss.

Mr. President, our rural communities cannot grow on the production of raw commodities alone. We must develop our potential for value-added processing. The economic activity such processing will generate is the best hope for the future of rural America. The potential of this economic engine depends on increasing our share of world trade in value-added exports. I urge my colleagues to support this measure as the first important step in overhauling our agricultural trade policies.

By Mr. MCCAIN (for himself, Mr. WIRTH, Mr. GRASSLEY, Mr. NICKLES, Mr. STEVENS, and Mr. BROWN):

S. 2362. A bill to amend title XVIII of the Social Security Act to repeal the reduced Medicare payment provision for new physicians; to the Committee on Finance.

REPEAL OF REDUCED MEDICARE PAYMENT PROVISION FOR NEW PHYSICIANS

Mr. MCCAIN. Mr. President, I rise today with Senators WIRTH, GRASSLEY,

NICKLES, STEVENS, and BROWN to introduce a bill which would eliminate discrimination in Medicare reimbursement practices for physicians. Current practices result in new physicians receiving less reimbursement for the same procedure than physicians who have been practicing for a longer period of time. This legislation is similar to that introduced by Representative ED TOWNS last year.

Specifically, the legislation I am introducing today will repeal the inequitable provision of existing law that reduces Medicare payment to so-called new physicians in their first 4 years of practice. With some limited exceptions, current law reduces the payment base or allowed amount by some 20 percent in the physician's first year of practice, 15 percent in the second year, 10 percent in the third, and 5 percent in the fourth year. My bill would repeal this discriminatory law.

The rationale behind this discriminatory law, which was enacted a couple of years ago, was to achieve budget savings at the expense of young physicians and physicians new to providing care for Medicare beneficiaries, under the assumption that a new physician's services are of less value—and therefore less worthy of full compensation—than those of a more experienced physician. However, the value of these physicians' services, as evidenced by the new Medicare physician payment system which bases reimbursement on a resource-based relative value scale [RBRVS], is not modified based on the experience of the physician providing the care. Furthermore, the RBRVS assigns a value to each service—and that service does not cost those designated as new physicians any less to perform than physicians who have been in practice for a longer time. Under the current law, the definition of a new physician is so general and so vague that physicians who have served in the military for years, but have not previously billed the Medicare Program, are viewed as new physicians. Payments for their services to Medicare beneficiaries are reduced during the first 4 years of civilian private practice. Clearly, the existing law does not reward these dedicated physicians on a level commensurate with their experience.

The current law reducing payments to new physicians violates the underlying concepts behind the landmark Medicare physician payment reform, which became effective as of January 1, 1992. It also ignores the financial reality facing new physicians of meeting high startup costs associated with building a new practice, and the skyrocketing costs of medical education. The provisions of the current law serve only to discourage new physicians from certain targeted specialties and providing care for Medicare beneficiaries, as well as causing group practices to steer Medi-

care beneficiaries away from those physicians defined under the law as new.

I urge support for this legislation, which will ensure that all physicians are treated fairly, and which corrects the inequities of the current law. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2362

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

**SECTION 1. REPEAL OF REDUCED MEDICARE PAYMENT PROVISION FOR NEW PHYSICIANS.**

(a) IN GENERAL.—Section 1848(a) of the Social Security Act (42 U.S.C. 1395w-4(a)) is amended by repealing paragraph (4).

(b) BUDGET NEUTRALITY.—The Secretary of Health and Human Services shall provide that in carrying out the amendment made by subsection (a) that payments under section 1848 of the Social Security Act are no greater or lesser than what such payments would have been but for the provisions of this Act.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall become effective with respect to physicians' services furnished on or after January 1, 1993.

By Mr. KERRY:

S. 2363. A bill to develop, assist, and stabilize recycling markets; to the Committee on Environment and Public Works.

**NATIONAL RECYCLING MARKETS ACT**

• Mr. KERRY. Mr. President, over the past 20 years, Americans have become increasingly conscious of the environment and of our collective obligation to protect it and save it for the future.

We have passed legislation to help protect our water and our air and to clean up toxic wastes. But to a great degree, we have yet to address the fundamental problem of waste—the waste produced by every American, which collectively is threatening to overwhelm us.

According to the Environmental Protection Agency's latest figures, in 1988, 180 million tons of municipal solid waste [MSW] was generated in the United States, a 71-percent increase in garbage in just 13 years. Mountains of garbage are being created at an ever-increasing rate. The average American dumps 4 pounds of garbage every day, up from 2.6 pounds a day 30 years ago.

According to a recent report by the League of Conservation Voters, roughly 73 percent of solid waste is disposed of in landfills across this Nation, causing growing environmental and health risks to neighboring communities.

In Massachusetts, for example, 13 communities have lost their public water supplies due to contamination by poorly sited or inadequately designed landfills, and nationally landfills make up over 20 percent of the sites on the national priority list in the Superfund program.

Landfills are closing at a rapid rate due to environmental damage and overloaded capacity. As a recent article in the Washington Post noted, the places to put waste are disappearing fast:

Fewer than 4,000 of the 14,000 landfills nationwide in 1977 are still open and the number is expected to drop to 1,800 by the turn of the century.

In Massachusetts in the past 15 years, roughly 150 unlined municipal landfills have closed and the number continues to grow. With a limited landfill capacity, States, particularly States in the Northeast, have resorted to shipping tons of garbage outside their State borders. According to the National Solid Waste Management Association, between 1989 and 1990, the District of Columbia and 16 States exported more than 100 tons of waste across State lines.

We have arrived at a time when we must radically change this Nation's method of dealing with solid waste disposal. A comprehensive national waste management plan is badly needed.

We have no choice but to find ways today to minimize the waste we produce without thinking—minimize it at the source—and to reuse waste through recycling. As landfills are closed due to overcapacity or pollution fears, there will be strong and increasing pressures to deal with remaining waste by incineration, and that is going to be unacceptable.

Today I am introducing the National Recycling Markets Act of 1992 which I view as a crucial component of a national comprehensive solid waste plan. Recycling as a component of a comprehensive waste management plan holds the answer to many of our concerns. Recycling is an historic response to a new and ever-mounting environmental problem. We are borrowing—recycling, if you will—a practice that was commonplace during World War II.

Recycling not only will minimize pollution. It will reduce the number and contentiousness of issues surrounding the siting of incinerators, while at the same time it will save energy and create an entirely new industry in the United States.

Yet recycling will not happen on its own. The need for market development to provide impetus is essential if recycling is ever going to succeed. The issue of supply and demand is a major obstacle to the success of recycling. Simply mandating the collection of materials will not result in the actual recycling of the commodity. For example, newspaper collected at the curbside ostensibly destined for recycling have sat rotting in warehouses or, worse, have been dumped into landfills because of a lack of buyers. On the other side of the supply-demand equation, the lack of adequate, dependable, and uncontaminated supplies of recycled materials has resulted in manufacturers shying away from recycling.

Waste managers are slow to establish recycling programs for fear of being stuck with worthless commodities with no interested buyers. By developing markets, the demand for recovered materials will increase simultaneously.

The purpose of the National Markets Recycling Act is to generate profitable new markets for recycling efforts. Through the establish of a Bureau of Recyclable Commodities within the Department of Commerce, the legislation will promote, assist, and stabilize markets for recovered commodities diverted from the waste stream. The bill focuses on five recyclable materials: aluminum, glass, steel, plastics, paper and paper products.

The most important element in the bill, and certainly one that has generated a great deal of discussion, is the mandated minimum recycled content standards for products and packaging. It seems obvious that the surest way to guarantee end markets for recyclables is to require that a certain percentage of materials and products be made from secondary materials. To date, virgin products have had an economic competitive edge. Yet the energy used to produce them, and the environmental consequences related to developing virgin products, makes use of virgin materials a shortsighted venture that is bound to catch up with us in the very near future.

According to the Conservation Law Foundation, more energy is needed to extract and process virgin materials than to recycle and develop secondary materials.

For example, recycling aluminum is estimated to save 90 to 97 percent of the energy required to make aluminum from mined bauxite. Mandating minimum content will give manufacturers of recyclables the security they need to develop new recycling industries.

Furthermore, by requiring minimum content in packaging, producers for the first time will be partially responsible for the disposal of their products. In the past, the cost of MSW disposal was low, and municipalities could easily pass the cost along to local citizens. Today businesses and municipalities in the Northeast spend close to \$3 billion in annual tipping fees. Minimizing packaging and requiring that products may be made by recycled materials is the only way I can see that is both realistic and responsible for the producers to absorb or limit the costs of disposal.

Streamlining the recycling process is the purpose of this bill. The legislation will standardize the definitions and grades of recovered materials. This would make it easier for producers and consumers to identify appropriate materials. The act also directs the Commerce Department to increase the flow of information about market prices, new technologies and other factors affecting recycling markets.

Creating financial incentives to stimulate industrial investment in recycling is key to its success. This legislation offers technical and financial assistance to industry, including low-interest loans and loan guarantees for purchasing, constructing, and operating facilities and for purchasing equipment for the collection, separation, and processing of recyclable materials. Consumers are faced with a confusing array of terms in environmental packaging; "environmental friendly," the "green seal," the "green cross," and myriad representations about recycling content.

To reduce consumer confusion, the bill mandates labeling requirements. The words "recycled" or "recycled content" will be permitted to describe only those products or packages that meet the minimum content requirements.

The Commerce Department has an aggressive program to open foreign markets to U.S. businesses. Recycling is an area where we can export technology, and export recovered materials that can be used elsewhere in the world. To accomplish this, the legislation will establish efforts to identify and promote the development of new overseas markets for our U.S. industry.

The legislation also establishes recycling research centers to be housed at four to six universities across the Nation. And finally, the legislation creates a clearinghouse at the Department of Commerce to provide the latest information on all aspects of recycling.

Mr. President, most experts in the field of waste management agree that establishing a minimum content standard and mandating adherence to it is the only way to ensure security to new recycling industries and markets. In addition to addressing our growing waste disposal problem, recycling will provide economic benefits through the creation of jobs. The Conservation Law Foundation [CLF] estimates that one job is created in collection and processing for every 465 tons of material recycled annually. In the Northeast, CLF estimates that with a 10-percent recycling rate for recyclable materials, 11,800 jobs will be created; a 50-percent rate will result in roughly 59,000 jobs. The potential economic benefits are tremendous. Recycling has already provided jobs and economic development in the Northeast. A partnership formed by New England CRInc, which builds and operates Material Recovery Facilities [MRF's], and Wellman Inc., the largest recycler of postconsumer plastic bottles, is employing 2,700 people today, and that number is anticipated to expand as recycling efforts develop.

In summary, recycling and waste minimization not only are essential to deal with our waste problems, but in the long run are sound economics.

I look forward, Mr. President, to hearings on this legislation and the

adoption of this or a similar plan when the Congress next addresses the problem of municipal waste.

I ask unanimous consent that the text of the bill, and a section-by-section summary, be printed following my remarks in the RECORD.

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

S. 2363

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "National Recycling Markets Act of 1992".

#### SEC. 2. TABLE OF CONTENTS

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#### SEC. 3. DEFINITIONS.

For purposes of this Act, the following definitions apply:

- (1) SECRETARY.—The term "Secretary" means the Secretary of Commerce.
- (2) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.
- (3) ALUMINUM SCRAP.—The term "aluminum scrap" means any post-consumer refuse material composed of aluminum, including any discarded beer, soft drink, or other beverage container, food container, foil, or closure, any automobile scrap, and any construction scrap of that composition.
- (4) COMPOSTABLE MATERIALS.—The term "compostable materials" means any product or package suitable for the production of compost.
- (5) CONTAINER; PACKAGING.—The terms "container" and "packaging" mean any material which holds, wraps, or otherwise encloses a good that is sold or distributed in interstate commerce.
- (6) DE-INKED MATERIAL.—The term "de-inked material" means printed or coated paper, the fiber of which must undergo a process in which most of the ink, filler, or other extraneous material is removed.
- (7) DURABLE GOOD.—The term "durable good" means any automobile, household appliance, furniture, equipment, or other item that in normal use is likely to last longer than 3 years.
- (8) FERROUS SCRAP.—The term "ferrous scrap" means any post-consumer refuse material composed of iron or steel, including

any discarded beer, soft drink, or other beverage container, food container, automobile, household appliance, furniture, and construction scrap of that composition.

(9) **FOOD WASTE.**—The term "food waste" means any discarded material composed of food, but does not include any such material discharged to a public or private sewage system.

(10) **LEAD SCRAP.**—The term "lead scrap" means any post-consumer refuse material composed of lead, including any discarded automotive battery and construction scrap of that composition.

(11) **NONDURABLE GOOD.**—The term "nondurable good" means any item that in normal use is likely to last 3 years or less, including any paper or paperboard product.

(12) **OTHER NONFERROUS SCRAP.**—The term "other nonferrous scrap" means any post-consumer refuse material composed of a nonferrous metal besides aluminum or lead, including any household battery, wire, household appliance, furniture, and construction scrap of that composition.

(13) **PLASTIC SCRAP.**—The term "plastic scrap" means any post-consumer refuse material composed of plastic, including any food or beverage container or packaging, automobile scrap, construction scrap of that composition.

(14) **POST-CONSUMER MATERIAL.**—The term "post-consumer material" means only those products generated by a consumer which have been made available for sale or have served their intended end-uses and have been separated or diverted from solid waste for the purpose of collection, recycling, and disposition. The term does not include wastes generated during production of an end-product, such as post-mill material.

(15) **POST-MILL MATERIAL.**—The term "post-mill material" means wastes generated during production which cannot be returned to the same production process, nor used by another company producing a similar product. The term includes de-inked material (in the case of paper) and all wastes generated during the intermediate steps in producing an end product by succeeding companies. The term does not include forest residues or mill broke.

(16) **RECOVERED MATERIALS.**—The term "recovered materials" means materials which—

(A) have a known use, reuse, or recycling potential;

(B) can be feasibly used, reused, or recycled; and

(C) have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling (whether or not such materials require separation and processing).

(17) **RECYCLED GOODS.**—The term "recycled goods" means goods manufactured or composted using recovered materials diverted or separated from solid waste.

(18) **RECYCLING.**—The term "recycling" means the use of recovered materials diverted or separated from solid waste for use as raw materials or feedstocks in the manufacture of goods sold or distributed in interstate commerce, or the reuse of such recovered materials as substitutes for goods made from virgin inputs.

(19) **REUSE.**—The term "reuse" means any cleaning, sterilizing, recharging, retreading, or other reprocessing for use in a similar function by the original manufacturer or distributor, or class of manufacturers or distributors.

(20) **RUBBER SCRAP.**—The term "rubber scrap" means any post-consumer refuse material composed of rubber, including any discarded automotive tire.

(21) **SOLID WASTE.**—The term "solid waste" means any durable or nondurable good, container, packaging, material, or other item that has reached its intended end use and has been discarded. The term does not include recovered materials, hazardous waste, radioactive waste, sewage, septage, sewage sludge, incinerator ash, used oils, or any mixtures containing these wastes.

(22) **WASTE GLASS.**—The term "waste glass" means any post-consumer refuse material composed of glass, including any discarded beer or soft drink container, any wine or liquor container, any other beverage or liquid container, any food container, and any construction scrap of that composition.

(23) **YARD WASTE.**—The term "yard waste" means any discarded leaves, grass clippings, tree or shrubbery trimmings, gardening residues, or other similar refuse material composed of vegetative matter.

#### SEC. 4. BUREAU OF RECYCLABLE COMMODITIES.

The Secretary shall establish within the Department of Commerce a separate office to be called the Bureau of Recyclable Commodities. The principal purpose of the office shall be to promote the use of recovered materials diverted from solid waste. Unless otherwise specified, the office, at the direction of the Secretary, shall carry out the functions enumerated by this Act.

#### SEC. 5. IDENTIFICATION OF GRADES FOR RECOVERED MATERIALS AND REQUIREMENT TO CONFORM TO SUCH GRADES.

(a) **COMMODITY TYPES AND GRADES.**—Not later than 9 months after the date of the enactment of this Act, with assistance from the Administrator and after consultation with appropriate recycling industries and other potentially affected parties, the Secretary shall identify materials covered under section 19(a) and compostable materials that qualify as recovered materials and, to the extent practicable, standardize the types and grades of those materials. The Secretary may revise such types and grades from time to time as the Secretary considers necessary.

(b) **GRADE DETERMINATION.**—To the extent practicable, identification under subsection (a) of suitable grades of recovered materials shall be based on—

(1) material grades currently accepted and in use by industries involved in recycling;

(2) material grades traded on commodity exchanges or markets;

(3) material grades used as raw materials or feedstocks in the manufacture of recycled goods; or

(4) material grades purchased or accepted for eventual recycling after further source-separation, collection, transport, stockpiling, processing, upgrading, or other handling.

(c) **SUBCATEGORIES OF TYPES AND GRADES.**—In identifying the types and grades of materials that qualify as recovered materials, the Secretary shall assign solid waste materials to subcategories of types and grades, where appropriate.

(d) **TRANSITION TO EASILY RECYCLABLE ITEMS.**—

(1) **EXCLUDED ITEMS.**—In identifying types and grades of materials that qualify as recovered materials, the Secretary may not include the following:

(A) Ceramic and glass mixtures.

(B) Multi-resin plastic packaging.

(C) Plastics that contain or are made through a process that involves chlorofluorocarbons.

(D) Plastics that contain heavy metals.

(E) Any other materials or combinations of materials contained within a product in a

manner such that the materials cannot be recycled easily.

(2) **REGULATIONS TO ENCOURAGE DEVELOPMENT OF ALTERNATIVES.**—Not later than 2 years after the date of the enactment of this Act, the Secretary shall promulgate regulations to encourage the elimination of the production of the items listed in paragraph (1) and the development of alternatives to such items that are functionally equivalent but can be recycled easily.

(e) **REQUIREMENTS TO CONFORM TO GRADES.**—After grades of recovered materials have been identified under subsection (a), any person that produces materials or products that are likely to eventually be treated as recovered materials or become part of the municipal solid waste stream must ensure that such materials, or the materials within such products, conform to the specifications of an identified grade.

(f) **REVISIONS.**—Industries or local governments engaged in the collection, transport, stockpiling, processing, upgrading, or recycling of recovered materials may petition the Secretary for revision of applicable material grades as necessary to prevent or minimize interference with current recycling techniques. Not later than 90 days after receipt of the petition, the Secretary shall either deny the petition or approve the petition and make appropriate revisions to the applicable material grades.

#### SEC. 6. PERIODIC MARKET ANALYSIS.

(a) **PRICE INFORMATION.**—The Secretary shall prepare and make available to the public, on at least a quarterly basis, a report on prevailing market prices for recovered materials. The first such report shall be made available not later than 1 year after the date of enactment of this Act. The report shall include price information for both domestic and foreign markets.

(b) **RECYCLING RATES.**—On at least an annual basis, the Secretary shall prepare and make available to the public a report containing the statistics and other data collected by the Administrator on the prevailing national recycling rate for each recovered material. The first such report shall be made available not later than 1 year after the date of enactment of this Act. For the purpose of making the determinations, materials transported to foreign nations for recycling shall be considered to be recycled.

(c) **STIMULATION OF MARKETS.**—On at least an annual basis, the Secretary shall prepare and make available to the public a report analyzing the technical and economic factors that may influence future foreign and domestic markets for recovered materials. The first such report shall be made available not later than 1 year after the date of enactment of this Act. The analyses should consider the following:

(1) Technical, economic, and any other barriers to recycling.

(2) Future supplies of recovered materials.

(3) Available production capacity of recycling industries.

(4) Strength of existing markets for recovered materials and potential for development of new markets.

(5) Potential competition from substitute factors of production.

(6) Current consumption of recovered materials.

(7) Other market factors identified by the Secretary.

(d) **MARKET INDICES.**—The Secretary may develop appropriate indices to measure and project market trends for recovered materials.

#### SEC. 7. REPORTS ON RECYCLING CAPACITY.

(a) **REPORTS REQUIRED.**—The Secretary, in consultation with the Administrator, shall

prepare and submit to Congress the following reports:

(1) A report evaluating the potential for expanded recycling of recoverable paper and paperboard, rubber scrap, plastic scrap, yard waste, and food waste.

(2) A report evaluating the potential for expanded recycling of aluminum scrap, other nonferrous scrap, waste glass, ferrous scrap, and lead scrap.

(b) **CONTENT OF REPORTS.**—Each report required by subsection (a) shall include an analysis of the following:

(1) Techniques and systems used by industries and local governments to source-separate, collect, process, or upgrade the materials covered in the report, and supplies of materials generated by such techniques and systems.

(2) Adequacy of existing and planned industrial capacity for the manufacture of recycled goods from the materials covered in the report, and opportunities for expanding such capacity nationally and regionally by retrofitting existing industrial plants or building new recycling plants.

(3) Adequacy of existing equipment and facilities for transport of materials covered by the report to recycling plants and markets, and economic and technical barriers to the transport of such materials.

(4) Opportunities for the stockpiling of materials covered by the report that are not immediately remanufactured or reused.

(5) The extent of Federal subsidies (including tax expenditures) and other incentives provided for the manufacture of goods made from virgin materials that compete with goods made from materials covered by the report.

(6) Available options for influencing the timing and extent of private and government investment in—

(A) expanded industrial capacity for the manufacture of recycled goods;

(B) new equipment and facilities for the transport of materials covered by the report and recycled goods to recycling plants and markets; and

(C) new equipment and facilities for the stockpiling of materials covered by the report before remanufacture or reuse.

(7) Economic data comparing the costs and benefits of recycling various materials from the municipal solid waste stream with other management methods, such as landfilling and incinerating. The analysis should take into account the landfill and collection costs avoided by recycling, as well as the avoided environmental and other costs of mining, extracting, or otherwise producing virgin materials that would be necessary but for the availability of secondary materials in the marketplace.

(8) Information about state-of-the-art recycling methods, programs, or technologies, including the results of any recycling research or demonstration programs funded by the Federal Government.

(c) **DEADLINES.**—The report required by subsection (a)(1) shall be submitted to Congress not later than 9 months after the date of enactment of this Act. The report required by subsection (a)(2) shall be submitted to Congress not later than 18 months after such date of enactment.

#### SEC. 8 ASSISTANCE FOR RECYCLING OPERATIONS.

(a) **ASSISTANCE.**—The Secretary may provide technical and financial assistance, including low-interest loans and loan guarantees, to a person for the purpose of constructing or operating facilities and equipment for the collection, separation, or process-

ing of recyclable materials (or any combination of those activities). No assistance (except technical assistance) may be made under this section unless an application is submitted to, and approved by, the Secretary. The application shall be in such form, be submitted in such manner, and contain such information as the Secretary may require.

(b) **REGULATIONS.**—The Secretary shall prescribe regulations not later than 6 months after the date of enactment of this Act to carry out this section.

#### SEC. 9. MINIMUM CONTENT STANDARDS.

(a) **IN GENERAL.**—

(1) **REQUIREMENT.**—Effective on the dates set forth in subsection (b), the amount of recovered material—

(A) in each covered item produced by a person or entity to which this section applies; or

(B) in the total amount of covered items produced at all facilities (when aggregated) by a person or entity to which this section applies;

shall be not less than the corresponding standard set forth in subsection (b). The Standards so set forth specify the minimum percentage of the total weight of each covered item or the aggregated amount of the items (as the case may be) that shall be post-consumer material, except that, in the case of paper, the standards specify the minimum percentage of the weight of the fiber content of each covered item or the aggregated amount of the items (as the case may be) that shall be post-consumer material.

(2) **PROHIBITION.**—A covered item that does not meet the standards set forth in subsection (b) may not be transported in interstate commerce.

(b) **MINIMUM CONTENT STANDARDS.**—

(1) **ALUMINUM.**—With respect to covered items made of aluminum, the minimum content standards are as follows:

(A) For packaging:

(i) 55 percent post-consumer material by January 1, 1997.

(ii) 60 percent post-consumer material by January 1, 2002.

(B) For building and construction materials:

(i) 25 percent post-consumer material by January 1, 1999.

(ii) 30 percent post-consumer material by January 1, 2002.

(2) **GLASS.**—With respect to covered items made of glass, the minimum content standards are as follows:

(A) For packaging:

(i) 40 percent post-consumer material by January 1, 1996.

(ii) 50 percent post-consumer material by January 1, 2000.

(iii) 65 percent post-consumer material by January 1, 2005.

(B) For fiberglass insulation:

(i) 30 percent post-consumer material by January 1, 1997.

(ii) 40 percent post-consumer material by January 1, 2002.

(3) **STEEL.**—With respect to packaging made of steel, the minimum content standards are as follows:

(A) 20 percent post-consumer material by January 1, 1997.

(B) 40 percent post-consumer material by January 1, 2001.

(4) **PLASTICS.**—With respect to covered items made of plastic, the minimum content standards are as follows:

(A) For packaging:

(i) 25 percent post-consumer material by January 1, 1995.

(ii) 40 percent post-consumer material by January 1, 1998.

(iii) 50 percent post-consumer material by January 1, 2002.

(B) For building and construction materials and for furniture materials:

(i) 20 percent post-consumer material by January 1, 1995.

(ii) 40 percent post-consumer material by January 1, 1998.

(iii) 50 percent post-consumer material by January 1, 2002.

(5) **PAPER.**—With respect to covered items made of paper, the minimum content standards are as follows:

(A) For newsprint:

(i) 30 percent post-consumer material by January 1, 1996.

(ii) 40 percent post-consumer material by January 1, 1998.

(iii) 50 percent post-consumer material by January 1, 2000.

(B) For printing and writing papers:

(i) 5 percent post-consumer material by January 1, 1996.

(ii) 20 percent post-consumer material by January 1, 2000.

(C) For tissue products, including paper towels, facial tissue, bathroom tissue, and wrapping and packaging tissue:

(i) 30 percent post-consumer material by January 1, 1996.

(ii) 45 percent post-consumer material by January 1, 1999.

(iii) 60 percent post-consumer material by January 1, 2002.

(D) For paper packaging, including paperboard, boxboard, linerboard, coated groundwood, kraft, fiber boxes, and corrugated:

(i) 35 percent post-consumer material by January 1, 1996.

(ii) 50 percent post-consumer material by January 1, 1999.

(c) **APPLICABILITY.**—

(1) **IN GENERAL.**—The minimum content standards required by this section apply to any person or entity that produces covered items.

(2) **EXCEPTION IN CASE OF HEALTH HAZARD.**—The minimum content standards required by this section shall not apply with respect to a covered item in any case in which meeting the applicable standard would result in a health hazard, as determined by the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs.

(d) **COMPLIANCE ASSISTANCE.**—The Secretary shall assist persons and entities to which this section applies in complying with the minimum content requirements of this section.

(e) **MONITORING.**—

(1) **REPORTING REQUIREMENT.**—

(A) **REPORT TO SECRETARY.**—The Secretary, in consultation with the Administrator, shall promulgate the necessary reporting requirements to monitor and evaluate compliance with the requirements of this section. At a minimum, such requirements shall require each person or entity to which this section applies (including paper manufacturers and manufacturers of glass, metal, and plastic bottles and containers), as well as major users of aluminum, glass, steel, plastic, or paper, to submit an annual report to the Secretary containing the information described in subparagraph (B). The first report under this paragraph shall be submitted on or before March 31, 1993. The Secretary, in consultation with the Administrator, shall define in regulations the term "major user" for purposes of this section.

(B) CONTENTS OF REPORT.—The report shall indicate, for each category of covered item produced or used (as the case may be) by the person or entity, the amount of items produced, the amount of post-consumer and post-mill recovered materials used in the items, and the average annual percent of post-consumer and post-mill recovered materials used in production of the items during the preceding calendar year. The report also shall include any other information required by the Secretary.

(2) COMMODITY LIST.—Not later than April 31, 1992, and annually thereafter, the Secretary shall compile and publish a list indicating, by commodity, the average annual amount of post-consumer and post-mill recovered materials used in the commodity, and the average annual percent of post-consumer and post-mill recovered materials for each of the following:

(A) Paper manufacturers, set forth separately by grade of paper.

(B) Manufacturers of glass bottles and containers.

(C) Manufacturers of metal containers and each type of metal container.

(D) Manufacturers of plastic bottles and containers.

(3) CIRCULATION STATEMENTS OF NEWSPAPER PUBLISHERS.—Publishers of daily newspapers with an annual circulation of 25,000 or more shall publish, as part of their circulation statement, the average annual percent of post-consumer recovered material used in the production of the newspaper during the previous calendar year.

(f) PREEMPTION.—No State or political subdivision of a State may, during the period beginning on the date of enactment of this Act and ending on January 1, 1998, establish or continue in effect a minimum content standard for a covered item unless such standard is identical to, or less stringent than, any standard in effect for such item under subsection (b).

(h) COVERED ITEM.—In this section, the term "covered item" means a product, packaging for a product, a container for a product, or material that is made of aluminum, glass, steel, plastic, or paper.

#### SEC. 10. LABELING REQUIREMENTS.

(f) PROHIBITIONS.—

(1) LABELING WHERE CONTENT STANDARDS ARE NOT MET.—A product, package, container, or material that does not meet the minimum content standards set forth in section 9 may not be labeled as "recycled" or containing "recycled content".

(2) LABELING WHERE RECYCLING RATE GOALS ARE NOT MET.—A product, package, container, or material that does not meet, within the distribution area of the item, the recycling rate goal set forth in section 18 may not be labeled as "recyclable" or "compostable".

(b) AUTHORIZED PRACTICES.—

(1) LABELING WHERE CONTENT STANDARDS ARE MET.—A product, package, container, or material that meets the minimum content standards set forth in section 9 may be labeled with respect to its recycled content or having been recycled, but only if the label meets the requirements of subsection (c).

(2) LABELING WHERE RECYCLING RATE GOALS ARE MET.—A product, package, container, or material that meets, within the distribution area of the item, the recycling rate goal set forth in section 18 may be labeled with respect to its recyclability, but only if the label meets the requirements of subsection (c).

(c) LABEL REQUIREMENTS.—The label requirements for purposes of subsection (b) are as follows:

(1) RECYCLED.—The word "recycled" or the words "recycled content" may appear on a product, package, container, or material, in capital or lower case letters and in bold or lightface print. The percentage of post-consumer material contained in the item also may appear on the item.

(2) RECYCLABLE.—The word "recyclable" may appear on a product, package, container, or material, but not in all capital letters and only in lightface print, and only if accompanied by the name of the material that meets the recyclability qualifications.

#### SEC. 11. PLASTICS LABELING REQUIREMENTS.

(a) LABELING.—Each person who manufactures items which use plastic in the item or in the packaging of the item shall indicate on the item or packaging, by label or imprint, the type of plastic used in such item or packaging. The label or imprint shall conform to a uniform container coding system that meets the needs of the recycling and plastics industries.

(b) REGULATIONS.—The Secretary shall promulgate regulations to carry out this section not later than 30 days after the date of enactment of this Act.

#### SEC. 12. PROMOTION OF OPPORTUNITIES IN FOREIGN MARKETS.

(a) PROGRAM FOR SALE OF RECOVERED MATERIALS IN FOREIGN COMMERCE.—The Secretary shall develop a program to promote the sale in foreign commerce of recovered materials for recycling by foreign industries. As part of that program, the Secretary shall gather, and make available to the public, information identifying potential foreign buyers of recovered materials.

(b) COMPILATION OF STATISTICS.—To assist local governments and industries seeking to sell recovered materials in foreign commerce, the Secretary shall compile, and make available to the public, statistics and information on the following:

(1) Specific recycling techniques employed by foreign industries.

(2) Available foreign markets for recovered materials.

(3) Specifications and test methods employed by foreign industries to assess commodity quality.

(4) Prevailing prices and demand in foreign markets for recovered materials.

(5) Other information on foreign markets collected by the Secretary under this Act.

(c) PROGRAM FOR SALE OF RECYCLED GOODS IN FOREIGN COMMERCE.—The Secretary shall develop a program to promote the sale in foreign commerce of recycled goods produced in the United States, and to the extent practicable and useful, the Secretary shall integrate this program with other existing programs that promote the sale in foreign commerce of goods manufactured in the United States.

(d) ASSISTANCE.—Actions taken by the Secretary to implement this section shall include assistance in arranging favorable terms for sellers of recovered materials and products containing recovered materials.

#### SEC. 13. UNIVERSITY RECYCLING RESEARCH CENTERS.

(a) RESEARCH GRANTS.—The Secretary, in consultation with the Administrator, shall make grants to accredited institutions of higher education to establish and operate not fewer than four, and not more than six, recycling research centers in the United States. The Secretary shall establish those research centers equitably among the regions of the United States.

(b) RESPONSIBILITIES.—

(1) IN GENERAL.—The responsibilities of each recycling research center established

under this section shall include, but are not limited to, the conduct of basic research relating to—

(A) innovative recycling processes to be employed in the manufacture of recycled goods;

(B) innovative processes to facilitate recycling, including techniques for source separation, collection, transport, stockpiling, processing, or upgrading of recovered materials;

(C) specifications and test methods to be employed in assessing the quality of recovered materials;

(D) potential end markets for the sale or distribution of recycled goods; and

(E) composition of solid waste.

(2) PUBLICATION AND DISSEMINATION OF RESEARCH RESULTS.—Each research center shall publish and disseminate the results of such research.

(3) COMPOSTING PROJECTS.—Each research center shall carry out at least one project relating to recoverable paper and paperboard.

(c) FEDERAL SHARE.—The Federal share of a grant under this section shall not exceed 80 percent of the costs of establishing and operating the recycling research center.

(d) APPLICATION.—Any institution of higher education interested in receiving a grant under this section shall submit to the Secretary an application in such form and containing such information as the Secretary may require by regulation.

#### SEC. 14. TECHNICAL ASSISTANCE FOR EDUCATIONAL PROGRAMS.

The Secretary shall provide technical assistance to State and local governments for the purpose of establishing and operating programs to educate (through means such as public service announcements, pamphlets, and newspaper advertisements) consumers, businesses, and other persons about the recycling and about waste reduction.

#### SEC. 15. RECYCLING ADVISORIES.

(A) Recycling Advisory.—If the Secretary finds that a physical or chemical property, contaminant, or other characteristic of a recyclable material is interfering with—

(1) current recycling techniques;

(2) marketing of recyclable material prior to recycling;

(3) handling of the recyclable material prior to recycling;

the Secretary shall issue a recycling advisory to the Administrator, State, local governments, manufacturers of the recyclable material, industries engaged in the collection, transport, stockpiling, processing, upgrading, distribution, importation, or recycling of the material, and other potentially affected parties.

(b) CONTENTS OF ADVISORY.—A recycling advisory issued under subsection (a) shall—

(1) describe the physical or chemical property, contaminant, or other characteristic contributing to interference with recycling, marketing, or handling of the commodity or other reason for its issuance; and

(2) identify any precautions of measures, if any, that may be taken to eliminate or minimize the interference, including the availability of substitute or alternative materials, mechanisms, or methods that do not present a danger.

(c) AVAILABILITY TO PUBLIC.—The Secretary shall publish, and make available to the public, recycling advisories (including the information specified in subsection (b)) issued pursuant to this section.

#### SEC. 16. AVAILABILITY OF INFORMATION.

The information compiled and analyzed under this Act, including the identification

of grades for recovered materials under section 5, shall be made available to the public. A toll-free telephone hotline shall be established and made available to members of the public seeking information from the Department of Commerce. To the extent feasible, the information should be computerized to facilitate analysis and provide for prompt retrieval.

#### SEC. 17. OVERSIGHT BY INSPECTOR GENERAL.

The Inspector General of the Department of Commerce shall report annually to Congress on the progress in implementation and compliance with this Act.

#### SEC. 18. ACCESS TO SUPPLY OF RECOVERED MATERIALS.

(a) RATES.—Each State, as its goal for recycling in each distribution area, shall ensure that, for each listed material and effective date, the following percentage of the total amount of products or packages distributed to consumers in the distribution area that contain the listed material are diverted out of the waste stream:

- (1) For Glass—
  - (A) 35 percent by January 1, 1995.
  - (B) 50 percent by January 1, 1997.
  - (C) 65 percent by January 1, 1999.
- (2) For aluminum—
  - (A) 50 percent by January 1, 1995.
  - (B) 65 percent by January 1, 1997.
  - (C) 80 percent by January 1, 1999.
- (3) For ferrous metals and bimetal packaging—
  - (A) 50 percent by January 1, 1995.
  - (B) 65 percent by January 1, 1997.
  - (C) 80 percent by January 1, 1999.
- (4) For plastics—
  - (A) 20 percent by January 1, 1995.
  - (B) 40 percent by January 1, 1997.
  - (C) 60 percent by January 1, 1999.

The goals in subparagraphs (A), (B), and (C) shall be applied separately to each plastic resin.

(5) For recyclable paper and paper products—

- (A) 35 percent by January 1, 1995.
  - (B) 50 percent by January 1, 1997.
  - (C) 65 percent by January 1, 1999.
- (6) For nonrecyclable compostables—
- (A) 30 percent by January 1, 1995.
  - (B) 40 percent by January 1, 1997.
  - (C) 50 percent by January 1, 1999.

(b) LABELING.—A product or package may not be labeled as "recyclable" or "compostable" unless the product or package is of a type which meets the recycling rate goal set forth in subsection (a) in the distribution area of that product or package. Such a product or package shall be labeled in accordance with the requirements of section 10.

(c) MONITORING.—The Administrator shall set up a system to monitor compliance with the recycling rate goals set forth in subsection (a). The system shall, at a minimum, include monitoring at the stage at which used products or packages are collected and at the stage at which they are collected at landfills, incinerators, materials recovery facilities, and other waste materials management facilities.

(d) DEFINITION.—The term "distribution area", as used in this section, shall be defined in regulation by the Administrator.

#### SEC. 19. ANNUAL STATISTICS ON CERTAIN MATERIALS.

(a) MATERIALS COVERED.—The Secretary in conjunction with the Administrator shall gather statistics by validated methods of sampling in accordance with this section for solid waste and, at a minimum, the following types of recovered materials:

- (1) Aluminum scrap.

- (2) Lead scrap.
- (3) Other nonferrous scrap.
- (4) Ferrous scrap.
- (5) Plastic scrap.
- (6) Rubber scrap.
- (7) Waste glass.
- (8) Recyclable paper and paperboard.
- (9) Nonrecyclable, compostable paper products.
- (10) Yard waste.
- (11) Food waste.

(b) STATISTICS.—For solid waste and for those recovered materials listed in subsection (a), the Secretary in conjunction with the Administrator shall collect statistics and information on the following:

(1) Quantities of durable goods, nondurable goods, containers, packaging, and other items that are sold for distribution in commerce and that are likely to become solid waste.

(2) Quantities of solid waste annually generated by households, office establishments, commercial establishments, and institutional establishments.

(3) Quantities of solid waste and recovered materials annually generated by industrial facilities.

(4) Quantities of recovered materials annually managed using techniques other than recycling, including incineration and landfilling.

(5) Quantities of, and the composition of, solid waste disposed of in incinerators, landfills, and other waste management facilities of local governments (set forth by type of facility).

(6) Inventories of recovered materials being stockpiled for possible recycling.

(7) Quantities of recovered materials annually used by industries.

(c) RECYCLING STATISTICS.—For materials being recycled (as determined under subsection (b)(6)), the Secretary in conjunction with the Administrator shall collect statistics and information on the following:

(1) Specific recycling techniques employed by industries, and quantities of recovered materials annually recycled using those techniques.

(2) Available markets (including domestic and export markets) for recycled goods, and quantities of recycled goods annually sold or distributed in interstate commerce.

(3) Existing industrial capacity for the manufacture of recycled goods.

(4) Specific techniques employed by households, local governments, and industries to source-separate, collect, transport, stockpile, process, or upgrade those materials for the purpose of recycling, and quantities of materials annually handled using those techniques.

(d) RECYCLING RATE DETERMINATION.—The Administrator shall analyze the statistics and information collected under this section and determine the prevailing national recycling rate for each recovered material.

(e) ANNUAL STATISTICS.—The Administrator shall collect and publish the statistics and information required under this section not later than 6 months after the date of the enactment of this Act. At a minimum, the Administrator shall update and publish such statistics and information on an annual basis.

(f) S.I.C. REVISION.—The Administrator shall revise the standard industrial classification system as necessary to facilitate the collection of statistics and other information on recycling and other related activities, including source-separation, collection, transport, stockpiling, processing, upgrading, and consumption of materials for the

purpose of recycling. To the extent practicable and useful, the Administrator shall integrate necessary data collection activities required under this section with periodic surveys of industry or government conducted by the Department of Commerce.

(g) SUBMISSION OF INFORMATION TO SECRETARY.—The Administrator shall submit all of the statistics and information collected under this section to the Secretary, for distribution to the public under section 16.

(h) PRIVILEGED OR CONFIDENTIAL INFORMATION.—Nothing in this section shall be construed so as to authorize the Administrator to obtain privileged or confidential information that is described in section 552(b)(4) of title 5, United States Code.

#### SEC. 20. ENFORCEMENT.

Each person or entity who violates section 9, 10, or 11 during a calendar quarter is subject to the following penalties:

(1) NOTICE AND WARNING.—For a first violation, and for any violation that occurs after having achieved compliance during the previous 3 calendar quarters, the Administrator shall send the person or entity a letter notifying the person or entity that it is in violation of this section and warning the person or entity of additional penalties if the violation continues.

(2) CIVIL PENALTY.—For a violation that occurs any time within 1 year after the first violation that occurs any time within 1 year after the first violation or other violation covered by paragraph (1), the person or entity is liable for a civil penalty in an amount not to exceed \$75,000 per quarter. The Administrator shall automatically assess such a civil penalty each time such a violation occurs.

(3) ORDER FOR REMOVAL FROM SALE IN INTERSTATE COMMERCE.—For a violation that occurs any time within 1 year after a violation covered by paragraph (2), the Administrator shall order the person or entity to remove the covered item from sale in interstate commerce. For each day a violator is not in compliance with such removal order, the Administrator may assess a civil penalty of not more than \$50,000. Any such removal order shall not apply to any item offered for sale or otherwise entered into interstate commerce before the date of issuance of the order. A person or entity may resume sale of the covered item in interstate commerce only after the Administrator approves a restart plan submitted by the person or entity indicating how and within what period of time the person or entity will come into compliance.

#### THE NATIONAL RECYCLING MARKETS ACT OF 1992—SECTION-BY-SECTION ANALYSIS

##### Section 101: Bureau of Recyclable Commodities.

The Bureau of Recyclable Commodities would be created within the Department of Commerce. Its responsibilities will be to carry out the Department's duties under this act.

##### Section 102: Identification and use of Grades of Materials.

Commodity types and grades would be specified, including subcategories, where appropriate, and manufacturers would be encouraged to use materials which conform to these grades when producing products and packaging. This will ensure that recovered materials will be of types and grades that can, in fact, be identified and recycled.

##### Section 103: Periodic Market Analyses.

The Commerce Department will prepare reports for public use on market prices, recycling rates, and technical and economic factors that may influence markets in the future for recovered materials.

Section 104: Reports on Recycling Capacity.

The Commerce Department, in consultation with the EPA, will prepare reports for Congress on the progress of efforts, technology, planning and opportunities for recycling. The reports will also analyze the impact of certain government policies as well as industry policies and compare the costs of recycling with those landfilling and incinerating.

Section 105: Assistance for Recycling Operations.

Technical and financial assistance, including low-interest loans and loan guarantees, subject to appropriations, would be available for the purpose of constructing and operating facilities and equipment for the collection, separation, and processing of recyclable materials.

Section 106: Minimum Content Standards.

Companies manufacturing products, packaging and other materials made from aluminum, glass, steel, plastics and paper would be required to use at least certain specified percents of recovered materials. Different percents correspond to different materials and, in some cases, different uses of materials. The requirements would be phased in over many years. Items which, if they were to comply, would present an unsafe health hazard would be exempt. The stated standards would pre-empt state and local government minimum content standards. The Department of Commerce is to facilitate compliance as well as monitor and enforce the program, assisted by reporting requirements. Items that do not comply with the standards by the stated phase-in dates would not be able to be transported in interstate commerce.

Section 107: Labeling Requirements.

The words "recycled" or "recycled content" would not be placed on a product or package unless that item meets the minimum content requirements specified in Section 106. The words "recyclable" or "compostable" could not be placed on a product or package unless the material from which that item is made meets the recycling rate goal for that material as specified in Section 201. In addition to standardization of environmental marketing claims, the manner in which the words "recycled" and "recyclable" could appear on a product or package would be regulated so as to reduce consumer confusion.

Section 108: Plastics Labeling Requirements.

Plastic products and packaging would be required to be labeled as to the type of plastic used in that item (such as the S.P.I. system) to facilitate identification and recycling of plastics.

Section 109: Promotion of Opportunities in Foreign Markets.

The Department of Commerce would be directed to develop a program to promote the sale of non-hazardous recovered materials in foreign commerce. Statistics shall be compiled for the benefit of industry and local governments in order to help identify markets, prices and the types, grades and technologies employed by those markets.

Section 110: University Recycling Research Centers.

The Commerce Department, in consultation with the EPA, will make grants to universities to establish from four to six recycling research centers.

Section 111: Technical Assistance.

The Commerce Department is to provide technical assistance to state and local governments to promote education of consum-

ers, business, and others about recycling and waste reduction.

Section 112: Recycling Advisories.

The Commerce Department is to issue recycling advisories when it finds that contaminants or characteristics of a recyclable material are interfering with safe recycling or presenting a hazard and indicate precautions to be taken as well as alternative materials that are available.

Section 113: Availability of Information.

The information compiled and analyzed by the Department of Commerce is to be made available to the public by means such as a toll-free phone number and a computerized database.

Section 114: Oversight by the Inspector General.

Annual reports to Congress by the Commerce Department Inspector General on the progress in implementing this act shall be made.

Section 115: Access Requirement.

Recycling rate goals are established for the recycling of products and packaging made from glass, aluminum, ferrous metals, plastics, recyclable paper and paper products, and nonrecyclable compostables within each distribution area. The EPA would determine what constitutes a distribution area to include, in the case of nationally marketed products, a single, national distribution area.

Section 116: Annual Statistics.

The EPA is to gather statistics concerning the use, recovery rates, re-utilization and market characteristics of various recyclable or compostable materials. Statistics on the generation, quantity and types of waste shall also be compiled.●

#### ADDITIONAL COSPONSORS

S. 21

At the request of Mr. CRANSTON, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 21, a bill to provide for the protection of the public lands in the California desert.

S. 240

At the request of Mrs. KASSEBAUM, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 240, a bill to amend the Federal Aviation Act of 1958 relating to bankruptcy transportation plans.

S. 703

At the request of Mr. ROCKEFELLER, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 703, a bill to amend the Harmonized Tariff Schedule of the United States to correct the tariff rate inversion on certain iron and steel pipe and tube products.

S. 1100

At the request of Mr. KERRY, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 1100, a bill to authorize the Secretary of Housing and Urban Development to provide grants to urban and rural communities for training economically disadvantaged youth in education and employment skills and to expand the supply of housing for homeless and economically disadvantaged individuals and families.

S. 1423

At the request of Mr. DODD, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 1423, a bill to amend the Securities Exchange Act of 1934 with respect to limited partnership rollups.

S. 1492

At the request of Mr. GRAHAM, the names of the Senator from Rhode Island [Mr. CHAFEE] and the Senator from New York [Mr. D'AMATO] were added as cosponsors of S. 1492, a bill to amend the Internal Revenue Code of 1986.

S. 1501

At the request of Mr. AKAKA, his name was withdrawn as a cosponsor of S. 1501, a bill to amend the Reclamation Reform Act of 1982, and for other purposes.

S. 1842

At the request of Mr. DASCHLE, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 1842, a bill to amend title XIX of the Social Security Act to provide for Medicaid coverage of all certified nurse practitioners and clinical nurse specialists services.

S. 1866

At the request of Mr. KENNEDY, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 1866, a bill to promote community based economic development and to provide assistance for community development corporations, and for other purposes.

S. 1996

At the request of Mr. ROCKEFELLER, the name of the Senator from Hawaii [Mr. INOUE] was added as a cosponsor of S. 1996, a bill to amend title XVIII of the Social Security Act to provide for uniform coverage of anticancer drugs under the Medicare Program, and for other purposes.

S. 2064

At the request of Mr. HATFIELD, the names of the Senator from Michigan [Mr. LEVIN], the Senator from New York [Mr. MOYNIHAN], and the Senator from North Carolina [Mr. SANFORD] were added as cosponsors of S. 2064, a bill to impose a 1-year moratorium on the performance of nuclear weapons tests by the United States unless the Soviet Union conducts a nuclear weapons test during that period.

S. 2085

At the request of Mr. PRYOR, the name of the Senator from California [Mr. SEYMOUR] was added as a cosponsor of S. 2085, a bill entitled the Federal-State Pesticide Regulation Partnership.

S. 2103

At the request of Mr. GRASSLEY, the names of the Senator from South Dakota [Mr. DASCHLE], the Senator from Hawaii [Mr. AKAKA], and the Senator from South Carolina [Mr. HOLLINGS]

were added as cosponsors of S. 2103, a bill to amend title XVIII of the Social Security Act to provide for increased Medicare reimbursement for nurse practitioners, clinical nurse specialists, and certified nurse midwives, to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 2104

At the request of Mr. GRASSLEY, the names of the Senator from South Dakota [Mr. DASCHLE], the Senator from Hawaii [Mr. AKAKA], and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of S. 2104, a bill to amend title XVIII of the Social Security Act to provide for increased Medicare reimbursement for physical assistance, to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 2106

At the request of Mr. CRANSTON, the name of the Senator from Georgia [Mr. FOWLER] was added as a cosponsor of S. 2106, a bill to grant a Federal charter to the Fleet Reserve Association.

S. 2109

At the request of Mr. BAUCUS, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 2109, a bill to amend the Internal Revenue Code of 1986 to permit certain entities to elect taxable years other than taxable years required by the Tax Reform Act of 1986, and for other purposes.

S. 2162

At the request of Mr. HARKIN, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 2162, a bill to amend the International Financial Institutions Act to advocate and promote policies to encourage developing countries to reduce military and military-related expenditures and to dedicate an equitable allocation of resources for health and education, and for other purposes.

S. 2201

At the request of Mr. DOLE, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 2201, a bill to authorize the admission to the United States of certain scientists of the Commonwealth of Independent States as employment-based immigrants under the Immigration and Nationality Act, and for other purposes.

S. 2205

At the request of Mr. LEAHY, the names of the Senator from Hawaii [Mr. INOUE] and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of S. 2205, a bill to amend the Public Health Service Act to provide for the establishment or support by States of registries regarding cancer, to provide for a study regarding the elevated rate of mortality for breast cancer in certain States, and for other purposes.

S. 2230

At the request of Mr. BREAUX, the name of the Senator from Hawaii [Mr. INOUE] was added as a cosponsor of S. 2230, a bill to amend title XVIII of the Social Security Act to provide coverage of outpatient education services under part B of the Medicare Program for individuals with diabetes.

S. 2235

At the request of Mr. MOYNIHAN, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 2235, a bill to extend until April 1993 the demonstration project under which influenza vaccinations are provided to Medicare beneficiaries.

S. 2244

At the request of Mr. THURMOND, the names of the Senator from Indiana [Mr. COATS], the Senator from Hawaii [Mr. AKAKA], and the Senator from Montana [Mr. BURNS] were added as cosponsors of S. 2244, a bill to require the construction of a memorial on Federal land in the District of Columbia or its environs to honor members of the Armed Forces who served in World War II and to commemorate United States participation in that conflict.

S. 2277

At the request of Mr. COHEN, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 2277, a bill to amend the Public Health Service Act to facilitate the entering into of cooperative agreements between hospitals for the purpose of enabling such hospitals to share expensive medical or high technology equipment or services, and for other purposes.

S. 2278

At the request of Mr. SHELBY, the names of the Senator from California [Mr. SEYMOUR] and the Senator from Utah [Mr. HATCH] were added as cosponsors of S. 2278, a bill to amend section 801 of the act entitled "An Act to establish a code of law for the District of Columbia," approved March 3, 1901, to require life imprisonment without parole, or death penalty, for first degree murder.

S. 2286

At the request of Mr. ROCKEFELLER, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 2286, a bill to provide support for enterprises engaged in the research, development, application, and commercialization of advanced critical technologies through a private consortium of such enterprises.

S. 2322

At the request of Mr. CRANSTON, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 2322, a bill to increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

S. 2327

At the request of Mr. HATFIELD, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 2327, a bill to suspend certain compliance and accountability measures under the National School Lunch Act.

S. 2334

At the request of Mr. WIRTH, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 2334, a bill to extend the statute of limitations applicable to civil actions brought by the Federal conservator or receiver of a failed depository institution.

S. 2339

At the request of Mr. DODD, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 2339, a bill to establish a program to provide child care through public-private partnerships, and for other purposes.

S. 2355

At the request of Mr. FORD, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 2355, a bill to permit adequately capitalized savings associations to branch interstate to the extent expressly authorized by State law, and for other purposes.

SENATE JOINT RESOLUTION 166

At the request of Mr. DOLE, the names of the Senator from Oregon [Mr. PACKWOOD], the Senator from Rhode Island [Mr. PELL], and the Senator from Ohio [Mr. GLENN] were added as cosponsors of Senate Joint Resolution 166, a joint resolution designating the week of October 6 through 12, 1991, as "National Customer Service Week."

SENATE JOINT RESOLUTION 230

At the request of Mr. REID, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of Senate Joint Resolution 230, a joint resolution providing for the issuance of a stamp to commemorate the Women's Army Corps.

SENATE JOINT RESOLUTION 246

At the request of Mr. LIEBERMAN, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of Senate Joint Resolution 246, a joint resolution to designate April 15, 1992, as "National Recycling Day."

SENATE JOINT RESOLUTION 247

At the request of Mr. DOLE, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of Senate Joint Resolution 247, a joint resolution designating June 11, 1992, as "National Alcoholism and Drug Abuse Counselors Day."

SENATE JOINT RESOLUTION 261

At the request of Mr. CRANSTON, the names of the Senator from Delaware [Mr. BIDEN] and the Senator from New York [Mr. D'AMATO] were added as cosponsors of Senate Joint Resolution 261, a joint resolution to designate

April 9, 1992, as a "Day of Filipino World War II Veterans."

SENATE CONCURRENT RESOLUTION 17

At the request of Mr. HATCH, the names of the Senator from South Dakota [Mr. PRESSLER], the Senator from California [Mr. SEYMOUR], the Senator from Arizona [Mr. DECONCINI], and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of Senate Concurrent Resolution 17, a concurrent resolution expressing the sense of Congress with respect to certain regulations of the Occupational Safety and Health Administration.

SENATE RESOLUTION 246

At the request of Mr. DOLE, the name of the Senator from Hawaii [Mr. INOUE] was added as a cosponsor of Senate Resolution 246, a resolution on the recognition of Croatia and Slovenia.

SENATE RESOLUTION 259

At the request of Mr. MCCONNELL, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of Senate Resolution 259, a resolution promoting goodwill and cooperation between the Commonwealth of Independent States and the United States.

SENATE RESOLUTION 270

At the request of Mr. DECONCINI, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of Senate Resolution 270, a resolution concerning the conflict of Nagorno-Karabakh in the territory of Azerbaijan.

NOTICES OF HEARINGS

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. INOUE. Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding a markup on Wednesday, March 18, 1992, beginning at 9:30 a.m., in 216 Hart Senate Office Building, on S. 1602, the Fort Peck Indian Tribes Montana Compact Act of 1991, confirmation on the reappointment of Carl J. Kunasek to be Commissioner on the Navajo-Hopi Relocation, and for other purposes; to be followed immediately by an oversight hearing on the implementation of the Indian Gaming Regulatory Act.

Those wishing additional information should contact the Select Committee on Indian Affairs at 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, March 17, 1992, at 2 p.m. to hold a hearing on the nomination of Paul J. Kelly, Jr., to be U.S. circuit judge for the Tenth Circuit, J. Curtis Joyner, to be U.S. district judge for the

Eastern District of Pennsylvania, Donald J. Stohr, to be U.S. district judge for the Eastern District of Missouri, and Ewing Werlein, Jr., to be U.S. district judge for the Southern District of Texas.

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

ADDITIONAL STATEMENTS

FATHER RICARDO REZENDE'S HEROIC FIGHT AGAINST SLAVERY IN BRAZIL

• Mr. CRANSTON. Mr. President, yesterday I had the great pleasure of meeting with Father Ricardo Rezende, a leading figure in the struggle against rural violence and slavery in Brazil, particularly in the Amazon region.

For more than a decade Fr. Rezende has worked tirelessly, at great personal risk to help Brazil's dispossessed and landless rural workers in their struggle for land and justice.

A former national director of the Pastoral Land Commission [CPT] of the Council of Brazilian Bishops, Rezende has concentrated his work in the Tocantins-Araguaia region, one of the most lawless and bloodstained patches of territory in the Amazon.

The southern State of Para, where Rezende works, manifests the worst problems faced by those concerned about human rights and the plight of the environment in one of the world's richest areas of cultural and biological diversity.

Rampant deforestation, the concentration of land ownership in few hands, the exploitation of the poor by large landholders, and the impunity of military-run death squads—who have repeatedly massacred rural workers—have made this beautiful but isolated region a seeming chapter from a Dickens horror story.

At a briefing sponsored by my office as well as the Environmental Defense Fund and the Washington Office on Latin America, Rezende outlined the critical situation he and his organization face today.

Many of the leaders of the organizations Rezende works with have been killed, tortured or are the targets of assassination attempts.

In one case paramilitary forces abducted a 13-year-old girl, raped her, then burned her alive. Pregnant women have often been targeted, and children, too. Frequently the paramilitary groups force the public display of the bodies, a barbaric practice dating back to the time of Portuguese colonialization.

To make things worse, the police work in collusion with the illegal repression, often claiming that bodies are unidentified when in fact they are stripped of their identity documents at the local morgue.

The justice system is that in name only: Of the thousands of cases of murder, torture and rape committed in the past two decades against rural workers, only 26 trials have been held, and only 14 perpetrators found guilty.

Perhaps the most shocking was Rezende's documented presentation of the use of slave labor on the large estates.

Although slavery in Brazil was banished more than a century ago, the Pastoral Land Commission estimates that more than 9,000 men, women, and children have been used for slave labor in the Amazon outback. A Sao Paulo sociologist says the real number may be as high as 40,000.

Company stores charge new workers—lured by tales of good jobs at decent wages—extortionary prices designed to keep them in perpetual debt. Most of the workers do not know their rights under Brazilian law, and the geographic remoteness of where they work puts them beyond the normal reaches of civilization's protections.

Mr. President, Brazilian President Fernando Collor de Mello has worked hard to bring the benefits of democracy to his people and has fought to protect both his country's environmental inheritance as well as that of the native people who live within the vastness of the Brazilian wilds.

The benefits of democracy, however, have not reached those who are being victimized, through violence or forced labor, in the Brazilian Amazon.

I call on President Collor to once again exercise the leadership that has justly made him admired around the world, and take the following steps.

First, to guarantee immediately the safety of those threatened with death or harm by the vigilantes.

Second, to unleash the might of Brazil's criminal justice system against those who are perpetrating the violence and to bring as many cases as possible to trial in order to offer vivid examples that crime does not pay.

And finally, that those engaging in proven forced labor practices have their lands expropriated, as provided by the Brazilian law.

Mr. President, I salute Fr. Rezende and the wonderful work that he and his organization do, at the same time I pray for their safety and urge the Brazilian Government to take the necessary steps to ensure their well-being. •

IN OBSERVANCE OF SHABBAT ZACHOR

• Mr. DIXON. Mr. President, last Friday, March 14, 1992, was the observance of Shabbat Zachor, the Sabbath of Remembrance for Syrian Jews.

The plight of the Syrian Jews is well known. The Syrian Government does not allow the Syrian Jews the right to emigrate, and denies them the most

basic human and civil rights. This is an intolerable situation.

I joined a number of my colleagues in October of 1990 in a letter to President Bush concerning the plight of Syrian Jews. Sadly, their situation has changed little since that letter.

With the end of the cold war, and the removal of many barriers to emigrate from the Soviet Union, it is ironic that similar restrictive, oppressive practices continue to this day in Syria.

No one, Mr. President, should be denied the right to live and worship as he or she chooses. That is not a uniquely American standard, but a basic human right. We in the United States must stand resolute with those for whom basic human rights remain elusive. Syrian Jews must know that they have a friend in the United States. I will continue to fight for their rights, and urge the administration to do the same.

I thank my colleagues.●

**SMALL COMMUNITY ENVIRONMENTAL INFRASTRUCTURE ASSISTANCE ACT OF 1990 (S. 729)**

● Mr. KERREY. Mr. President, today I rise to express my strong support for the Small Community Environmental Infrastructure Assistance Act (S. 729).

Since coming to the Senate, I have heard from many community leaders from small towns across Nebraska who are concerned about the growing number of mandates coming out of Washington. Regulations from the Environmental Protection Agency are of particular concern.

Community leaders do not object to the intent of the Safe Drinking Water Act, the Clean Water Act, subtitle I of the Resource Conservation and Recovery Act, or the subtitle D regulations to upgrade our country's solid waste facilities. In fact, they are in some ways more attuned to the consequences of environmental degradation than residents of our urban areas.

The problem is that many of these communities simply cannot afford the measures needed to comply with all of these laws. They do not have the financial base needed to construct and maintain the various infrastructure requirements. As they struggle to cope with the various requirements it is time for the Federal Government to help provide the resources needed to get the job done. I support tough environmental standards, but we must ensure that our mandates can be realized.

I have decided to cosponsor Senator BURDICK's legislation because it provides a mechanism to assist these communities by creating a State loan and grant fund to help finance waste water treatment, drinking water, and solid waste disposal facilities. The bill also will expand Federal programs to provide technical assistance and outreach to small communities. It also will di-

rect the U.S. Army Corps of Engineers to construct essential wastewater treatment, drinking water, and solid waste facilities in economically distressed areas.

Mr. President, according to the EPA, residents of small communities face higher-than-average increases for environmental user charges and fees as a result of environmental requirements. We need to see that public and environmental health are protected, and we have an obligation to help small communities achieve that objective. I look forward to working with the chairman of the Environment and Public Works Committee to achieve that goal.●

**THE PLIGHT OF JEWS IN THE FORMER SOVIET UNION STILL DENIED PERMISSION TO EMIGRATE ON STATE SECRECY GROUNDS**

● Mr. DIXON. Mr. President, I rise today to call the Senate's attention to a little noticed story out of the former Soviet Union that should be of concern to us all. According to the Union of Councils for Soviet Jews, hundreds of people in the present-day Commonwealth of Independent States [CIS] who had worked in various Soviet agencies, are still being denied permission to emigrate on the basis of state secrets.

This intolerable situation continues despite the fact that much of the technology previously considered secret is now being hawked on the open market to the highest bidder, in the Commonwealth's relentless pursuit of hard currency.

This situation continues despite the so-called reforms in the Commonwealth on emigration. The cold, hard facts are that state secrecy is still used as an arbitrary catch-all mechanism to punish those people who wish to emigrate.

Mr. President, I have been working on behalf of free emigration for Soviet Jews throughout my career. As a past cochairman of the union's Congressional Call to Conscience Vigil, I know all too well the intransigence of the former Soviet system. The information from the union only confirms what many of us have long suspected about the Commonwealth and its leaders: The name may have been changed, but the attitudes and practices have not.

In conclusion, Mr. President, the administration must urge the Yeltsin government at every opportunity to lift the state secret status on these, and all other refuseniks. At this moment in Russia's history when their technology, heretofore considered secret, is on the auction block, there can be no justification for continuing the use of the state secrets category to deny people their fundamental right to emigrate.

I thank my colleagues.

I would ask that the list of refuseniks refused permission to emigrate on

state secret grounds, be entered into the RECORD.

The list follows:

**MOSCOW SOVIET-AMERICAN BUREAU ON HUMAN RIGHTS**

[List of secrecy refuseniks who dealt in the past with the production of secret information which is now public knowledge or is the subject of trade between the CIS and the West, Jan. 1992]

Name, address, phone, ministry, and job description	Left secret position	First applied to emigrate	Last applied to emigrate	Refused in family
Alya, Solomon, Moscow, Typely Stan St., 4-1-15, (339-1230) [Defense]. Was a high-level military officer in the automobile division	77	90	90	2
Avramenko, Valentin, Zheleznodorozhny, Moscow region, Pionerskaya St., 3-137, (522-4512) [Defense]. Worked as a technologist and specialist on alloys for small armour-piercing-shells. Worked in the plant of the military-industrial complex	87	91	91	2
Beburishvili, Andrey, St. Petersburg, Dimitrovast. 31/1-465, (101-2130) [Radio Industry]. Worked as an engineer at the Central Science Industrial Corp., "Leninets." Implemented radio equipment for MiG-31's and was credited at the Paris aircraft and satellite exhibition "Le-Burge"	88	90	91	1
Berenshtein, Yevgeny, St. Petersburg, Pushkin, Revolyutsii St., 20-15, (466-5953) [Radio Industry]. Designer of algorithms, programs and models for computers in the Institute of Radio-Electronic Systems. Now the foreign-economic concern is established on the basis of this Institute, which was represented at the Paris aircraft and satellite exhibition "Le-Burge"	90	91	91	3
Bogod, Philipp, St. Petersburg, Razvezhaya St., 1-6, (3/15-8230) [Shipbuilding]. Worked as chief of the Technological Bureau on preparing for production of submarine hulls in the St. Petersburg Admiralteisky Amalgamation. One of his colleagues from the plant left the country in 1989 for the United States	79	89	90	4
Brodsky, Valery, Kiev, Uritskogo St., 23-45, (276-7215) [Shipbuilding]. Worked as an engineer and specialist in electronic equipment. He designed the special facilities for figured processing of information and he tested and exploited an example of this equipment for the Defense Industry	89	90	91	6
Brusina, Vera, Moscow, Statevarov St., 26-2-114 [Petrochemical Industry]. Worked as an engineer dealing with the technological process of refining oil wastes until 1972. Also worked as an engineer in the information department in the Institute of Oil Industry until 1985	85	90	90	1
Cherkassky, Abram, Moscow, Leningradsky, pr-t, 75b-12, (158-3642) [Electrotechnical Industry]. Worked as an engineer and designer while taking part in the testing of the sun batteries for satellites and other cosmic apparatus such as "Meteor" and "Molnia" which are designed for long distance weather service. The Ministry of Defense was a client. Several others who previously worked there have emigrated: Mendzsheritsky and Khasin to Israel and Reznikov to the United States	90	90	91	2

**MOSCOW SOVIET-AMERICAN BUREAU ON HUMAN RIGHTS—Continued**

[List of secrecy refuseniks who deal in the past with the production of secret information which is now public knowledge or is the subject of trade between the CIS and the West, Jan. 1992]

Name, address, phone, ministry, and job description	Left secret position	First applied to emigrate	Last applied to emigrate	Refused in family
Dayidov, Sergey, Moscow, Domodedovskaya St., 23-1-92, (392-3289) [Chemical Industry]. Worked as a research scientist for the protection against mass strike weapons and for the disinfection of arms and military equipment	84	90	90	1
Dimant, Yakov, Troitsk, Moscow Oblast, Oktyabr'skiy, pr-1, 13-17, (334-0287). [Institute of USSR Academy of Sciences]. Worked at the Institute of Earth Magnetic, Ionosphere and Radiowaves of the USSR Academy of Science. This industry had no connection with the Defense Ministry	84	90	91	4
Dubnik, Zakhar, Volgogradsk, Gagarina St., 77-44 [Aviation Industry]. Took parts in defense works in the Pilot Design Bureau of the Kalinin Machine Building plant. Left his job in 1986	86	90	90	4
Furman, Gersh, Kazan, Gvardeyskaya St., 9-13, (760-745) [Radio Industry]. Worked first as an engineer and secondly as the chief engineer of the Special Design Bureau of the Kazan Writing Facility Plant. This plant produces periferic facilities for computers by order of the Defense Ministry	90	90	91	6
Gelfand, Anatoly, Chelyabinsk, Dzherzhinskogo St., 8-49, (347-724) [Defense]. Worked as an engineer-designer for electrical equipment for tanks in the Amalgamation "Rotor"	90	90	90	3
Gendler, Mikhail, Penza, Kommunisticheskaya St., 25-47, (620-537) [Electronic Industry]. Worked as an engineer programmer in the Department of Microelectronics at the Penza Polytechnic Institute. He was refused because of his studies in the Military Department while attending the Institute	87	90	90	2
Golub, Arkady, Moscovsk Oblast, Bolshovo-6, 3-D, (515-1931) [Defense]. Reserve Officer—built clubs and other social-cultural buildings in different military towns	88	90	90	4
Gorsky, Leonid, Moscow, Gen. Tyuleneva St., 15-142, (337-6969) [Defense]. Optic designer for tank telescopic sights of guided rockets in the Designer Bureau of Precise Machine Building	88	89	91	3
Goryachkovsky, Yuri, Moscow, Gabrichovskogo St., 8-2-59, (190-7383) [Aircraft Industry]. Leading designer in the Amalgamation "Molnia." His articles were published in the open press and he has open invention certificates. His designs were also represented in Paris and Milan	84	90	90	1
Gut, Roman, St. Petersburg, Shevchenko St., 27/72-17 [Communication Means Industry]. Designer of the systems for military moving radio-communications, but his designs were not implemented in the industry. From 1974 on he only did theoretical work, with the results being published in the free press. He left his job in 1984	84	91	91	1

**MOSCOW SOVIET-AMERICAN BUREAU ON HUMAN RIGHTS—Continued**

[List of secrecy refuseniks who deal in the past with the production of secret information which is now public knowledge or is the subject of trade between the CIS and the West, Jan. 1992]

Name, address, phone, ministry, and job description	Left secret position	First applied to emigrate	Last applied to emigrate	Refused in family
Ishutov, Yuri, St. Petersburg, Prazhskaya St., 17-8, (269-5609) [Defense]. Was a student and then a specialist in special communications in the military district of SAVO (Central Asian Military District) from 1985-1987	87	90	90	3
Karp, Nikolay, Moscow, Akademia Pavlova St., 28-29, (149-4605) [Radio Industry]. Worked with defense problems and verified standard measuring equipment. He left his job which worked with secret documents in 1981	89	90	91	2
Kernes, Igor, N. Novgorod, Volodarskogo St., 7-1, (350-504) [Defense]. Took part in design preparations of the mechanical part of the antimissile complex S-300. A June 19, 1991 article featured in Izvestia stated that the design of this complex was featured at the "Burge-91" Paris exhibition	90	86	91	1
Kheyfets, Benissa, Moscow, Mira pr-t, 202-63, (187-6538) [Radio Industry]. She worked in the Commission group designed to check secret documents. She was a page counter	89	90	91	1
Khononov, Arkady, St. Petersburg, Lyeni Golikova St., 27-3-212, (152-8572) [Shipbuilding Industry]. Worked as an engineer in the Central Institute for Ship Machinebuilding, which is a defense organization. He worked in the technical department, which had the basic function of creating equipment of ship machinebuilding. This department did not develop or create specific facilities	91	91	91	1
Kodess, Vladimir, St. Petersburg, Shvermika pr-t, 11-16, (244-3651) [Communication Industry]. Worked at the Television Scientific Institute as an engineer-designer of television cameras. He also researched the introduction of the picture to the computer with further processing, which was done for the Defense Ministry	90	90	91	2
Kopzon, Semyon, St. Petersburg, 4th Krasnoy Konnitsy St., 12-23, (271-2085) [Shipbuilding Industry]. Worked as an engineer in the Amalgamation "Uran." He modelled computer algorithms for systems of navy arms equipment and took part in the testing of these systems in 1982, 1984 and 1987 and treated the test results	89	90	91	3
Kravchik, Vitaly, Kishinev, Kalya Eshilor St., 9-54, (625-411) [Defense]. Worked as Chief of the Bureau of Industry Preparation Plant, "Topaz"	90	90	90	4
Kurbatov, Igor, Moscow, Kazarmenny per, 8-2-55, (297-8512) [Defense Industry]. Worked as a designer of mechanical gears for infrasound generators for the Central Institute of Precise Machine Building	81	88	90	3
Kurikov, Vladimir, Moscow, I-ya, Twerskaya-Yamskaya, 36-72, (251-6070) [Radio Industry]. Worked as a designer of electromechanical elements for measuring systems, which was displayed at international exhibitions	88	90	91	3

**MOSCOW SOVIET-AMERICAN BUREAU ON HUMAN RIGHTS—Continued**

[List of secrecy refuseniks who deal in the past with the production of secret information which is now public knowledge or is the subject of trade between the CIS and the West, Jan. 1992]

Name, address, phone, ministry, and job description	Left secret position	First applied to emigrate	Last applied to emigrate	Refused in family
Murshin, Vladimir, St. Petersburg, Krupskoy St., 24-2-21, (560-0484) [Shipbuilding Industry]. Worked as an engineer/designer for ice ship hulls in the Central Design Bureau, "Aisberg"	89	90	91	1
Leybovskaya, Galina, Moscow, Yasny pr., 14-66, (477-4153) [Chemical Industry]. She worked for GOSMIKHIT, or the Institute for Chemical Technology synthesizing new and intermediate chemical products for industry, including military	87	90	91	1
Likhovetsky, Mark, Moscow, Sedova St., 13-2-214, (189-4606) [Communication Industry]. He took part in the development of the processing of informational systems on the basis of standard micro-computers, and supplied such systems as "Segment" and "Vega" by programming materials. He defended his dissertation which was published in the open press. He had no connection with the defense industry	90	91	91	3
Mandrikov, Igor, Novosibirsk, B. Bogatkov St., 243-47, (236-179) [Defense]. Worked as a gynecologist during his military service from 1978-1980. He then worked as a disinfection specialist in the Chabkov military unit No. 01181	80	90	90	1
Melitzky, Alexander, Moscow, Osenyaya St., 26-13, (413-9116) [Radio Industry]. He created mathematical models of radio-technical facilities	89	90	91	3
Metric, Boris, St. Petersburg, Vyborgskoye Shosse, 7-1-192, (592-2092) [Aviation Industry]. First worked as a military representative and then as an engineer-technologist in a plant	91	91	91	1
Nemchenok, Lev, Moscow, Konenkova St., 5-78, (947-5544) [Defense]. Worked as an engineer-economist and then the head of the System of Automatical Ruling division at the Moscow Institute of Heat Engineering. He designed the computer programmes of planning and counting	89	90	91	3
Orlovetsky, Mark, Kiev, Novaya Pirogovskaya St., 27-77, (296-0206) [Radio Industry]. Worked as a radio equipment controller in the Amalgamation "Radar." This equipment is sold to three countries and was used in Iraq and Afghanistan	88	89	91	3
Pevzner, Dmitry, St. Petersburg, Veteranov, pr-t, 47-36, (152-5554) [Shipbuilding Industry]. Worked as controller for submarine equipment. He did not develop or test new equipment	91	90	91	3
Rozenblit, Evgeny, Ekaterinburg, Bebelya St., 152-96 [Aviation Industry]. Worked as a plant worker in the division of subsidiary production	90	90	91	4
Shilon, Vsevolod, St. Petersburg, Narodnogo Opolcheniya St., 231-83, (130-3982) [Communication]. He designed the models of electronic schemes for computers and synthesized tests and implemented the test control systems in the Amalgamation "Signal"	90	91	91	2

**MOSCOW SOVIET-AMERICAN BUREAU ON HUMAN RIGHTS—Continued**

(List of secrecy refuseniks who dealt in the past with the production of secret information which is now public knowledge or is the subject of trade between the CIS and the West, Jan. 1992)

Name, address, phone, industry, and job description	Left secret position	First applied to emigrate	Last applied to emigrate	Refused in family
Shtibina, Vladislava, St. Petersburg, Sikeynsa St., 21-1-174, (511-8353) [Defense]. She has a non-technical education and did clerical work in the plant "LOMO."	88	90	91	4
Sidelnikov, Alexander, St. Petersburg, Altayskaya St., 12-60, (291-2560) [Radio Industry]. Tested equipment as a project leader of the Central Science Industrial Corp. "Leninets"	91	91	91	1
Suchak, Vladimir, St. Petersburg, Budapeshtskaya St., 106-2-140, (176-3948) [Shipbuilding Industry]. He took part in hydrodynamic testing of submarines and other deep-sea apparatus. He defended the dissertation "Acoustic Characteristics of Torpedos." This research is out of date which is proved by pamphlets from the firm "Miluzi," German patents and other open materials	89	90	91	4
Sorkin, Roman, Penza, Mira St., 39-15, (630-815) [Communication Means Industry]. Worked as controller of radio-equipment in the plant "Elektropribor." He took part in producing communication apparatus for the Navy. He left his job in 1983	83	88	90	2
Svyatkovsky, Leonid, Ryazan, Tatarskaya St., 7-3-83, (766-953) [Defense]. Dealt with Defense Industry equipment and was credited at the Paris exhibition "Le Burge"	89	90	91	2
Vaysberg, Vitaly, Moscow, Stravopolskaya St., 12-21, (350-4018) [Defense Industry]. Designer of electronic schemes for systems of reconnaissance which were old during their designing in 1977-1979	80	90	90	1
Vykhodets, Avram, Moscow, Lodochnaya St., 31-1-46, (492-1897) [Aviation Industry]. Vice-chairman of the Labor and Salary Department of the Tushino Plant of Machinebuilding. He knew the salaries of pilots who tested the planes SU, Yak and TU-MCG	89	90	90	2
Yudkovich, Leonid, N. Novgorod, Sverdlava St., 32-133, (332-994) [Communication Industry]. He was a programmer in the Institute of Radio Communication	88	90	91	1
Zaslavsky, Grigory, Murmansk, Shmidt St., 45-30, (752-87) [Defense]. Worked in the army for 21 years but never had contact with secret information	90	90	91	4

**FOUR YEARS AGO: SADDAM GASSED THE KURDS**

• Mr. DECONCINI. Mr. President, long before Saddam Hussein's atrocities gained widespread notoriety, his brutal regime had waged a campaign to annihilate Kurds living in northern Iraq. Villages were razed, thousands were killed, and tens of thousands forced to flee their homes. Today marks the fourth anniversary of an episode in that brutal and ongoing campaign which horrified the world and foreshadowed Saddam's barbarous tactics

of terror which we now know all too well. Four years ago the Iraqi dictator used chemical weapons on the residents of Kurdish villages, killing thousands of men, women, and children.

Mr. President, the vivid pictures of this massacre still haunt all who have seen the victims lying in the streets and homes of their villages. Whole families lay together frozen in death, and despite irrefutable evidence, the Iraqi regime to this day refuses to acknowledge its heinous actions. Even now Saddam's regime continues its attempts to destroy the Kurds with a strangling economic blockade and constant military pressure.

Saddam Hussein's willingness to use chemical weapons to slaughter his own citizens leaves little doubt about the depths of cruelty he will descend to in order to maintain his evil rule. The Kurds in northern Iraq have scheduled elections next month and the United States should support this effort to bring a measure of democracy to a country where freedoms have been abused for so long.

Four years ago much of the world remained silent, and indeed continued to support Saddam, in the aftermath of the gas massacres. Mr. President, we now realize that the Kurds are our natural allies against Saddam Hussein and they deserve our political and moral support, as well as continued humanitarian assistance. This grim anniversary should serve as a marker of this Nation's resolve to keep alive the hope of Kurds in Iraq struggling for freedom and democracy. Never again should they, or anyone else, have to suffer from the brutal hand of Saddam Hussein.

**COMDR. JOSEPH R. HEMS**

• Mr. LAUTENBERG. Mr. President, I rise today to pay honor to a most distinguished resident of my home State of New Jersey, Joseph R. Hems, the National Commander of the Military Order of the Purple Heart. We in New Jersey are very proud of Comdr. Joseph Hems. He has spent many years working his way up through the ranks of veterans' organizations. Through his diligence and dedication he has helped move the concerns and issues of veterans to the forefront.

Born in Bayonne, NJ, in 1932, he joined the Army in 1949 and went to basic training at Fort Dix. He moved on to leadership school in Virginia and was assigned to a post engineering company.

When the Korean war broke out, Commander Hems was airlifted to Korea where he served as a member of E Company, 8th Cavalry Regiment. At the Walled City engagement on September 14, 1950, on Hill 570, a mortar round exploded causing Commander Hems to suffer a severe head wound. He was evacuated to Boston and he was

not expected to live. He was discharged from the hospital after 18 months of grueling recovery.

Joseph Hems has spent nearly his whole life making personal sacrifices for his fellow servicemen and veterans. Most recently, Joe has been the driving force advocating the creation of the Korean War Veterans Memorial in Washington, DC. As chairman of the national committee to raise funds for the memorial, he has helped raise thousands of dollars which will help to ensure that the memories of sacrifices of the many Americans involved in the Korean war are not forgotten.

It is with great pride, Mr. President, that I salute Joseph R. Hems, a native New Jerseyite, not only on his personal courage and accomplishments but on his dedication to his fellow servicemen and veterans.

**VICTORY OF UNIVERSITY OF ARIZONA COLLEGE OF LAW**

• Mr. DECONCINI. Mr. President, I rise today to congratulate the University of Arizona Law School on their victory in the International Moot Court Regional.

Members of the moot court team from the College of Law at the University of Arizona in Tucson, participating in the event for the first time ever, defeated the teams from 13 other law schools to win the southwest regional competition in the Jussup International Moot Court competition. This prestigious competition, held annually since 1959, attracted 200 teams from law schools around the world. Those teams participated in various regional events, and the winners will go to the finals. Eleven teams from the United States and 22 nations will be competing. Participants were required to argue both sides of the legal issues surrounding the gulf war, and they were judged on how well they performed the arguments.

The University of Arizona team consisted of law students: Joy Athena, Dar Crammond, Marcy Janes, and Paul Moors. The team's coach is law Prof. Lakshaman Guruswamy, assisted by Prof. Thomas Mauet.

The University of Arizona College of Law, other than being nationally recognized for graduating top scholars in the legal field, is also this Senator's alma mater.

Mr. President, I am proud of the accomplishments of the College of Law at the University of Arizona. Their commitment to excellence is well known. It is this commitment that has given many legal professionals the building blocks to construct strong and successful careers.

**THE 1992 GOVERNOR'S CONFERENCE ON WOMEN**

• Mr. BREAU. Mr. President, this week, women from all over Louisiana

will gather in Baton Rouge to take part in an outstanding program to discuss and debate the important issues of our time.

The 1992 Governor's Conference on Women on March 19 and 20—sponsored by the Louisiana legislative women's caucus and Gov. Edwin Edwards—will feature many of the best, brightest, and most dynamic women in Louisiana. During the program they will do what they do on a daily basis with strength and leadership: confront crucial issues including the environment, education, health care, day care, insurance, and housing.

The conference participants are extraordinary people, and I would like to take this opportunity to recognize and thank them for their leadership and the long-overdue and creative approach they bring to public service.

As the junior Senator from Louisiana, I am proud that the constituents of my State have recognized the exceptional qualities of three women leaders in particular. The voters of Louisiana have placed their trust in these women by voting them into three of the State's highest elected offices—Louisiana Lt. Gov. Melinda Schwegmann, State treasurer Mary Landrieu, and Public Service Commissioner Kathleen

Blanco. They are among the most progressive State officials in the United States, elected to office and recognized as talented and energetic public servants throughout America.

Melinda Schwegmann, Mary Landrieu, and Kathleen Blanco have entered the political world with the same strength of character as another incredible Louisiana woman who has changed the face of politics forever, Lindy Boggs. We all know that Lindy Boggs has provided unparalleled leadership and public service to Louisiana and the Nation, and I am confident that Melinda Schwegmann, Mary Landrieu, and Kathleen Blanco will continue her legacy.

However, they are not the only Louisiana women who have distinguished themselves in their service to the public. They are joined by other remarkable women who serve Louisiana: Employment and training secretary Gayle Truly, social services secretary Gloria Byrant-Banks, State Senator Diana Bajoie, and State Representatives Shirley Bowler, Irma Muse Dixon, Sydnie May Durand, Melissa Flournoy, Suzanne Krieger, Renee Pratt, Naomi White Warren, Sharon Weston, and Pinkie Wilkerson.

Without a doubt, these public servants represent the most influential and effective group of women who have ever held public office. They will continue to be recognized for their lasting commitment to Louisiana and their role in the emergence of women in public office.

I will join these State leaders this week in Baton Rouge and look forward to an insightful and challenging discussion. By participating in the conference, I hope to come away with increased understanding of the needs and concerns of our State and Nation as these knowledgeable and experienced women see them.

The Governor's Conference on Women offers a necessary forum which encourages women leaders to discuss their concerns and ideas regarding critical issues. As a fellow public servant, I realize the importance of this kind of interaction and hope to gain a broader understanding of the issues by participating and listening.

If we hope to find real solutions to today's problems, it is extremely important to engage in open dialog while exploring the issues, just the kind of opportunity that the Governor's Conference on Women offers.●

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1991

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Charles Penny:									
United States	Dollar				1,828.00				1,828.00
Switzerland	Franc	1,849.80	1,326.00					1,849.80	1,326.00
Charles H. Riemenschneider:									
United States	Dollar				2,924.00				2,924.00
Switzerland	Franc	1,564.70	1,105.00					1,564.70	1,105.00
Portugal	Escudo	31,725	225.00					31,725	225.00
John J. Ziolkowski:									
United States	Dollar				2,934.00				2,934.00
Switzerland	Franc	1,564.70	1,105.02					1,564.70	1,105.02
Portugal	Escudo	47,145	334.36					47,145	334.36
Lynnett M. Wagner:									
United States	Dollar				1,828.00				1,828.00
Switzerland	Franc	1,849.80	1,326.00					1,849.80	1,326.00
<b>Total</b>			5,421.38		9,514.00				14,935.38

PATRICK LEAHY,  
Chairman, Committee on Agriculture, Nutrition and Forestry, Jan. 30, 1992.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1991

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John W. Warner:									
France	Franc	761.76	138.00					761.76	138.00
Belgium	Franc	7,473	227.00					7,473	227.00
United Kingdom	Pound	100.72	180.00					100.72	180.00
Judith A. Ansley:									
France	Franc	1,396.56	253.00					1,396.56	253.00
Belgium	Franc	20,542	624.00					20,542	624.00
United Kingdom	Pound	313.37	560.00					313.37	560.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1991—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Sam Nunn:									
Federal Republic of Germany	Deutsche Mark	1,977.32	1,218.75					1,977.32	1,218.75
Spain	Peseta	94,245	915.00					94,245	915.00
France	Franc	6,906.90	1,265.00					6,906.90	1,265.00
Arnold L. Punaro:									
Federal Republic of Germany	Deutsche Mark	1,977.32	1,218.75					1,977.32	1,218.75
Spain	Peseta	94,245	915.00					94,245	915.00
France	Franc	6,906.90	1,265.00					6,906.90	1,265.00
<b>Total</b>			<b>8,779.50</b>						<b>8,779.50</b>

SAM NUNN,  
Chairman, Committee on Armed Services, Jan. 31, 1992.

AMENDED CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1991

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Sam Nunn:									
Russia	Dollar		921.08		1,397.39				2,318.47
Robert G. Bell:									
Russia	Dollar		921.09		3,975.10				4,896.19
<b>Total</b>			<b>1,842.17</b>		<b>5,372.49</b>				<b>7,214.66</b>

SAM NUNN,  
Chairman, Committee on Armed Services, Dec. 13, 1991.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1991

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Lamar Smith:									
Thailand	Baht	37,340	1,470.00			1,803	70.63	39,143	1,540.63
United States	Dollar				2,786.00				2,786.00
Carolyn Jordan:									
Thailand	Baht	37,340	1,470.00			1,803	70.63	39,143	1,540.63
United States	Dollar				2,786.00				2,703.00
Saul Singer:									
Thailand	Baht	37,340	1,470.00			1,803	70.63	39,143	1,540.63
United States	Dollar				2,703.00				2,703.00
John Walsh:									
Thailand	Baht	37,340	1,470.00			1,803	70.63	39,143	1,540.63
United States	Dollar				2,703.00				2,703.00
Jennifer Hillman:									
Thailand	Baht	37,340	1,470.00			1,803	70.63	39,143	1,540.63
United States	Dollar				2,703.00				2,703.00
Leslie Woolley:									
Thailand	Baht	37,340	1,470.00			1,803	70.63	39,143	1,540.63
United States	Dollar				2,703.00				2,703.00
Martin Gruenberg:									
Switzerland	Franc	926.88	663.00					926.88	663.00
United States	Dollar				708.00				708.00
Patrick Mulloy:									
Switzerland	Franc	617.90	442.00					617.90	442.00
United States	Dollar				708.00				708.00
<b>Total</b>			<b>9,925.00</b>		<b>17,800.00</b>		<b>423.78</b>		<b>28,148.78</b>

DONALD W. RIEGLE JR.,  
Chairman, Committee on Banking Housing and Urban Affairs, Jan. 29, 1992.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1991

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Gary Ellsworth:									
Austria	Dollar		971.56		795.02		11.38		1,777.96
Senator Daniel Akaka:									
Micronesia, Marshall Islands	Dollar				1,573.00				1,573.00
Patrick McGarey:									
Micronesia, Marshall Islands	Dollar				1,573.00				1,573.00
Allen P. Stayman:									
Micronesia, Marshall Islands	Dollar				3,180.34				3,180.34
James O'Toole:									
Micronesia, Marshall Islands	Dollar				3,143.18				3,143.18

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1991—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
James P. Boirne:									
Micronesia, Marshall Islands	Dollar				3,143.18				3,143.18
Benjamin Cooper:									
Japan, Micronesia, Marshall Islands	Dollar				3,565.93				3,565.93
G. Robert Wallace:									
China, Micronesia, Marshall Islands	Dollar				2,460.84				2,460.84
Richard Grundy:									
Japan, China	Dollar		1,569.23		2,389.61		123.92		4,182.76
Total			2,640.79		21,824.10		135.30		24,600.19

J. BENNETT JOHNSTON,  
Chairman, Committee on Energy and Natural Resources, Feb. 3, 1992.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1991

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Steve Symms:									
England	Pound	464.40	840.00					464.40	840.00
Belgium	Franc	8,653	266.00					8,653	266.00
Switzerland	Franc	309.75	221.00					309.75	221.00
France	Franc	2,322	430.00					2,322	430.00
United States	Dollar				653.90				653.90
J.D. Foster:									
England	Pound	464.40	840.00					464.40	840.00
Belgium	Franc	8,653	266.00					8,653	266.00
Switzerland	Franc	309.75	221.00					309.75	221.00
France	Franc	2,322	430.00					2,322	430.00
United States	Dollar				653.90				653.90
Claudia McMurray:									
Canada	Dollar	257.87	227.00					257.87	227.00
United States	Dollar				277.63				277.63
Total			3,741.00		1,585.43				5,326.43

QUENTIN BURDICK,  
Chairman, Committee on Environment and Public Works, Jan. 28, 1992.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1991

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Max Baucus:									
Switzerland	Franc		684.00						684.00
United States	Dollar	958.64			2,828.00			958.64	2,828.00
Deborah Lamb:									
Switzerland	Franc	969.50	652.00					969.50	652.00
United States	Dollar				708.00				708.00
Marcia Miller:									
Switzerland	Franc	1,198.30	855.00					1,198.30	855.00
United States	Dollar				708.00				708.00
Robert Kyle:									
Switzerland	Franc	1,198.30	855.00					1,198.30	855.00
United States	Dollar				1,497.00				1,497.00
Rolf Lundberg:									
Switzerland	Franc	958.64	684.00					958.64	684.00
United States	Dollar				727.00				727.00
Greg Mastel:									
Switzerland	Franc	958.64	684.00					958.64	684.00
United States	Dollar				727.00				727.00
Total			4,414.00		7,195.00				11,609.00

LLOYD BENTSEN,  
Chairman, Committee on Finance, Jan. 29, 1992.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE, FOR TRAVEL AUG. 11-24, 1991

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Lloyd Bentsen:									
Mexico	Peso	220,000	72.46					220,000	72.46
Brazil	Cruzado	210,637.44	522.00					210,637.44	522.00
Argentina	Austral	6,690,113	678.00					6,690,113	678.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE, FOR TRAVEL AUG. 11-24, 1991—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Chile	Peso	102,297.50	290.00					102,297.50	290.00
Venezuela	Bolivar	21,170.10	357.00					21,170.10	357.00
Senator David Durenberger:									
Mexico	Peso	166,600	54.87					166,600	54.87
Ecuador	Sucre	129	.12					129	.12
Brazil	Cruzado	210,637.44	522.00					210,637.44	522.00
Argentina	Austral	6,690,113	678.00					6,690,113	678.00
Chile	Peso	137,572.50	390.00					137,572.50	390.00
Venezuela	Bolivar	13,461.10	227.00					13,461.10	227.00
Senator Max Baucus:									
Mexico	Peso	66,900	22.03					66,900	22.03
Ecuador	Sucre	83,334	75.00					83,334	75.00
Brazil	Cruzado	210,637.44	522.00					210,637.44	522.00
Argentina	Austral	6,690,113	678.00					6,690,113	678.00
Chile	Peso	137,572.50	390.00					137,572.50	390.00
Venezuela	Bolivar	30,065.10	507.00					30,065.10	507.00
Vanda McMurtry:									
Ecuador	Sucre	150,001	135.00					150,001	135.00
Brazil	Cruzado	210,637.44	522.00					210,637.44	522.00
Argentina	Austral	6,690,113	678.00					6,690,113	678.00
Chile	Peso	137,572.50	390.00					137,572.50	390.00
Venezuela	Bolivar	30,065.10	507.00					30,065.10	507.00
Robert Kyle:									
Mexico	Peso	1,086,900	358.00					1,086,900	358.00
Ecuador	Sucre	150,001	135.00					150,001	135.00
Brazil	Cruzado	210,637.44	522.00					210,637.44	522.00
Argentina	Austral	6,690,113	678.00					6,690,113	678.00
Chile	Peso	137,572.50	390.00					137,572.50	390.00
Venezuela	Bolivar	30,065.10	507.00					30,065.10	507.00
Delegation Expenses: <sup>1</sup>									
Mexico						1,473.39		1,473.39	
Ecuador						565.20		565.20	
Brazil						3,575.93		3,575.93	
Argentina						4,069.14		4,069.14	
Chile						3,260.41		3,260.41	
Caracas						1,267.75		1,267.75	
Total			10,807.48			14,211.82		25,019.30	

<sup>1</sup> Delegation expenses include direct payments and reimbursements to the State Department and to the Defense Department under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of Public Law 95-384, and S. Res. 175, agreed to May 25, 1977. The following individual traveled with the Delegation under authorization as noted: Ms. Dee Bartley—Majority Leader. Report of her expenditures appears in the report of the authorizing source.

LLOYD BENTSEN,  
Chairman, Committee on Finance, Dec. 19, 1991.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS, FOR TRAVEL FROM OCT. 1, TO DEC. 31, 1991

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Daniel P. Moynihan									
United Kingdom	Pound	823.52	1,400.00					823.52	1,400.00
Senator Frank H. Murkowski									
Taiwan	Dollar	27,610	1,073.50	874.48	34.00	17,335.30	674.00	45,819.78	1,781.50
Japan	Yen	144,170	1,109.00	5,330	41.00	116,818.2	1,360.14	161,181.2	2,510.14
Korea	Won	547,400	726.00	16,588	22.00	815,300	1,081.30	13,792,880	1,829.30
United States	Dollar				3,452.00				3,452.00
Senator Larry Pressler:									
Italy	Lire	1,271,172	1,036.00					1,271,172	1,036.00
United States	Dollar				4,918.80				4,918.80
Cuba			600.00						600.00
Dominican Republic	Peso	3,988	316.00					3,988	316.00
Suriname	Dollar		174.00						174.00
David Hafemeister									
Soviet Union	Dollar		122.00						122.00
United States	Dollar				1,943.70				1,943.70
Jennifer Brick:									
Taiwan	Dollar	27,610	1,073.50	1,388.88	54.00	11,291.08	439.00	40,298.96	1,566.50
Japan	Yen	144,170	1,109.00	14,170	109.00	114,995.10	1,192.27	273,335.10	2,410.27
Korea	Won	547,400	726.00	45,994	61.00	649,948	862.00	1,243,342	1,649.00
United States	Dollar				3,452.00				3,452.00
Peter W. Galbraith:									
Yugoslavia	Dollar		1,795.00		84.00				1,879.00
Austria	Shilling	2,437.47	219.00					2,437.47	219.00
Albania	Dollar		784.00						784.00
Steven Phillips:									
Switzerland	Franc	2,979.95	2,104.45					2,979.95	2,104.45
United States	Dollar				681.90				681.90
Dan Nelson:									
Cuba	Dollar		600.00						600.00
Dominican Republic	Peso	3,988	316.00					3,988	316.00
Suriname	Dollar		174.00						174.00
John B. Ritch:									
Spain	Peseta	109,140	1,021.00					109,140	1,021.00
Bruce Rickerson:									
Dominican Republic	Peso	7,017	389.00		298.00			7,017	687.00
Suriname	Dollar		174.00						174.00
James P. Rubin:									
Austria	Shilling	2,437.47	219.00					2,437.47	219.00
Yugoslavia	Dollar		1,795.00						1,795.00
Albania	Dollar		784.00						784.00
United States	Dollar				3,659.70				3,659.70
Richard J. Kessler:									
Singapore	Dollar	736.56	340.00					736.56	340.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS, FOR TRAVEL FROM OCT. 1, TO DEC. 31, 1991—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Indonesia	Rupiah	708,840	358.00					708,840	358.00
Malaysia	Ringgit	1,356.56	496.00					1,356.56	496.00
United States	Dollar				1,868.00				1,868.00
<b>Total</b>			21,033.45		20,680.10		5,608.71		47,322.26

CLAIBORNE PELL,  
Chairman, Committee on Foreign Relations, Jan. 31, 1992.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS, FOR TRAVEL FROM JULY 1, TO SEPT. 30, 1991

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
<b>Senator John F. Kerry:</b>									
Thailand	Dollar		528.00						528.00
Vietnam	Dollar		768.00						768.00
Cambodia	Dollar		188.00						188.00
Austria	Shilling	1,981.59	161.00					1,981.59	161.00
United States	Dollar				7,227.00				7,227.00
<b>Senator Mitch McConnell:</b>									
Hong Kong	Dollar	4,041.32	522.00					4,041.32	522.00
Thailand	Baht	3,033	116.00					3,033	116.00
United States	Dollar				5,151.00				5,151.00
<b>Senator Larry Pressler:</b>									
Italy	Lire	1,962,114	1,507.00			390,000	308.79	2,352,114	1,815.79
Finland	Finnmark	681.00	160.00					681.00	160.00
Sweden	Krona	9,718	1,515.00			448	70.05	10,166	1,585.05
Soviet Union	Dollar		2,009.00						2,009.00
United States	Dollar				3,956.33				3,956.33
<b>Jennifer Brick:</b>									
Thailand	Baht	13,522	528.00	1,800	72.00	13,594.81	543.80	15,394.81	1,143.80
Vietnam	Dollar		1,152.00		524.90		333.00		2,009.90
United States	Dollar				2,950.33				2,950.33
<b>Peter W. Galbraith:</b>									
Turkey	Lira	2,092,277	455.00					2,092,277	455.00
United States	Dollar				4,387.00				4,387.00
<b>Frances Zwenig:</b>									
Thailand	Dollar		528.00						528.00
Vietnam	Dollar		768.00		160.00				928.00
Cambodia	Dollar		188.00		250.00				438.00
United States	Dollar				3,263.00				3,263.00
<b>Steven M. Polansky:</b>									
Switzerland	Franc	2,905	1,322.80					2,905	1,322.80
United States	Dollar				708.00				708.00
<b>Brian J. Riendeau:</b>									
Hong Kong	Dollar	4,041.32	522.00					4,041.32	522.00
Thailand	Baht	3,033.00	116.00					3,033.00	116.00
United States	Dollar				5,336.00				5,336.00
<b>Anne Smith:</b>									
Italy	Lire	382,665	291.00					382,665	291.00
Finland	Finnmark	681.10	160.00					681.10	160.00
Sweden	Krona	9,718	1,515.00				70.05	9,718	1,585.05
Soviet Union	Dollar		2,009.00						2,009.00
United States	Dollar				2,125.97				2,125.97
<b>Nancy H. Stetson:</b>									
Thailand	Dollar		528.00						528.00
Vietnam	Dollar		768.00		160.00				928.00
Cambodia	Dollar		188.00		250.00				438.00
United States	Dollar				4,412.00				4,412.00
<b>Peter Cleveland:</b>									
Ivory Coast	Franc	123,968	416.00					123,968	416.00
Ethiopia	Birr	464.40	227.00					464.40	227.00
Kenya	Shilling	8,039.55	250.00					8,039.55	250.00
South Africa	Rand	1,465.23	507.00					1,465.23	507.00
Cape Verde	Dollar		150.00						150.00
<b>William L. Triplett:</b>									
Taiwan	Dollar	24,944	936.00					24,944	936.00
Hong Kong	Dollar	11,743.70	1,513.00					11,743.70	1,513.00
United States	Dollar				2,908.00				2,908.00
<b>Tracy E. Usry:</b>									
Korea	Won	294,390	408.88					294,390	408.88
<b>Richard L. McCall:</b>									
Mexico	Peso	1,634,091	537.00					1,634,091	537.00
El Salvador	Colone	5,992.50	799.00					5,992.50	799.00
United States	Dollar				851.00				851.00
<b>Frances Zwenig:</b>									
Thailand	Baht	10,587	413.39					10,587	413.39
Vietnam	Dollar		791.00		161.00				952.00
Malaysia	Dollar		125.00		78.00				203.00
Hong Kong	Dollar		225.00						225.00
United States	Dollar				3,411.06				3,411.06
<b>Senator Charles S. Robb:</b>									
Ivory Coast	Franc	123,968	416.00					123,968	416.00
Ethiopia	Birr	858.77	418.00					858.77	418.00
Kenya	Shilling	6,610.30	150.00					6,610.30	150.00
South Africa	Rand	650.25	189.00					650.25	189.00
Cape Verde	Dollar		150.00						150.00
<b>Adwoa Dunn-Mouton:</b>									
United Kingdom	Pound	156.04	253.00					156.04	253.00
Nigeria	Naira	7,371,000	426.00					7,371,000	426.00
Ivory Coast	Franc	236,360	760.00					236,360	760.00
United States	Dollar				3,913.00				3,913.00
<b>Sandra Mason:</b>									
Ivory Coast	Franc	123,968	416.00					123,968	416.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS, FOR TRAVEL FROM JULY 1, TO SEPT. 30, 1991—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Ethiopia	Birr	464.40	227.00					464.40	227.00
Kenya	Shilling	8,039.55	250.00					8,039.55	250.00
South Africa	Rand	1,465.23	507.00					1,465.23	507.00
Cape Verde	Dollar		150.00						150.00
Daniel A. Nelson:									
Italy	Lire	382,665	291.00					382,665	291.00
Finland	Finnmark	681.10	160.00					681.10	160.00
Sweden	Krona	9,718	1,515.00					9,718	1,515.00
Soviet Union	Dollar		2,009.00						2,009.00
United States	Dollar				2,125.97				2,125.97
Adwoa Dunn-Mouton:									
Ivory Coast	Franc	123,968	416.00					123,968	416.00
Ethiopia	Birr	464.40	227.00					464.40	227.00
Kenya	Shilling	8,039.55	250.00					8,039.55	250.00
South Africa	Rand	1,465.23	507.00					1,465.23	507.00
Cape Verde	Dollar		150.00						150.00
Senator Paul Simon:									
Ivory Coast	Franc	91,810	288.48					91,810	288.48
Ethiopia	Birr	885.45	433.00					885.45	433.00
Kenya	Shilling	6,610.30	150.00					6,610.30	150.00
South Africa	Rand	176.29	61.00					176.29	61.00
Cape Verde	Dollar		150.00						150.00
<b>Total</b>			6,730.55		54,381.56		1,325.69		92,437.80

CLAIBORNE PELL,  
Chairman, Committee on Foreign Relations, Nov. 12, 1991.

AMENDED CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Amendment to 3d quarter of 1990:									
Senator Paul S. Sarbanes:									
Bulgaria	Dollar		175.00						175.00
Czechoslovakia	Dollar		196.00						196.00
Germany	Deutsche Mark	327.42	214.00					327.42	214.00
Amendments to 2d quarter of 1991:									
Senator Richard G. Lugar:									
Czechoslovakia	Dollar		520.00						520.00
Latvia	Dollar		146.00						146.00
Finland	Finnmark	1,038.60	255.00					1,038.60	255.00
Poland	Zloty	3,515	370.00					3,515	370.00
Switzerland	Franc	330.65	226.00					330.65	226.00
Kenneth A. Myers:									
Hungary	Forint	19,029	250.00					19,029	250.00
Czechoslovakia	Dollar		520.00						520.00
Latvia	Dollar		146.00						146.00
Finland	Finnmark	1,038.60	255.00					1,038.60	255.00
Poland	Zloty	3,515	370.00					3,515	370.00
Switzerland	Franc	330.65	226.00					330.65	226.00
Amendments to 3d quarter of 1991:									
Senator Richard G. Lugar:									
Switzerland	Franc	1,052.95	678.00					1,052.95	678.00
Kenneth A. Myers:									
Switzerland	Franc	1,052.95	678.00					1,052.95	678.00
Senator Orrin Hatch:									
Poland	Zloty	2,565,000	270.00					2,565,000	270.00
Czechoslovakia	Dollar		390.00						390.00
Hungary	Dollar		148.00						148.00
Soviet Union	Dollar		474.00						474.00
Latvia	Dollar		114.00						114.00
<b>Total</b>			6,621.00						6,621.00

CLAIBORNE PELL,  
Chairman, Committee on Foreign Relations, Jan 31, 1992.

AMENDED CONSOLIDATED REPORT OF EXPENDITURES OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS, THIRD QUARTER OF 1989

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Charles S. Robb:									
Germany	Deutsche Mark	32,742	214.00					32,742	214.00
Tunisia	Dinar	2,449.70	310.00					2,449.70	310.00
Algiers	Dinar	12,100	75.00					12,100	75.00
<b>Total</b>			599.00						599.00

CLAIBORNE PELL,  
Chairman, Committee on Foreign Relations, Nov. 8, 1991.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY SEC. 22, P.L. 95-384—22 U.S.C. 1754(B), COMMITTEE ON GOVERNMENTAL AFFAIRS, FOR TRAVEL FROM APR. 1 TO JUNE 30, 1991

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
R. Ian Butterfield:									
The Netherlands	Guilder	2,784.50	1,448.00					2,784.50	1,448.00
United States	Dollar				963.00				963.00
Total			1,448.00		963.00				2,411.00

JOHN GLENN,  
Chairman, Committee on Governmental Affairs, Dec. 18, 1991.

AMENDED CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1991

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Cecilia Swensen:									
United States	Dollar				2,055.02				2,055.02
Estonia	Dollar		255.00						255.00
Austria	Dollar		211.00						211.00
Lithuania	Dollar		255.00						255.00
Soviet Union	Dollar		178.00						178.00
Soviet Union	Dollar		564.00						564.00
Germany	Dollar		174.00						174.00
Total			1,637.00		2,055.02				3,692.02

JOSEPH R. BIDEN, JR.,  
Chairman, Committee on the Judiciary, Nov. 5, 1991.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), SELECT COMMITTEE ON INTELLIGENCE, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1991

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Blythe Thomas			1,372.00		2,871.70				4,243.70
Arthur Grant			1,244.00		2,871.70				4,115.70
Connell Sullivan			1,284.00		2,871.70				4,155.70
Christopher Straub			1,333.91		4,865.80				6,199.71
John Moseman			1,298.11		4,865.80				6,163.91
Don Mitchell			1,364.15		4,867.50				6,231.75
Marvin Ott			1,282.00		3,466.00				4,748.00
Christopher Mellon			1,112.00		3,466.00				4,578.00
Zachariah Messitte			945.00		4,041.70				4,986.70
Timothy Carlsgaard			945.00		4,041.70				4,986.70
Terrence Ryan			945.00		4,041.70				4,986.70
Total			13,125.17		42,271.40				55,396.57

DAVID L. BOREN,  
Chairman, Select Committee on Intelligence, Jan. 12, 1992.

AMENDED CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE MAJORITY LEADER FROM JULY 1 TO SEPT. 30, 1991

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Dee Bartley:									
Mexico	Peso	1,086,900	358.00					1,086,900	358.00
Ecuador	Sucre	150,001	135.00					150,001	135.00
Brazil	Cruzado	210,637	522.00					210,637	522.00
Argentina	Austral	6,690,115	678.00					6,690,115	678.00
Chile	Peso	137,572	390.00					137,572	390.00
Venezuela	Bolivar	30,065.50	507.00					30,065.50	507.00
Total			2,590.00						2,590.00

GEORGE J. MITCHELL,  
Majority Leader, Feb. 5, 1992.

NEWLY APPOINTED POLICE CHIEF

• Mr. DECONCINI. Mr. President, I am honored to have this opportunity to rise today in recognition of Elaine S. Hedtke, a fine police officer and newly

appointed police chief for the city of Tucson. Chief Hedtke is the first woman police chief in Tucson history and is among the first woman chiefs in the country. She has displayed out-

standing leadership and dedication. It is this Senator's opinion that having the ability to dedicate one's life to the service of others is not only noble, but selfless. The men and women that be-

come police officers know that they are risking their lives daily in order to protect the lives of others.

Elaine Hedtke has been with the Tucson Police Department for the last 17 years. During this time she has been a succession of firsts. In 1982, she became the department's first female lieutenant. In 1986, she became the first female captain. Most recently, Mrs. Hedtke was named the first female assistant police chief in 1989.

I appreciate this opportunity to congratulate Chief Hedtke. She has spent near 20 years serving the city of Tucson; I have no doubt that the police department is under superb leadership. I wish the Hedtke family the very best and congratulate the city of Tucson on their decision to appoint such a dedicated and talented individual.●

ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:45 a.m., Wednesday, March 18;

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 there then be a period for morning business, not to extend beyond 10:30 a.m., with Senators permitted to speak therein for up to 5 minutes each, with Senator JEFFORDS recognized for up to 20 minutes and Senators HATFIELD and LEVIN for up to 10 minutes each; that under the authority granted to me in a previous unanimous-consent agreement and following consultation with the Republican leader, that at 10:30 a.m., Wednesday, March 18, the Senate proceed to the consideration of the veto message on H.R. 2212, MFN status for China; further that the Senate stand in recess from 12:30 p.m., to 2:30 p.m., for the respective party conference luncheons.

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

RECESS UNTIL TOMORROW AT 9:45 A.M.

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 5:58 p.m., recessed until Wednesday, March 18, 1992, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate March 17, 1992:

DEPARTMENT OF STATE

EDWARD JOSEPH PERKINS, OF OREGON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS WITH RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY, AND THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA IN THE SECURITY COUNCIL OF THE UNITED NATIONS.

DEPARTMENT OF AGRICULTURE

BETTY JO NELSEN, OF WISCONSIN, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE, VICE CATHERINE ANN BERTINI.

BETTY JO NELSEN, OF WISCONSIN, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION, VICE CATHERINE ANN BERTINI.

## EXTENSIONS OF REMARKS

## FAMILY AND CAREGIVING: AN OVERVIEW

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1992

Mr. DOWNEY. Mr. Speaker, as the chairman of the House Select Committee on Aging's Subcommittee on Human Services, I have a deep concern for the future of America's families. With the rising costs of health care, and various other health-related dilemmas affecting our society—among these Alzheimer's disease, AIDS, infant mortality, lack of adequate child care—it is time that we stopped to recognize the important role that families play in caring for their loved ones. When we talk about long-term care, we must keep the family unit foremost in our minds, because without the care and support from family members, many people in our society—the aged, the chronically ill, the disabled and the very young—would not be able to survive.

I am taking the liberty of sharing with you an excellent article written by a Mary Brugger Murphy, a renowned specialist in family caregiving who provides good solid data that I know will be of interest to my colleagues:

FAMILY AND CAREGIVING: AN OVERVIEW  
(By Mary Brugger Murphy, consultant,  
National Council on the Aging, Inc.)

Of the many demographic trends appropriate for consideration in a conference such as this, I believe that one succinct summation of trends in the United States deserves special attention. That is the simultaneous aging of the population, the aging of the workforce, and the feminization of the workforce. Taken together, these three trends mean that traditional roles and relationships must change in future years. Even if we were to decide, for example, that the "traditional" role of the woman as full-time homemaker, mother, and caregiver to elders is absolutely appropriate and necessary, we would still need to find a way to support her in those roles—because she is also, by necessity, employed full-time outside the home. As a society, and as participants in this conference, we have the opportunity to look beyond traditional roles at what actually needs to be done, who can do it, and what help and support are required. We can try out new configurations of roles and responsibilities.

To begin with, who has the responsibility for child care? If the mother is employed (as the majority of mothers of small children now are), who will take care of the children? Why not mature, experienced, reliable individuals with time on their hands, a need for added income, and a need for human interaction and affirmation? Why not, then older workers?

There are many reasons to consider employing older workers in child care. One major reason is that they can make a contribution to the labor force by performing much-needed child care services. A second is that they can provide a very positive influ-

ence in the lives and development of the children. That wish to attract older worker will have to promote the special benefits they can offer—for example, the satisfaction that comes from making a contribution to the well-being of a new generation; and the feeling of usefulness and enhanced self-esteem and self-respect that comes with working in a nurturing role.

The benefits to the older person of working or re-entering the labor force in later years have been documented. According to data from a number of child care programs in Pennsylvania, in which older persons were aides or volunteers working with younger staff, two-thirds of the 108 older adults who completed their first year reported improvement in their feelings of being valued, 64 percent reported greater happiness, and 55 percent reported improvement in their general satisfaction with life (University of Pittsburgh, n.d.).

Another study—of 35 older workers in five child care centers in Memphis, San Francisco, and Pittsburgh—revealed that the intergenerational experience had a positive impact on their lives. The older workers reported an increase in feelings of being needed (76 percent), self-worth (75 percent), satisfaction with life (69 percent), gain of new knowledge (69 percent), and happiness (64 percent) (Newman and Riess, in press).

There are also special benefits to the programs that hire older workers. A study conducted by the American Association of Retired Persons (AARP) Worker Equity Program (1986) documented that older workers characteristically exhibit good attendance and punctuality, commitment to quality, loyalty, dedication, practical knowledge, solid experience, a good performance record, reliability, compatibility, and emotional stability on the job. Older workers also bring to any job a lifetime of experience and special skills which can be tapped.

It has also been claimed that older workers are especially suited to child care because of their willingness to take time with a child, to focus concentrated attention on that child, to listen carefully, and to proceed in all things with great patience. This may or may not be true. I have, in fact, observed some older workers who exhibit such traits in child care settings. It is necessary, however, to treat all such generalizations with caution—especially those that might be personality-related rather than age-based. While older workers can be positive and desirable members of the workforce in the child care arena, some very practical steps should be taken before hiring new entrants to the workforce in any field. These include creative recruiting, careful screening, and thorough, sensitive training.

Once the older worker is on staff, how can she (or he, as is sometimes the case) be used most effectively? What unique attributes does an older person offer to the program? How do these individuals serve as a positive force in the lives of the children?

First, it is important to recognize that these new hires are individuals with their own extensive life experiences. All of them have had an opportunity to learn, to do, and to experience something special in their

lives. It is important to take the time to get to know these recruits as individuals, and to find out what special skills or talents they have, and then to make room for those skills and talents to be used in the program.

What else do older workers have to offer the children? They offer children an opportunity to feel positive about aging. By getting to know these older persons as individuals—as productive and contributing individuals—the children gain experience with positive role models to counter the widespread negative images of aging and to prepare for their own aging.

Today, one in nine Americans is 65 or older, by the year 2020 the aging population will have more than doubled, and the population over age 85 will have tripled. There will be no room for negative stereotypes and biases.

The presence of older persons in child care programs offers children a sense of the continuity of life. In times of rapid and dramatic changes we all need something constant to hang on to. When children are exposed to people of all ages, and at various stages in the life cycle, there can be a sense of continuity and linkage among the generations.

Older persons can provide nurturing to the children, and one-on-one attention that helps a child know how special and valued he or she is. Though parents in two-career families—some 60 percent of all American families today—may try to spend "quality time" with their children after work, there is so much to be done in the short period of time they do spend at home with their children that "special time" in the day care setting can be very valuable to the child.

Older persons can provide non-judgmental support. In the words of the authors of Generations Together's Share It With The Children: "No longer directly responsible for outcomes of a child's development, elders can give up their need to control behaviors. Since their self-esteem is less closely tied to child performance, they tolerate the minor mistakes children make" (Mack and Wilson, 1989, 3). Separation from parental expectations can be very helpful to the child.

Sometimes the older person can serve as a substitute grandparent. Especially in an area like metropolitan Washington, D.C., most children live far away from their biological grandparents and see them infrequently. Forming special rapport with an older person on a regular basis can offer some of the special aspects of the grandchild/grandparent bond. The older person can also develop a positive relationship with the young child through fulfilling very similar needs—that is, establishing (or reestablishing) one's identity, identifying one's place in the world, and deriving self-esteem from both of these.

Do such bonds just naturally form over time? Sometimes they do, but they can also be fostered through child care programs and through using some of the excellent curriculum guides now available.

I would like now to describe very briefly one special program that I was fortunate enough to be part of—a preschool classroom staffed entirely by older persons. In updating myself on the progress of the classroom dur-

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

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

ing the last two years, I learned that this program, called Side by Side, received a higher score than a number of centers that evaluated themselves using a self-assessment instrument developed by the National Association for the Education of Young Children (Jantz *et al.*, 1976). This was the case even though Side by Side had faced a significant number of unanticipated, unpredictable, and unavoidable problems. Despite these problems, the program was still able to thrive. Its older workers stayed on, and they, too, thrived.

Information is available on a number of intergenerational child care programs. Persons interested in starting their own programs are strongly encouraged to seek out those who have already done so and benefit from their experiences. Some of the variations include child care for infants, child care for infants with AIDS (Acquired Immune Deficiency Syndrome) (obviously very demanding and requiring very "special" older persons to work in such settings), child care centers located in nursing homes and retirement communities, and even child care combined with adult day care.

Many established programs other than child care also use or replicate the grandparent and grandchild relationship. The most well-known of these is the Foster Grandparent Program, begun in 1965 and originally designed for "exceptional" children or those with special needs in an institution. Over the years, the program has expanded. Variants even include working with convicted felons. Again, there are many programs that have been established and from which much can be learned.

Of the other types of programs in existence today, I would like briefly to mention the demonstration program known as Family Friends (Wolfe, this volume). Begun in 1986 and funded by the Robert Wood Johnson Foundation, Family Friends is a demonstration program in eight metropolitan communities administered by the National Council on the Aging. It began by taking on an incredibly difficult challenge, and has resulted in incredible benefits.

Through the Family Friends program, older volunteers assist chronically ill and disabled children and their families. The volunteer visits the child in the family home, becomes a surrogate grandparent to the child, and often a surrogate parent to the child's parent(s). Older persons are an excellent source of potential volunteers for this program because of their wealth of experience. Many of them have had personal experiences with physical limitations, grief, and social stigmatization. They themselves also may be searching for surrogate families because their own family members may be physically dispersed.

The children served in the Family Friends program have very severe handicaps—conditions that are not primarily psychiatric, but which limit the child and are very stressful for the family. Many of the children may also face the added handicap of impoverished and unstable home environments. Volunteers often work with the entire family, as well as with the mothers, who need direction and support to learn good parenting skills (if their children are to progress at all).

The National Council on the Aging was funded initially to provide technical assistance to the eight sites. It continues to be involved and is an excellent source of further information.

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### HONORING BRUCE C. VAN DUYN FOR 31 YEARS OF SERVICE WITH RUTGERS COOPERATIVE EXTENSION SERVICE

#### HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1992

Mr. ROE. Mr. Speaker, it is with the greatest pride that I rise today to pay special tribute to an extraordinary man from my Eighth Congressional District in New Jersey. A man who has given his time, his talent, and his heart to improving his community and making a positive difference in the lives of those around him. Mr. Bruce C. Van Duyn has served for 31 years with the Rutgers University Cooperative Extension Service.

On March 25, he will be the guest of honor at a special dinner recognizing his long service and retirement on April 1, 1992. This festive event will be held at the Paris Inn in Wayne, NJ. The evening is being hosted by the Passaic County Board of Agriculture: Carl Quazza, president; David Flitcroft, vice president; James Demon, secretary; and Leonard Dujets, treasurer. Bruce has been the Passaic County agricultural agent since 1964.

Mr. Van Duyn received both his bachelor of science—1957—and master of science—1964—degrees from Rutgers University where he is now a tenured full professor and has been the head of the Cooperative Extension Program at the university's Cook College since 1977. This program is a vital component of the State of New Jersey's agricultural community and Bruce's capable and dedicated leadership has been a guiding light to that community.

Bruce has also captured the attention of northern New Jersey residents through his award winning news columns and television program. He hosted 305 half-hour television programs from 1975 to 1991 for United Artists Cablevision in Clifton. The show, entitled "Enjoying Your Yard and Garden," reached over 175,000 homes in 53 towns. Bruce won two national awards for his efforts in media, the 1980 National Association of County Agricultural Agents bestowed upon him their national award in the television show category of public information awards; this was followed in 1983

by the NACAA's national award for a feature news story in that same category. He consistently received honors year in and year out for his efforts at both the State and regional level. He continues to tape a weekly radio show for WKER in Pompton Lakes which he has done since 1964.

Mr. Speaker, in addition to his formal lectures through Cook College, Bruce has devoted a great deal of his time to a multitude of local civic groups and organizations. He has been very active in both the NACAA, the Agricultural Agents Association of New Jersey, serving as president of the State organization in 1978, and many other local affiliations.

From his start in the nursery and landscaping business, Bruce has dedicated his life to the creation and nurturing of human understanding of the living environment which surrounds us. Coming from one of the most urban areas of the country, it is easy to assume that agriculture and gardening are foreign to the residents which he has served for so many years. This is precisely why the work that Bruce has done is so vitally important. The patches of green and open spaces maintained in northern New Jersey and indeed throughout the Garden State are cherished bastions of nature and Bruce has given a deal of himself in helping others to know and enjoy them.

I am very pleased to have this opportunity to join with Bruce's wife Annmarie, his daughter Lynn and son Gary, and his parents Charles and Pauline and brother Craig in celebrating his many accomplishments and distinguished career.

Mr. Speaker, it is persons such as Mr. Bruce C. Van Duyn that have kept what is best about America alive and vital. It is an honor and a privilege to represent a man his character and dedication. I am sure you and all my colleagues here in the House join with me in extending our admiration and wishes for continued success.

### FORDHAM UNIVERSITY BASKETBALL TEAM GAINS SPOT IN NCAA TOURNAMENT

#### HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1992

Mr. ENGEL. Mr. Speaker, this Tuesday evening was a time of great celebration on the campus of Fordham University in my district in the Bronx. For the first time in 21 years, the Rams basketball team gained a spot in the NCAA tournament when they defeated Bucknell University to capture the Patriot League tournament crown.

The story of the Fordham University basketball team is a lesson in persistence and second effort. Last year, even though they won 25 games during the season, the Rams were told they were not NCAA tournament material. Although coach Nick Macarchuk and his squad were heartbroken, they refused to complain about this oversight. They set their sights on the next season and strove for a record of success that could not be denied. And in the

end, they proved that they are indeed worthy to play in the big tournament.

No matter how far the Rams advance in the tournament, they will treasure their accomplishments forever. Their victory is the essence of amateur sports—playing for pride, not money, and putting individual desires aside in order to improve the team. It is an inspiring example for their fellow students and, in fact, for any person who is told they are not good enough to belong at the top.

TRIBUTE TO ALAN AUGENBRAUN:  
DEDICATED CIVIL SERVANT

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1992

Mr. SOLARZ. Mr. Speaker, I rise today to pay tribute to Mr. Alan Augenbraun, branch manager of the Bay Ridge Social Security office located in my congressional district. Throughout his 18 years of public service, Mr. Augenbraun has served as an exemplary government manager for the Social Security Administration and has selflessly offered his skillful service to the Brooklyn community.

A born leader, Mr. Augenbraun began his public service career in 1974 as a social insurance representative with the Avenue X District Office. During his 5 years there, Mr. Augenbraun assisted many of my constituents with the development and adjudication of important benefit claims and postentitlement requests.

Mr. Augenbraun continued his outstanding work as operations supervisor for the Bay Ridge office in 1979. In that capacity, he had oversight responsibility for every aspect of the supplemental security income [SSI] program. With his timely, courteously processed claims and his responsive evaluations of overpayments, Mr. Augenbraun has not treated Brooklynites as mere numbers or statistics. Instead, he has shown great concern and patience for the individuals in the community he serves.

If the quality of a manager is at all measured by the performance of his staff, Mr. Augenbraun should be recognized as one of the best government managers the Social Security Administration has ever seen. Since he was promoted to branch manager in 1990, Mr. Augenbraun's leadership has brought the Bay Ridge office and its staff of 29 to a level of performance that has been recognized by the Social Security Administration as among the highest in Brooklyn.

For his ongoing accomplishments and the high level of service he provides to the Boro Park and Bay Ridge communities, it gives me great pleasure to pay tribute to Mr. Alan Augenbraun, a dedicated and invaluable civil servant. I am proud to recognize him before my colleagues and fellow citizens.

IN HONOR OF WILLIAM F.  
GALLOGLY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1992

Ms. DeLAURO. Mr. Speaker, this week Americans all across the country will join Irish-Americans in celebrating St. Patrick's Day. As New Haven celebrates the 150th anniversary of its first St. Patrick's Day Parade, I would like to take this occasion to pay tribute to the memory of the late William F. Gallogly, Sr., who made this wonderful tradition possible through his untiring dedication, faith, and hard work.

In 1956, Mr. Gallogly, then president of the Connecticut chapter of the Ancient Order of Hibernians, played a vital role in reviving the grand tradition after a gap of several years. Gallogly, originally from Ballinamore in County Leitrim, worked tirelessly to make the parade a success, undaunted even when the worst blizzard in 7 years struck New Haven the day before the parade.

On that day and over the subsequent 36 years, similar faith and devotion have made this day a grand and fitting tribute to the Irish-American community, which has contributed so very much to New Haven throughout its history. As people from across Connecticut and across the country gather together to celebrate, we owe our deep gratitude and a special place in our hearts to the memory of William F. Gallogly, Sr.

SALUTE TO HUMANA HOSPITAL—  
WEST HILLS

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1992

Mr. GALLEGLY. Mr. Speaker, I am proud to salute Humana Hospital—West Hills in West Hills, CA, for earning the highest level of accreditation from the Joint Commission on Accreditation of Healthcare Organizations.

For 75 years, the joint commission has been the principal organization inspecting the Nation's hospitals, with the mission of improving the quality of health care provided to the public.

The joint commission has a published list of more than 2,000 standards upon which 5,400 American hospitals are surveyed. Only 3 percent of California hospitals surveyed since January 1991—those that received no major recommendations for improvement—have achieved the level of accreditation with commendation.

As the joint commission guidelines state, "Accreditation with Commendation is a significant achievement—one that recognizes exemplary performance by your organization." Clearly, Humana Hospital—West Hills has shown a commitment to working effectively to provide high-quality health care to the residents of the San Fernando Valley.

Mr. Speaker, I ask my colleagues to join me in saluting the administration, doctors, nurses,

and all the other employees at Humana Hospital—West Hills for providing outstanding care to its patients.

MARCH MADNESS AND THE LADY  
HURRICANES

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1992

Mr. FASCELL. Mr. Speaker, I rise to congratulate the University of Miami's Lady Hurricanes for their Big East Conference Championship and wish them luck as they begin the annual drama known as March Madness. In their first season of competition in the Big East Conference, they did what no other Big East basketball team has ever done: finish unbeaten in conference play. The Lady 'Canes did not stop there, they went on to win the Big East tournament and earn an invitation to the NCAA tournament.

After a successful Big East season, coach Ferne Labati and the Lady 'Canes travel to Charlottesville, VA, to compete for a trip to Los Angeles for the Final Four. While I know that folks in Charlottesville are partial to the University of Virginia, they had better beware because a "Hurricane Warning" has just been posted.

I wish to share with our colleagues the editorial from the March 12 edition of the Miami Herald.

LADY 'CANES: TRUE CHAMPS

March madness is an apt description of college basketball's climactic month. In much of the nation's heartland, ordinarily sane folks abandon their mundane pursuits and become totally wrapped up in their favorite school's quest for a national championship.

Indeed, many fans eagerly pay exorbitant sums and travel long distances through blizzards and gauges just to watch Podunk State meet Boondocks Tech in one of the many regional and district tournaments. College basketball's playoffs have some of the hottest tickets in sports.

Yet all of this fuss and bother in the upper 49 states has seemed as remote from South Florida as an earthquake in Asia—until now. Finally, though, a local team has put college basketball's postseason excitement on glorious display here.

So here's a toast to the University of Miami's women. The "Lady Hurricanes" have managed to do what no other Big East Conference team—female or male—has ever done: They finished the regular season unbeaten in conference play.

But the 'Canes of Coach Ferne Labati weren't about to stop there. This week they also won the Big East Tournament with a 56-47 victory over Connecticut—on Connecticut's home court. This gives the Hurricanes, ranked sixth in the Associated Press poll, an automatic berth in the NCAA Tournament. The second round is expected to begin here on March 20 or 21.

This is a tribute to Coach Labati's skill and to unselfish players who understand the value of teamwork. When Connecticut triple-teamed UM's star scorer Frances Savage, for instance, teammates Vicki Plowden, Dellareese Wilson, and Jeannie Hebert took up the slack. Four of the team's five seniors began their college careers when Ms. Labati

began coaching at UM in 1988. They learned to win together.

They are an eclectic group, those seniors. Merren Armour hails from Australia, Vicki Bowers from Ohio, Sherri Eyer from Pennsylvania, and Jeannie Hebert from Alaska. Frances Savage, who will try out for the U.S. Olympic basketball team, is a native of Fort Lauderdale.

Even before the tournament begins, the seniors, their teammates, and their savvy coach have given themselves a championship season to savor. Thanks to them, South Florida finally is catching "March Madness." How sweet it is.

TRIBUTE TO DR. BORY STEINBERG

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1992

Mr. ROE. Mr. Speaker, I wish to pay a sincere and heartfelt tribute today to Dr. Bory Steinberg, who is retiring this month after more than 30 years of dedicated and distinguished service to the American public with the Army Corps of Engineers.

Through my many years working closely with the Corps of Engineers, I have been truly impressed by Dr. Steinberg's professionalism, integrity, and competence. I believe he has been the epitome of what a public servant should be.

From his position in the Office of the Chief of Engineers since 1968, Dr. Steinberg has played a key and vital role in shaping the water resources development policy of our Nation. His impressive knowledge, ability, and energy have been critical during the past two decades in virtually every major decision on water policy issues.

Dr. Steinberg's varied and significant accomplishments have been commemorated by many awards, including the Presidential Meritorious Service Award, numerous Senior Executive Service Performance Awards and a Meritorious Civilian Service Award.

A native of Brooklyn, NY, Dr. Steinberg retires from the Corps of Engineers as chief of the Project Management Division of the Directorate of Civil Works. In this position since 1989, he has developed and implemented a project management system for use throughout the Corps of Engineers, as well as heading the corps' training programs for civil works, military, and environmental programs.

He had previously been chief of the Programs Division and chief of the Policy, Review, and Initiatives Division in the Chief of Engineers Office.

In 1979 and 1980, Dr. Steinberg served as chief of the Planning and Coordinating Office in Tel-Aviv, Israel where he played a critical role in the expedited construction of two air bases.

Prior to leaving for Israel, Dr. Steinberg had been with the Chief of Engineers Office for 11 years. He reached the position of chief of the Programs Division before his service in Israel.

Dr. Steinberg joined the Corps of Engineers in 1962 as a civilian in the engineering division of the New York District. He had previously served 6 years as an officer in the Corps of Engineers, serving in Korea and Japan.

He received a doctorate in public administration in 1984, a masters in public financial management and budgeting in 1973, both from George Washington University, and a civil engineering degree from Rutgers University in 1956.

Dr. Steinberg's work with the Corps of Engineers for three decades has made a significant contribution to the improvement and upgrading of our Nation's infrastructure. With Dr. Steinberg's retirement, the American people are losing a dedicated and valuable public servant who will be impossible to replace.

On behalf of the Public Works and Transportation Committee, I offer Dr. Steinberg the most appreciative and sincere congratulations for an illustrious and distinguished career at the Corps of Engineers. He has made tremendous and longlasting contributions to the Nation. I wish Bory, his wife, Naomi, and their lovely daughter, Daphna, all the best in the future.

STATUS OF OPERATION DESERT SHIELD/DESERT STORM COSTS OFFSET BY FOREIGN CONTRIBUTIONS

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1992

Mr. MURTHA. Mr. Speaker, I wish to share with my colleagues the status of foreign contributions received to offset the U.S. costs of Operation Desert Shield/Desert Storm. We have received \$52.9 billion in cash and in kind contributions thus far to pay the United States costs associated with our Persian Gulf operations. There are about \$1 billion in pledged contributions still outstanding but the Department of Defense fully expects this balance to be paid in full. I insert a table showing the details of these contributions in the CONGRESSIONAL RECORD:

OPERATION DESERT SHIELD/DESERT STORM FOREIGN GOVERNMENT CONTRIBUTIONS TO OFFSET U.S. COSTS  
(In millions of dollars)

Contributor	Receipts			Future receipts
	Cash <sup>1</sup>	In-kind <sup>1</sup>	Total	
Saudi Arabia	12,002	3,984	15,986	853
Kuwait	16,015	42	16,057	
UAE	3,870	218	4,088	
Japan	9,437	571	10,008	4
Germany	5,772	683	6,455	
Korea	150	101	251	104
Others	8	22	30	
Total	47,254	5,621	52,875	961

<sup>1</sup> Cash received as of Mar. 5, 1992; In-Kind as of Jan. 30, 1992.

A TRIBUTE TO AN OUTSTANDING WOMAN: CELEBRATING THE 109TH BIRTHDAY OF JULIA ASHER

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1992

Mr. SOLARZ. Mr. Speaker, I am delighted to rise to pay special tribute to Ms. Julia Asher

on the occasion of her 109th birthday. It is rare that I rise to pay tribute to a single individual, but for this unique lady I am proud to do so.

Julia Asher was born in 1883 and left her native Turkey for the United States in 1913. With three young children and a baby in her arms, she traveled through Greece and then across the ocean to join her husband, Joseph, who had emigrated 1 year earlier to find work as a tinsmith. Ms. Asher's beautiful children, grandchildren, great-grandchildren, and great-great grandchildren are evidence of her wonderful achievements in this Sephardic-American immigrant experience.

To celebrate this very special day, the friends and family of Ms. Asher will gather to honor and rejoice with them on this magnificent occasion.

This milestone event, while a source of joy for the Asher family and friends and the residents of the Sephardic Home for the Aged, is also an inspiration for all of us and well deserving of our praise and congratulations. I am pleased to extend my personal best wishes to Julia Asher. I wish also to proclaim nationally the respect that Brooklyn has for this kind and benevolent lady and pray for her health, well-being, and happiness for many more years.

THE 150TH ANNIVERSARY OF NEW HAVEN'S ST. PATRICK'S DAY PARADE

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1992

Ms. DELAURO. Mr. Speaker, on this St. Patrick's Day, I would like to pay tribute to the Irish-American community of Connecticut's Third Congressional District. Sunday, March 15 will mark the 150th anniversary of New Haven's first St. Patrick's Day parade. This parade has grown to be Connecticut's largest spectator event, attracting crowds of more than 150,000 people from across the State of Connecticut.

The people of New Haven have achieved this level of success through many years of untiring dedication on the part of many outstanding Irish-American leaders and groups. These dedicated people have ensured that this unique pageant draws the participation of a vast array of ethnic groups, clubs, organizations, and individual participants. The festive costumes, the music and dance, the school bands, the cheering spectators that line the streets—these have all become part of a treasured St. Patrick's Day tradition in New Haven. I look forward to once again joining in this wonderful celebration by marching in the parade this Sunday.

Year after year, this parade has given us all cause to celebrate. For this, we owe a debt of gratitude to the outstanding individuals who have kept it going—bigger and better every year. The New Haven Gaelic Football and Hurling Club, the Knights of St. Patrick, the Ancient Order of Hibernians, and the West Haven Irish American Club work tirelessly each year to organize and support the 130 marching units that participate.

The parade's executive committee of 80 men and women, led by this year's grand marshal, Lawrence G. McGivney, are to be commended for their untiring efforts in planning this year's parade. Putting on New England's only noncommercial, self-supporting parade is a formidable task, but it is one which they have accomplished with devotion and talent, in the fine tradition established over the past 150 years.

It is events like the St. Patrick's Day parade that enable us to remember our Nation's ethnic heritage. As Americans we are all descendants of immigrants and our pride in being Americans is greatly enriched by our pride in our ethnic roots.

Among the earliest immigrants to the New Haven area, Irish-Americans have played a critical role in establishing the cities and towns of our community. From the factories to the railroads, from the architecture to the government, Irish-Americans have contributed to every aspect of our community life. I look forward to this Sunday, when the entire community will once again have a chance to pay tribute to their accomplishments and share in the festivities. As we march together on Sunday, people of all ethnicities will feel a little bit Irish, and proud of it.

SALUTE TO VIRGINIA MAYO, JANE RUSSELL, AND MONTIE MONTANA

### HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1992

Mr. GALLEGLY. Mr. Speaker, I rise today to honor three of Hollywood's best who will be honored this weekend for their contributions to that American classic, the Western.

Virginia Mayo, Jane Russell, and Montie Montana will be honored during the 10th Annual Santa Clarita Valley Walk of Western Stars awards program in Newhall, CA—a true Western town both in real life and in film as the home base for the old Tom Mix movie ranch.

For a decade now, the Walk of Western Stars has commemorated the heroes that generations of Americans grew up with. This year's inductees continue in the grand tradition of such former honorees as John Wayne, Clayton Moore, Roy Rogers, Dale Evans, and Gene Autry.

Virginia Mayo began acting at the tender age of 6 in family productions, and made her professional debut in 1943. She quickly rose from small parts to stardom as the romantic interest for Danny Kaye in 1944's "Up in Arms." Mixing musicals with adventure, she appeared in several top movies, including "The Best Years of Our Lives," "The Secret Life of Walter Mitty," and "A Song is Born."

She also appeared in many Westerns, including "Colorado Territory," "The Big Land," "The Tall Stranger," and "Fort Dobbs Westbound." I am especially pleased that she is a constituent of mine in Thousand Oaks, CA, where she pursues her interest in oil painting and her grandchildren.

Jane Russell will be forever linked to the Western because of her first major perform-

ance, Howard Hughes' "The Outlaw," which catapulted her to stardom. While waiting for the movie to finally be released, she starred in a different form of Western—"The Paleface," with Bob Hope.

In all, she appeared in more than 30 motion pictures, many of them Westerns.

This year's third inductee, Montie Montana, not only grew up to be a cowboy, he's also a screen entertainer, rodeo professional, and one of the most famous trick-roping artists in the world. A 63-year veteran of show business, he has some 60 movies to his credit, along with countless radio and television appearances. In southern California, he's still well known for his 20-year TV show, "Weber's Rodeo Ranch," in which he performed for more than 400,000 schoolchildren.

Mr. Speaker, the Western was a key part of our American identity this century, just as the lure of the West has always beckoned our most industrious and ambitious citizens. I ask my colleagues to join me in saluting Virginia Mayo, Jane Russell, and Montie Montana for helping make the Western the art form it was.

### PLIGHT OF SYRIAN JEWRY

### HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1992

Mr. FASCELL. Mr. Speaker, late last year, the House unanimously adopted House Concurrent Resolution 188, which called upon the Syrian Government to respect the internationally recognized human rights of all its citizens and drew particular attention to the plight of the beleaguered Jewish minority in Syria.

Unfortunately, despite the continued warning in United States-Syrian relations, the dismal human rights situation in that country has not improved. The State Department's "Country Reports on Human Rights Practices for 1991" describes "torture, arbitrary arrest and detention, lack of a fair trial in security cases, and the denial of freedom of speech, press, association, the right of citizens to change their government, and certain worker rights" as among Syria's "major human rights problems." Middle East Watch, the independent human rights organization, in its 1991 book "Syria Unmasked: The Suppression of Human Rights by the Assad Regime," reports that "Security forces operate with impunity, censors insist on conformity, minorities face continued persecution and discrimination, torture is a standard feature of interrogation, and thousands languish as political prisoners."

Syrian Jews in particular are subjected to widespread discrimination and restrictions of their movements and activities. The right to emigrate is routinely denied and those who have attempted to leave without permission have been imprisoned. In its description of the 4,000-member Jewish community, Middle East Watch said, "No other community in Syria faces such heavy surveillance and none is made to feel so completely powerless in the face of the authorities."

Mr. Speaker, these egregious violations of internationally recognized human rights by the Syrian Government deserve to be strongly

condemned. The administration, in its quest for Syrian participation in the Middle East peace process, must not be blinded to the deplorable Syrian record of abuse and authoritarian rule. The United States must take every available opportunity to press the Syrians to improve their human rights record and allow the tiny Jewish minority to exercise the rights to freedom of travel and emigration. Respect for human rights and democratic freedoms should be a chief objective of our policy toward Syria and its neighbors. And we in the Congress must pledge to continue to speak out until the day comes when Syria joins the ranks of the ever-growing community of democratic nations that respect the rights of all their citizenry.

### POETIC JUSTICE IN CONFUSION COURT

### HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1992

Mr. OWENS of New York. Mr. Speaker, the greatest scandal of this decade and this century is the savings and loan swindle perpetrated by millionaire crooked bankers acting in collusion with corrupt regulators and corrupt public officials. This is the scandal that by the most conservative estimates will cost \$500 billion with every American family paying an extra \$5,000 in taxes to replace what the swindlers stole. This scandal is further magnified by the fact that most of the perpetrators have never been punished. The Congress has never conducted a special investigation with a demand that these white-collar criminals be appropriately punished and the Justice Department has clearly pursued a policy of minimum prosecution.

Billions of dollars are still being spent on the S&L bailout. Twenty-five billion dollars more for the bailout is being proposed in legislation on its way from the Banking Committee to the floor of the House. Commercial banks are also now among the billion dollar defendants. America's banking scandal is the greatest and most costly scandal in its history. Not the House of Representatives bank but the Federal Deposit Insurance Corporation banks have generated the greatest scandal of our times.

Congress is guilty of failing to prosecute the millionaire white-collar crooks who carried out the multiplicity of conspiracies which resulted in the necessity for the taxpayers to assume the burden of a \$500 billion bailout. Congress is an accessory to the bookkeeping tricks which presently hide the monstrous cost of the banking bailouts from the American taxpayers. From Silverado Bank in Denver to Lincoln Savings on the west coast, Continental Bank of Illinois in the middle and the Bank of New England on the east coast, Congress has allowed the FDIC and the Justice Department to minimize the extent of the criminal conspiracies while prosecuting the smallest possible number of perpetrators.

Even now while billions more are being proposed for appropriations to bail out the banks,

the Congress is not demanding accountability from the Justice Department. In our democratic society, before the eyes of millions of Americans, a giant coverup has been made respectable. Our Nation's free press and electronic media have bowed to advertisers and other hidden financial forces to act in collusion with the banking conspirators. Talk show hosts rage on-and-on about the pennies in free loans which Congress persons took from each other while they deliberately close their eyes to the billions that the FDIC insured banks are stealing from the taxpayers. The free press and electronic media have refused to properly and fully report the greatest scandal of our time.

Because it refused to compensate for the laxity of the free press and the planned foot dragging of the Justice Department, Congress is guilty. Congress should have assumed the role of prosecutor of the banking thieves. Congress had—and still has—a duty to show the American people what true justice should be. The worst and most costly crimes of the century should be exposed and punished. The failure of Congress to follow this course has resulted in a collapse of standards and a grossly distorted voter perspective. Nobody knows who the real enemy is any more. At best we wait for Oliver Stone to tell us. At worst we wait for the midget minds of talk show hosts to finger the villains.

Congress is guilty of not fully investigating, exposing, and prosecuting the Iran-Contra traitors who operated from the basement of the White House. Congress is guilty of not fully investigating the connection between Noriega and the CIA, a connection which resulted in the flow of greater amounts of drugs into the neighborhoods of our cities. Congress is also guilty of not launching an investigation of the drug-dealer financing, money-laundering Bank of Commerce and Credit International [BCCI]. The head of this multinational criminal conspiracy met regularly with a director of the CIA and hobnobbed with U.S. Presidents and Washington celebrities while facilitating the wholesale dumping of drugs into our communities.

In all of the above instances where monstrous crimes were committed which threaten the fabric of our legal and social structures while victimizing millions Congress should have become the ultimate prosecutor. Congress should have offered new examples of how justice can be achieved in a democratic society. Congress should have set high standards for law and order in the new world order.

Because Congress refused to act responsibly and compensate for the laxity of the executive branch and the timidity of the free press, our Nation's citizens and voters have no framework, no points of reference for judging which phenomena have wrecked our economy and exposed our children to the very real and present dangers of drugs and byproducts of violent crime spawned by the drug culture. Blindly the angry American people cry out for justice. The call now is to crucify Congress!

In the topsy-turvy, reverse, perverse, upside down, logic of our complex modern society, the American people have pinpointed the correct target. Those who have the power to prosecute evil and refuse to use that power for the good of the people rightly deserve to be

accused as the ultimate defendants. This is a cruel and painful poetic justice.

CONFUSION COURT

Where are the charges  
 What are the counts  
 In billions of dollars  
 Read all the amounts  
 Defendants  
 Must all now rise  
 The court commands  
 That 435 prosecutors  
 Wipe the tears  
 From elite weeping eyes  
 Reason now dies  
 Restrain the loud cranks  
 Ignored by the ranks  
 The holdup of banks  
 Now haunts hallowed halls  
 Great hammers will fall  
 Just who are the crooks  
 No committees took looks  
 Where are the charges  
 What are the counts  
 In billions of dollars  
 Read all the amounts  
 Defendants  
 Must all now rise  
 Confess the huge ugly lies  
 No committees took looks  
 At vicious S&L crooks  
 Thornburgh took a dive  
 Denver swindlers stayed alive  
 True perpetrators went free  
 No voters could see  
 What real justice should be  
 Real perpetrators have fled  
 Loud crowds crucify  
 435 prosecutors instead  
 Reason is dead  
 Logic stands on its head  
 S&L billions  
 Are under the bed  
 The judges now ride  
 435 prosecutors can't hide  
 Armored talk show tanks  
 Launch the attack of the cranks  
 But S&L crooks  
 The real defendants are free  
 Congress never let voters see  
 What real justice should be  
 Now reason is dead  
 Logic stands on its head  
 Where are the charges  
 What are the counts  
 In billions of dollars  
 Read all the amounts  
 Real defendants have fled  
 Loud crowds crucify  
 435 prosecutors instead.

BIOGRAPHY OF WOVOKA

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1992

Mr. FALEOMAVAEGA. Mr. Speaker, through Public Law 102-188 (S.J. Res. 217, H.J. Res 342), Congress and the President designated 1992 as the Year of the American Indian. This law pays tribute to the people who first inhabited the land now known as the continental United States. Although only symbolic, this gesture is important because it shows there is sympathy in the eyes of a majority of both Houses of the Congress for those Indian issues which we as a Congress have been struggling with for over 200 years. In support of the Year of the American Indian, and as

part of my ongoing series this year, I am providing for the consideration of my colleagues a short biography of Wovoka, a spiritual leader who started a cult known as the Ghost Dance, which was to spread among Indian tribes from the Missouri River to the Rocky Mountains and beyond. This biography was taken from a U.S. Department of the Interior publication entitled "Famous Indians, A Collection of Short Biographies."

WOVOKA (PAIUTE)

In 1888, a young Northern Paiute Indian named Wovoka, seriously ill with a fever during a total eclipse of the sun, had a vision. Recovering, he told of a revelation from the Great Spirit.

"When the sun died I went up to Heaven and saw God and all the people who had died a long time ago" he reported to his tribesmen. "God told me to come back and tell my people they must be good and love one another, and not fight, or steal, or lie."

"He gave me this dance to give my people."

Wovoka's message began a cult known as the Ghost Dance, which was to spread among Indian tribes from the Missouri River to the Rocky Mountains and beyond.

A medicine man and dreamer whose father, Tavibo, had also been a medicine man, Wovoka was born around 1858 in Mason Valley, Nev. When Tavibo died, the 14-year-old Wovoka was taken into the family of a local rancher, David Wilson, as a farmhand, and given the name "Jack Wilson," by which he became generally known. The spiritual leanings Wovoka inherited from his father were enhanced by the Wilsons' practice of reading the Bible aloud, and the young Indian boy was strongly impressed by accounts of Jesus and His miracles.

Wovoka did not claim divinity after his vision, but quickly became accepted among Indians as the Messiah who would carry the Great Spirit's message. His doctrine, an explicitly peaceful one, promised that Indian lands would be restored; that Indian dead would arise; and that buffalo, deer, elk, and other game would once again roam the plains in abundance. All Indians would be saved by dancing the sacred Ghost Dance.

The first major performance took place near Wovoka's home in early 1889. Visitors to subsequent ones from dozens of western tribes became eager disciples who carried the Ghost Dance far beyond Nevada.

The dance was an extremely simple one, in which for 5 consecutive nights, participants joined hands in a circle and shuffled slowly to the left, while chanting especially composed songs of hope and delivery. Dancers usually wore shirts (often of Government-issue muslin) painted with mystic designs which some tribes believed would be proof against the white man's bullets.

Wovoka's message was perfectly timed for special appeal to western Indians. Plains tribes, confined to reservations, unable to hunt their own food or practice the traditional Sun Dance which for countless years had been their source of spiritual help, took up the Messiah cult and sometimes danced until they collapsed. Among its most enthusiastic followers were the Sioux, who by 1889 were dancing near several South Dakota agencies. Troops were sent in for the protection of apprehensive settlers who feared the new ceremony as a preparation for war.

In December of 1890, about 500 men of the 7th Cavalry (Custer's old regiment) were sent to round up a party of Miniconjou Sioux from Cheyenne River Agency. The party pitched camp at Wounded Knee Creek, about 25 miles from Pine Ridge Agency.

On December 29, having surrounded the Indians, a battery of guns trained upon their tipis, soldiers began to disarm Sioux warriors. During the search for concealed weapons a gun was fired, probably by one of the Sioux. It may have been a signal, for at once other braves threw off their blankets and attacked. White soldiers immediately responded with deadly gunfire. Within half an hour almost all the Sioux warriors had been slaughtered; then guns were turned on the Indian women and children, mowing them down in flight. About 25 soldiers, and more than 200 Indians lost their lives in the dreadful Massacre of Wounded Knee, which ended, for all time, Sioux armed resistance to whites.

Wovoka was dismayed by news of Wounded Knee, since his message had never counseled bloodshed. Although his messianic doctrine persisted for a decade after Wounded Knee, he altered his prophecies as the years went by, and repeatedly called upon his people to follow the white man's road. In 1926, Col. Tim McCoy, then a star of motion pictures and wild west shows, and a friend of the American Indian, went to visit the old prophet. "I found a man unusually vigorous for nearly 70," McCoy said. "He talked readily of the ghost dance religion, and still declared he had visited and talked to God."

Wovoka died quietly in 1932, and was buried in the Indian graveyard at Mason Valley, Nev.

#### MARIA BENITEZ TRIBUTE

#### HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1992

Mr. RICHARDSON. Mr. Speaker, it is with great joy that I call my colleague's attention to an outstanding constituent of mine who excels in the field of dance. Santa Fe's Maria Benitez is the coartistic director of the Institute for Spanish Arts and the Maria Benitez Spanish Dance Co. Ms. Benitez has performed with large national Spanish dance companies as well as small flamenco groups. She has toured Europe, North Africa, South America, and the United States.

She has been described as "Extraordinary" by the New York Times, "Smoldering Brilliance" by the Kansas City Star, "Sensational" by the San Francisco Examiner, and "Absolute Perfection" by Volkblatt (Berlin). Most recently, she was featured in the January 6, 1992, edition of New York magazine which referred to Ms. Benitez's dancing as "an incendiary event."

Maria is a dear friend, a proud New Mexican, and a magnificent artist. I am attaching a copy of the New York magazine article so that my colleagues can familiarize themselves with Ms. Benitez's work.

[From the New York Magazine, Jan. 6, 1992]

#### BENITEZ'S DANCING IS AN INCENDIARY EVENT

Anyone in charge of the upbringing of a young, impressionable girl couldn't do better than take her to see the Spanish dancer Maria Benitez—recently with her company at the Joyce. In performance, Benitez is a terrific female role model: a fusion of strength and feeling.

She moves from a center that seems to be equal parts steel and silence; everything—

even her most raucous, impulsive outbursts of action—is sprung from that indomitable, mysterious core. (It's perhaps not irrelevant that her ethnic heritage is American Indian and Latino.) As for eroticism—one of the twin pillars of Spanish dance, along with the proud defiance of death—Benitez doesn't so much act it as embody it. She is intrinsically so sensual, you can imagine her transforming the neutral task of mailing a letter into a voluptuous experience. These factors make her dancing an incendiary event; combining them with the evidence of a multi-layered interior existence, she puts you in touch with life.

The ambitious new work in her recent program, *Aires de Silencio*, is one of those bastard affairs Spanish dance companies are always attempting, amplifying the abstract solo and duet work that is their province with narrative playlets dependent on the strategies of old-fashioned ballet and modern dance. This example, choreographed by Joaquin Ruiz (real Spanish dancing is improvisatory within a generic framework and doesn't need choreographers), has an unusual and striking subject. Benitez, its heroine, plays a woman more than old enough to have daughters disporting themselves with lovers. As in real life, the young arrogantly assume they are the sole custodians of romance and sex. Thus, they remain willfully innocent not only of the relationship that shaped the elder woman into the person she has become but of the rich range of the personality itself.

The idea is outlined suggestively, not literally (the central incident is played out in smoke-clouded flashback), yet in a fashion simple enough to make its point clear. The supporting players—especially the junior women, lush and disdainful—add style, and Benitez gives the whole business a complex and moving psychological truth. You'd think she was in a play by Garcia Lorca.

All told, Benitez's show is a handsome package, well balanced and running without a hitch—to a point where it will seem too sleek to those who've experienced flamenco more authentically: as a raw, spontaneous act performed in a gritty café. Benitez offers a sanitized theatricalized presentation—no crude Rioja at the bar in the Joyce lobby—that is excellent of its kind. If the lighting is melodramatic to a fault, the stunning costumes are at once lavish and tasteful: Benitez's limp-ruffled opening ensemble suggests blood and flowers; in *Aires de Silencio*, she wears a claret velvet number effectively cut to excite lust and envy; her apotheosis—young again, in a solo of damn-it-all gaiety—takes place in subtly draped slate silk, the traditional shawl of her trade reduced to a fringe of flame slanting over her hips.

Every performer in her chamber-size group is able and distinctive. Ruiz isn't successful as Benitez's partner in *Aires de Silencio* because he's an elf of a dancer, not the macho type needed to match mature female passion. But elsewhere, alone in an extended display of Alegrias, he's wonderful in his own maverick fashion—sharp, swift, and full of crazy tricks. Angel Atienza, featured in a Taranto, is even more satisfying, emphasizing the contrast between the bluntly muscular work of the thighs and the fleet agility in the lower legs and feet. He may not have Benitez's mediative dimension, but he's her equal in matters of incisive shape and smoldering fire.

IN HONOR OF FRANCIS V.  
McMANUS

#### HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1992

Ms. DELAURO. Mr. Speaker, this week Americans all across the country join Irish-Americans in celebrating St. Patrick's Day. As New Haven celebrates the 150th anniversary of its first St. Patrick's Day parade, I would like to take this occasion to pay tribute to Chief Francis V. McManus who, throughout his lifetime, was a source of great pride to this community.

New Haven's St. Patrick's Day parade, Connecticut's largest spectator event, owes a great deal to the work of Chief McManus. As the parade's grand marshal in 1964, and chairman of the parade's executive committee, he was a motivating force behind the parade's success. He served Connecticut with untiring devotion in his 13 years as New Haven's police chief. We were all proud of his leadership throughout the State and the world as he went on to become cofounder of the Police Chiefs Association of Connecticut and president of the International Police Chiefs Association.

New Haven, CT, and the entire country have benefited enormously from the service of many distinguished Irish-Americans. As we remember them this week, we offer our gratitude and a special place in our hearts to the memory of Chief Francis V. McManus.

#### NATIONAL AWARENESS WEEK FOR LIFE-SAVING TECHNIQUES

#### HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1992

Mr. YOUNG of Florida. Mr. Speaker, the National Safety Council reports that more than 850,000 Americans of all ages die every year as the result of accidents and heart disease.

Many of these lives, however, can be saved if more Americans are aware and able to perform some of the most basic life-saving techniques such as rescue breathing and cardiopulmonary resuscitation, commonly referred to as CPR, or the Heimlich maneuver.

Especially disconcerting to me is that many victims of accidents are children. In fact, statistics show that accidents are the leading cause of death for children and youth from 1 to 24 years of age and drowning and choking are a leading cause of accidental death for children under the age of 5.

Information and training about life-saving techniques are available in virtually every community throughout our Nation. The American Red Cross, the American Heart Association, the YMCA, and many other national organizations, as well as community hospitals and civic organizations, have placed the highest priority on educating the American people of all ages about the simple techniques that can save a life.

Learning a life-saving technique is simple, requires little time, and the courses are often

free or of minimal cost. While nearly 10 million Americans have already taken advantage of this opportunity, many more have not. We must do all we can to educate as many people as possible about these simple life-saving techniques because they may be called upon at any moment to breathe life into a family member, neighbor, or a complete stranger who is the victim of an accident or heart attack. Performing CPR during those first moments of crisis are crucial and often times make the difference between life and death.

Mr. Speaker, legislation I have introduced today, the text of which follows my remarks, designates the week of May 16 through 23 as National Awareness Week for Life-Saving Techniques. It is my hope that through this effort to acknowledge the threat of accidents and heart disease, particularly to our children, that more Americans will recognize and understand the contribution life-saving techniques make to reducing this threat and the importance of learning the basic skills. In calling attention to these techniques, we can improve public awareness about the wide range of opportunities available to learn them and thereby increase the number of Americans trained to greatly reduce the death rate due to accidents and heart disease.

Mr. Speaker, accidents and heart attacks occur without warning but we can be prepared for them by learning the basic life-saving techniques. The small investment that is made in taking the time to learn these skills could someday mean the difference between life and death.

H.J. RES. 442

Whereas the National Safety Council reported that about 850,000 Americans died in 1990 as a result of accidents and heart disease;

Whereas accidents are the leading cause of death for children and youth ages 1 to 24 years;

Whereas drowning and choking are a leading cause of accidental death in children under the age of 5 years;

Whereas Rescue Breathing and Cardiopulmonary Resuscitation, commonly referred to as CPR, are life-saving techniques that significantly reduce the incidence of sudden death due to accidents and heart disease;

Whereas it is critical that more Americans learn such basic life-saving techniques in order to reduce the number of deaths related to accidents and heart disease;

Whereas the opportunity to learn basic life-saving techniques is available to all Americans through the American Red Cross, the American Heart Association, the YMCA, and other national organizations; and

Whereas the death rate due to accidents and heart disease would be greatly reduced if more Americans received training in basic life-saving techniques: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That May 16, 1992, through May 22, 1992, is designated as "National Awareness Week for Life-Saving Techniques". The President is authorized and requested to issue a proclamation calling on the people of the United States to observe the week with appropriate ceremonies and activities designed to encourage training in life-saving techniques for Americans.

MAJ. GEN. JAMES W. HOLSINGER, JR., RETIRES FROM U.S. ARMY RESERVE

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1992

Mr. MONTGOMERY. Mr. Speaker, in an impressive Pentagon ceremony attended by approximately 100, Maj. Gen. James W. Holsinger, Jr., retired yesterday from an illustrious career in the U.S. Army Reserve. Active in the health care field over the past 30 years, General Holsinger is known to most of us for his work in another public service arena: He is the Chief Medical Director of the Department of Veterans Affairs and is responsible for overseeing the Nation's 172 veterans' hospitals, 340 outpatient clinics, 129 nursing homes, 196 veteran readjustment centers, and 35 domiciliaries. Over 200,000 health care employees are under his charge.

For the past 1½ years, Dr. Holsinger has very capably guided VA's health care system and, as the following biographical information will attest, is exceptionally well qualified in the field of medicine, particularly as it pertains to our service personnel and veterans.

Prior to his retirement, Major General James W. Holsinger, Jr. was the Assistant to the Director for Logistics (Medical Readiness), Individual Mobilization Augmentee. He was responsible to the Director for Logistics, the Joint Staff, Washington, D.C. for providing the Reserve Component perspective regarding the development and implementation of mobilization and contingency plans for health services support. He coordinated with the Chairman and the Joint Chiefs, senior officials of the Department of Defense, the three Services Surgeons General and the Medical Officer of the Marine Corps, and the Command Surgeons of the unified and specified combatant commands. He was the only Reserve Component flag/general officer assigned to the Joint Staff.

Major General Holsinger was born in Kansas City, KS on May 11, 1939. He graduated from the Duke University Medical School in 1964, completing a surgical internship, residency in general surgery and fellowships in thoracic surgery and anatomy at Duke University. In 1968, he completed a Ph.D. with a major in anatomy and minor in physiology at Duke University. He also completed a residency in general surgery and a fellowship in cardiology at the Gainesville VA Medical Center and the University of Florida (Shands Teaching Hospital). In 1981, he completed a master's degree program in hospital management at the University of South Carolina.

Major General Holsinger began his military career as a medical administrative assistant in 1961 and 1965, became an Army general surgeon. From 1968-71, he commanded the 441st Medical Clearing Company. In 1972, he became chief of general surgery at the 5501st US Army Hospital, then served as state surgeon with the Nebraska Army National Guard in 1973. Dr. Holsinger held hospital command and division surgeon positions prior to serving as medical consultant to the Surgeon General of the Army in 1978. He became the 382d Field Hospital commander in 1981. In 1982, he became command surgeon for the 81st Army Reserve Command (ARCOM). He served as deputy commander of the 818th Hospital Center from 1982-85 and

was promoted to brigadier general May 1, 1986, while commanding the 2290th US Army Hospital. In March 1988, he was assigned as the Assistant to the Director for Logistics (Medical Readiness), Individual Mobilization Augmentee, J4, the Joint Staff, and was promoted to major general March 16, 1989.

Major General Holsinger is the first presidentially appointed chief medical director in the Department of Veterans Affairs (VA). Prior to his August 1990 appointment, Dr. Holsinger was director of the McGuire VA Medical Center, Richmond, Va. He was the first VA medical center director assigned from the VA executive medicine program. In Richmond, he also served as a professor of medicine and professor of the health care administration at the Medical College of Virginia. In 1985, Dr. Holsinger was appointed assistant vice president for health sciences at Virginia Commonwealth University. He is the author of over 80 professional books, papers, and abstracts.

Major General Holsinger's military decorations and awards include the Legion of Merit, the Meritorious Service Medal with two oak leaf clusters, Army Commendation Medal, Army Achievement Medal, National Defense Service Medal, Armed Forces Reserve Medal with two ten-year devices, Army Reserve Components Achievement Medal with three oak leaf clusters, Army Reserve Components Overseas Training Ribbon with Numeral 2, Army Service Ribbon, Joint Meritorious Unit Award, Nebraska National Guard Service Medal with ten-year device, the Order of Military Medical Merit, and Expert Field Medical Badge.

Major General Holsinger is married to the former Barbara Jenn Craig of Durham, NC. They have four daughters, Anna, Ruth, Sarah, and Rachel.

A VICTORY FOR PARENTAL CHOICE IN EDUCATION

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1992

Mr. GINGRICH. Mr. Speaker, I hope all my colleagues read the following article that appeared in the Wall Street Journal on March 10. I admire and praise Polly's efforts to help bring the education of our children back into the parents' control.

POLLY'S VICTORY

Polly Williams and the hundreds of kids she has helped secure a chance at a better education can finally relax. Last week, the Wisconsin Supreme Court declared that the nation's first educational-choice program that also includes private schools is constitutional. The court's decision ends a two-year struggle that pitted a few parents and kids along with Mrs. Williams, the Milwaukee state legislator who sponsored the choice plan, against the state's entire educational establishment.

The Milwaukee case highlights what could be one of the most fascinating new political battles to appear in a long time—poor parents vs. the educational unions. The names on the lawsuit tell the story.

Those asking that the choice program be upheld included Lonsetta Davis and her daughter Sabrina; Velma Frier and her daughter Shavonne; and Thais Jackson and her daughter Tamika. Joining them were the Harambee Community School, the Urban

Day School and the Juanita Virgil Academy, three innovative schools with a history of educational achievement. The opposition included the Wisconsin Association of School District Administrators, the Wisconsin Federation of Teachers, the Milwaukee Teachers Education Association and the Wisconsin Congress of Parents and Teachers.

The court decision will allow 554 low-income students to continue attending non-sectarian private schools using a state scholarship worth \$2,500 a year. That's less than half of what it costs to educate a child in Milwaukee's public schools. An outside evaluation of the 18-month-old program recommended it be continued. The parents involved are highly pleased, which is crucially important for the kids' attitudes toward school.

Writing for the 4-to-3 majority, Justice William J. Callow cited the conclusion of Brookings Institution scholars John Chubb and Terry Moe that "autonomy from bureaucracy is capable of making the difference between effective and ineffective" schools. The court also dismissed arguments that choice schools would be unaccountable. "Parents generally know their children better than anyone," wrote Justice Callow. "If the private school does not meet the parents' expectations, the parents may remove the child. \* \* \* In this way, parental choice preserves accountability for the best interests of the children."

Justice Louis J. Ceci went even further in his concurring opinion. He wrote that the choice program "attempted to throw a life preserver to those Milwaukee children caught in the cruel riptide of a school system floundering upon the shoals of poverty, status-quo thinking, and despair." He concluded his opinion by asking the state to "give choice a chance."

Polly Williams's victory is not hers alone. Parents and business leaders are joining forces across the country to propose choice programs. In Indianapolis, the Golden Rule Insurance Co. is helping 600 low-income students attend local private schools. An educational-choice initiative is headed for California's November ballot, if it can survive an extremely aggressive effort by the teachers' unions to block the collection of signatures.

Other parents will now no doubt be inspired by Mrs. Williams's court victory and the gains made by her choice program. Wisconsin Governor Tommy Thompson, who was instrumental in making choice possible in Milwaukee, says, "The country has been watching Wisconsin for a signal. Now they've got it."

#### APPLES REVISITED

### HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1992

Mr. RITTER. Mr. Speaker, the following editorial, entitled "Apples Revisited," appeared in the Wall Street Journal on March 16, 1992. I would like to have it inserted into the CONGRESSIONAL RECORD.

[From the Wall Street Journal, Mar. 16, 1992]

#### APPLES REVISITED

Alar used to help apples stay good for a year after they were picked. The political and press battle over the agricultural chemical's demise has an even longer shelf life.

Elizabeth Whelan and her American Council on Science and Health have not let the

matter rest, because they regard the demise of Alar three years ago, amid a media scare generated by the Natural Resources Defense Council, to be a classic case of fear winning over facts.

Apple growers, after taking a big hit, filed a big suit but otherwise have moved on. The makers of a stigmatized product such as Alar could never hope to regain a market for it. So what's the point of Dr. Whelan's efforts? It's to prove a point, so that next time the response to inconclusive evidence of toxic risk is not to sweep the supermarket shelves and pull the fruit from school lunches.

Dr. Whelan's campaign has taken her to former Surgeon General C. Everett Koop, who recently stated that Alar "did not pose a health hazard," and to the American Medical Association, which basically agreed. With persistence, she got Richard Adamson, the ranking etiologist at the National Cancer Institute, to equate the risk from a treated apple to that from a peanut-butter sandwich.

Where the effort has gotten nowhere is with CBS News and the Environmental Protection Agency. The Alar reports on "60 Minutes," the nation's most-watched television show, started the panic and sealed the fate of the chemical, and the program's executive producer says it won't revisit the issue unless the EPA does. The agency, despite its recent turn-around on another farm additive known as EBDCs, won't budge from its finding that Alar poses an "unacceptably high" carcinogenic risk.

In a letter to Dr. Whelan last week, however, Assistant Administrator Linda Fisher wrote, "EPA disagreed strongly with the message and with some of the information communicated by CBS and NRDC" and, further, seeks to "change or eliminate the so-called Delaney Clause which bars certain pesticide tolerances if they are associated with any positive cancer study... without consideration of benefits or calculation of actual exposure and risk."

Significant scientific dissents from the Alar-peril theory had arisen without Dr. Whelan's instigation. The issue is, at the least, a contentious one in the profession. A few respected scientists continue to hold to their initial association with the NRDC's alarm.

As in all findings based on the observation of laboratory rats—and that really is the crux of this dispute, and its importance for future cases—the scientist may choose to deal only in absolutes. It falls to policy makers, aided by a lay specialists such as those in the media, to assess relative risks and measure them against costs.

Even without ultimate vindication of Alar, those who attest to the basic safety of the food supply—and of American life in general—may be turning a corner. The skepticism toward the apocalypses that has been evident for some time in learned publications such as *Science* and *Nature* is finding its way into the mainstream. Even the avowedly "environmentalist" *Time* magazine carried an article recently on "The Danger in Doomsaying." For that matter, "60 Minutes," given an open-minded segment producer, can come up with a challenging piece such as last year's look at acid rain.

But what about the lawmakers? An agency such as the EPA responds both to the Congress and to the presidency (as well as sometimes to the courts). Further progress on that front depends on those branches being held accountable by a people who want agencies to focus on true hazards, not costly, marginal non-problems. Dr. Whelan's crusade may have some time yet to run.

IN HONOR OF JAMES J. DINNEN

### HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1992

Ms. DeLAURO. Mr. Speaker, this week Americans all across the country join Irish-Americans in celebrating St. Patrick's Day. As New Haven celebrates the 150th anniversary of its first St. Patrick's Day parade, I would like to take this occasion to pay tribute to James J. Dinnen, who has been a source of great pride to this community for many years.

New Haven's St. Patrick's Day parade, Connecticut's largest spectator event, owes a great deal to Mr. Dinnen. As a former grand marshal and current member of the parade's executive committee, he has consistently been a motivating force behind the parade's success. For his leadership and vision, the people of Connecticut owe him their deep gratitude and admiration.

New Haven, CT, and the entire country have benefited enormously from the service of many distinguished Irish-Americans. As we celebrate with them this week, we offer our congratulations and our thanks to James J. Dinnen.

#### THE IMPORTANCE OF THE EPSCoR PROGRAM TO RURAL AMERICA

### HON. TIM JOHNSON

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1992

Mr. JOHNSON of South Dakota. Mr. Speaker, in 1980 a program was created with the goal of helping States receiving little or no Federal research dollars become more competitive for that grant money. That program started out with 5 States and a little over \$3 million, and now has grown to 18 States including Puerto Rico, and \$50 million. The program is called the Experimental Program to Stimulate Competitive Research [EPSCoR]. The idea behind EPSCoR is twofold: The first that it will provide some money to help universities build an infrastructure that will allow them to become competitive with the larger institutions in the bigger States for greater sums of grant money. The second, that the research, which is focused on technology and innovation, will produce something marketable that will bring profits to the State and universities and bolster overall U.S. competitiveness. Five Federal agencies, have active EPSCoR or EPSCoR-like programs, the National Science Foundation being the key player in this group. Others are DOE, EPA, USDA, and NASA. Combined these agencies provide \$50 million in EPSCoR money which is divided among the 18 participating States and Puerto Rico. The States then match this funding to varying degrees, and the universities also come up with matching funds. It really is a joint effort on the part of all involved, and that means everybody is dedicated toward making the program work.

South Dakota became involved in the EPSCoR Program in 1989, and I have only

praise for how things have worked out. The State has matched the Federal outlays on a 1 to 1 basis, as have the universities involved. One of the unforeseen benefits of this program has been achieving an unprecedented level of cooperation among the universities receiving EPSCoR funding. Universities usually have a very competitive attitude toward one another, which stems from everything from institutional jealousy to fighting for scarce funding. Now that they are forced to cooperate—the together we stand theory—they are finding they can be much more effective in achieving their research goals. This is a pattern repeated in all the EPSCoR States, and I believe it is a beneficial change.

I would urge my colleagues to continue to support full funding of this unique program. We increasingly hear warnings that the United States is falling behind in global fields of technology and innovation. EPSCoR is a program that directly addresses this problem by creating more areas where research can take place to bolster competitiveness.

TRIBUTE TO THOMAS P. GRATER

HON. GUS YATRON

OF PENNSYLVANIA  
IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1992

Mr. YATRON. Mr. Speaker, I rise today to pay tribute to a good friend and esteemed public servant from Ephrata, PA, Mr. Thomas P. Grater. Tom has been my close friend since our high school days. We played on the varsity football team together for Reading High School and Tom also participated in track, specializing in shotput and discus. Since then, Tom has given the Ephrata community 37 years of diligent service and leadership, and I am proud to be able to come before the House and tell you about this outstanding American.

Prior to his appointment as executive director of the Ephrata Recreation Center in 1955, Tom served in the Navy for 3 years. He graduated cum laude from East Stroudsburg University in 1953 and obtained his master's degree from Pennsylvania State University in 1955. Tom then returned to Reading and worked in the Reading Recreation Department until beginning his 37-year career of distinguished service in Ephrata.

Because of his cooperative attitude and tremendous leadership abilities, Tom has helped to make the Ephrata Recreation Center a model establishment within the community. His outstanding accomplishments include planning and operating outdoor pools, parks, and playgrounds, and cooperating with school authorities in the use of all their lands, building, and programs.

It was not uncommon to see Tom on the job at 4 a.m., doing relief work as a snow plow, or speaking at civic organization meetings on behalf of Ephrata Recreation and Parks. State officials in the Department of Community Affairs describe Tom as a personality and cite his drive behind the project to fund and build Ephrata's recreation center. Tom's efforts to better the community have been tireless, and thus Tom is an integral part of the community's success.

Because of his dedicated leadership and hard work on behalf of his fellow citizens, Tom has received numerous awards. Included in his awards are a Presidential Citation from the Pennsylvania Recreation and Parks Society in 1964, Ephrata's Outstanding Community Award, and the Legion of Honor Award from the Chapel of the Four Chaplains, just to name a few.

Mr. Speaker, I am proud that Tom has been my friend over the years. More importantly, Tom Grater has been a true and dear friend to the people of Ephrata. The citizens of Ephrata, PA are very fortunate to have had a man like Tom—he has given so much to the community the past 37 years. Now that Tom is retiring, I know that my colleagues here in the House join me in wishing him a retirement filled with good fortune and blessed with good health. I wish him well in his retirement and sincerely thank him for many, many years of outstanding public service.

ALTERNATIVE MINIMUM TAX  
RELIEF

HON. MICHAEL A. ANDREWS

OF TEXAS  
IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1992

Mr. ANDREWS of Texas. Mr. Speaker, the alternative minimum tax [AMT], dramatically restructured in 1986, has had a devastating impact on capital formation and economic growth in this country. The AMT is a second layer of taxation, imposed on both individuals and corporations. The AMT significantly increases the cost of capital and reduces the amount of after-tax dollars that can be reinvested in the economy. It seems particularly inequitable that the harsh impact of the AMT is most pronounced during recessionary times when revenue decreases relative to costs. It has been estimated that between 40 and 60 percent of all U.S. businesses will pay the AMT in 1991. In essence, the AMT has become a new form of capital punishment imposed on the American people.

Today I am introducing a bill that would reduce the burden of the AMT in three significant ways. First, it would allow taxpayers who have consistently been subjected to the AMT to use accumulated minimum tax credits to reduce their current AMT liability. Currently, the credit can only be used to offset regular tax liability. This proposal is consistent with the Congress' original intent—the AMT was never intended to permanently deny the deduction of legitimate business expenses. Because of the AMT, U.S. firms paying the AMT recover their investment costs in capital assets much more slowly than do companies located in all of our major trading partners. This legislation does not change the underlying structure of the AMT, but provides targeted relief to those taxpayers that need it most.

Second, the bill would eliminate the punitive AMT treatment of intangible drilling costs [IDC] and percentage depletion—the primary ordinary and necessary business expenses of oil and natural gas producers. This vital sector of our economy has probably suffered most under the AMT. IDC's—the noncapital costs of

preparing the site, drilling the well, and cleaning the drillsite afterwards—often comprise 80 percent of the cost of drilling an exploratory well and percentage depletion is critical to the maintenance of production from the over 450,000 marginal domestic properties. Under the AMT, these expenditures are often non-deductible. The AMT has literally acted as a cap on the amount of drilling taking place in this country and has been responsible in part for the collapse of the drilling rig count last week to the lowest point in recorded history. It is estimated that almost 70 percent of this country's independent oil and natural gas producers are subject to the AMT and the minority who are not are carefully monitoring their drilling activity to avoid the AMT. I believe that removing the punitive AMT treatment of these costs will remove the cap the AMT has placed on drilling and will create significant new drilling activity and jobs.

Finally, the bill would also eliminate the unfavorable tax treatment received under the AMT by costs associated with investments in assets that improve the environment. Oddly enough, as the United States has become increasingly concerned about the quality of its environment, it has simultaneously imposed significant tax disincentives on capital invested for environmental reasons. Compared with Taiwan, Singapore, Korea, Canada, and Brazil, domestic environmental investments are not a competitive use of capital. This provision would help alleviate the burden associated with environmental compliance and once again would reduce the AMT squeeze that American business is subjected to as revenues fall and costs rise.

HOMELESS RELIEF ACT OF 1992

HON. C. THOMAS McMILLEN

OF MARYLAND  
IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1992

Mr. McMILLEN of Maryland. Mr. Speaker, I rise today to introduce legislation which will allow the deductibility of housing donated to nonprofit groups for the housing of homeless persons. This legislation was spawned not just by the need for such a deduction, but also by the astonishment that such donated housing currently is not tax deductible.

The shortage of affordable housing in the United States is acute. In many cities today, there are waiting lists of 2 or more years for a HUD subsidized home. In some cases HUD will no longer even take names for those lists. Furthermore, the leading cause of contemporary homelessness is the lack of affordable housing.

The irony of this situation is that there exists a glut in the residential housing market. The construction industry is stagnant, real estate inventory is high, prices depressed, but still, there remains an extreme shortage of affordable housing and a growing homeless population. The irony of this situation would be comical were it not so tragic.

What I am proposing today is legislation to encourage the donation of existing housing to be used by low-income and "homeless" people. Specifically, the bill allows a taxpaying en-

tity to deduct the fair market rental value for the lease of real or related personal property to a nonprofit organization—501(c)(3)—dedicated to providing housing for homeless families, as a cash charitable contribution deduction.

The intent of this legislation is to encourage the provision of suitable housing for low-income and homeless persons by providing a tax incentive to those who would donate the use of the dwelling, while allowing the donor to retain ultimate ownership and deduct only the value of the lease or mortgage payments. The administration and control of the property would fall to the nonprofit.

In an attempt to ensure that this tax incentive is not abused, strict guidelines have been included in the bill to ensure that the housing is used by low-income persons, and that exorbitant deductions will not be taken. A full summary of the provisions is listed below.

It is important to realize that the "homeless" refers to more than just those individuals who we see day to day on our streets. This population includes those who live in public or private shelters, squatters who live in abandoned buildings or automobiles, or those who rely upon relatives or friends for temporary shelter. Essentially, it is those who fall between the cracks.

This bill is not an ultimate solution, but it is a part of an effort to deal with an existing situation. It is a step in the right direction.

I would like to thank the people at Social Awareness For Everyone [SAFE] Inc., for their help in putting together this legislation. Without their insight and recognition of the need for this deduction, as well as their efforts in shaping the proposal, the bill may never have been introduced.

#### SUMMARY

(1) The Internal Revenue Service (IRS) would allow the taxpayer to deduct the value of a lease between a 501(c)(3) and the taxpayer on an annual basis for a house, apartment, condominium, or mobile home. Campers, travel trailer, motor homes, tents or any other recreational vehicles would qualify for a deduction.

(2) The value of rent to be charged for a home should be sent by an individual who meets certification requirements for residential appraisers of the state in which the property is located. A donor could only deduct the value of the residence and not its surrounding land. The value of rent for furnished homes and homes specially equipped for the handicapped will be determined through appraisal.

(3) A lease value cap will be placed on any one home, regardless of its market value. This will be determined by the IRS, and will take into account regional considerations.

(4) No donor or his/her immediate family could live in a unit donated to the 501(c)(3) by that donor.

(5) Property would only be allowed to be taken as a charitable deduction after it meets all requirements for the occupancy of a housing unit of the local jurisdiction, and the lease has been executed between the donor and the 501(c)(3). It also will be exempt for local rent control laws.

(6) If a donor allows the property to go into foreclosure, no deduction in the year of said foreclosure can be taken. Any deduction already taken in that year would be subject to full recapture plus penalties.

(7) The lease donated to a 501(c)(3) corporation for housing purposes should be consid-

ered as cash for charitable contribution purposes. Further, the amount of such a deduction should be an exemption to the 50 percent adjusted gross income limitation. 100 percent should be permitted without regard to whether the income active or passive, just as the low-income housing tax credit rules are currently written.

(8) Deductions should apply to both corporate, partnership and individual taxpayers. All mortgage holders would allow a residence to be donated to a 501(c)(3) by the mortgagee, for the purpose of this lease proposal as long as the mortgage was current and remained so. Federal and/or State, insured and/or uninsured financial institutions and/or their holding companies shall not be allowed charitable tax deductions of their housing units.

(9) The 501(c)(3) will give a letter to the donor stating that monies received from the rentals of said properties will go to the furtherance of housing supplies and programs to aid the needy, whether through construction, renovation or purchasing of housing stock for the aid of low-income individuals and families in the 501(c)(3)'s area of service.

(10) Under no condition or situation could a 501(c)(3) charge a low-income person or family more than 30 percent of their adjusted gross income. 501(c)(3)'s will use HUD income guidelines in setting rents for its tenants.

(11) All out of pocket costs incurred by the donor for this proposal would be deductible in the year those expenses are made. Deductible expenses include, but are not limited to the following: attorney fees, accountant fees, real estate broker fees, real estate appraisal fees, financial consultants fees, tax practitioners fees, maintenance fees, management fees, insurance and real estate taxes, similar to current law affecting deductibility of expenses for rental properties.

#### TRIBUTE TO BALDASSERO "BUSTER" CELESTINO

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1992

Mr. ACKERMAN. Mr. Speaker, I rise today with particular pleasure in order to pay tribute to Mr. Baldassero "Buster" Celestino, who is to be honored this week by the entire Queens, NY, community. When I say the entire community, Mr. Speaker, I mean just that. This will not be a case of one organization or another honoring a contributor. The scope of Buster's work is far wider than that. He has touched us all. He has made all of us better people for his touch, and we are all using the opportunity of his retirement to pay our respects.

What can one say of a man who, every year, helps to organize a party in the Queens Botanical Garden for handicapped children? He has donated the use of his own catering company and catering hall for other events for the handicapped, is deputy regional director of the Order of Alhambra, dedicated to aiding the mentally retarded and serves on the Board of St. Vincent's Home for Boys. Buster Celestino has done all these things, and still finds time to be an important business and civic leader at the same time. He has been a board member of the Flushing Council on Culture and the Arts, president of the Queens Chapter of the New York State Caterers Restaurant Associa-

tion, vice president of the Astoria Civic Association, and has served with far too many other organizations to mention here.

Buster Celestino was born in Manhattan, and moved to Astoria, Queens, in 1955. It was there that he entered the restaurant business, which he has been in ever since as owner of Kneer's Golden Pheasant Caterers. The restaurant business made Buster Celestino a very successful man in conventional terms, but it was not enough for a man of his energy and compassion. Buster is someone of whom it can truly be said, that no one has ever said a bad word against him. He is always ready to extend a helping hand to friends and strangers alike, and he knew early on that he wanted to give something back to the Queens community. So he began giving his time to worthy causes, and has been giving ever since.

Buster Celestino has never asked for anything in return from Queens, and there is little that we could give him. He already has the love and devotion of his wife, Marie, and their three children. In 1989, he received the annual "COCA" Award from the Flushing Council on Culture and the Arts. This Friday, over 200 family, friends, and admirers will attend a surprise party and roast in his honor. There he will receive citations from the city council, the State assembly, the Governor of New York, and even a Papal Blessing.

I have known Buster Celestino for many years, and it has been my pleasure to work with him and profit from the experience. I believe that I can say that none of these awards and citations mean as much to Buster as the satisfaction of knowing he has helped those who needed it. Mr. Speaker, I ask all of our colleagues in the House to rise and join me in wishing Baldassero Celestino a happy retirement, and many more years of pleasure in serving the Queens community.

#### A CALL ON BEHALF OF SYRIAN JEWS

HON. WILLIAM J. JEFFERSON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1992

Mr. JEFFERSON. Mr. Speaker, I rise today to call attention to an ongoing violation of the most basic human rights of Jews living in Syria. Whereas the Soviet Union has finally allowed large numbers of Jews to emigrate freely, Syria continues to keep its population of 4,000 Jews captive. In violation of the International Covenant on Civil and Political Rights, to which Syria is a signatory, Syrian Jews are denied the right to emigrate freely. Those who are granted permission to travel abroad must post an onerous monetary deposit and leave family members behind, as assurance of their return.

Syrian Jews live under effectively totalitarian conditions—under the constant surveillance of the Syrian secret police, the Mukhabarat, who closely monitor their communications, correspondence, and contacts. Those who attempt to leave the country are subject to harsh imprisonment—often without trial—and torture. Family members of Jews who have suc-

ceeded in leaving are themselves targeted for harassment, imprisonment, and torture.

During the period around March 14, we call attention to the plight of this community as we remember the case of four young Jewish women who, 18 years ago, were murdered by agents of the Syrian Government, their mutilated bodies dumped onto the doorsteps of their parents' homes. Their offense: Attempting to flee the torment, fear, and isolation of daily life as Jews in Syria.

But this barbarity is not limited to a single incident in 1974. Today, in 1992, two Jewish brothers, Eli and Selim Swed, remain in prison where they have been held since 1987. Their offense: Visiting Israel. Last June, these two men were sentenced to a 6½-year term, in addition to the 3½ they have already served. They remain in prison to this day, and have been brutally tortured while incarcerated.

As a member of the caucus on Syrian Jewry and a cosponsor of House Concurrent Resolution 188, I condemn in the strongest terms this continued violation of basic human rights by the government of President Hafez al-Assad, and I call on my colleagues in Congress, on the administration, and the international community to demand that Syria immediately grant Syrian Jews their internationally recognized rights to freedom of immigration and movement and release all Syrian Jews imprisoned for their attempts to exercise these most fundamental rights.

SYRIAN JEWRY

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1992

Mr. CARDIN. Mr. Speaker, I rise today on the occasion of Shabbat Zachor or Sabbath of Remembrance to remind the Members of this body of the terrible conditions in which the 4,000 remaining Jews in Syria must live. A climate of fear and fundamental insecurity pervades the Syrian Jewish community in Damascus, Aleppo, and Kamishli. Emigration is nearly impossible. Prior to being given permission to leave, Jews must post large, monetary deposits and leave close relatives behind to assure their return. These Jews live under constant surveillance of the Mukhabarat, secret police.

Each year, during the Sabbath of Remembrance, the Jewish people around the world are enjoined to remember the genocidal threat to the Jewish people. For several years, this Sabbath has been dedicated to the memory of four young Jewish women from Damascus who were brutally murdered in March 1974 while trying to escape from Syria. The mutilated bodies of Laura Sebbagh, Mazal Sebbagh, Farah Sebbagh, and Eva Saad were dumped in sacks outside their families' homes in Damascus. This heinous crime has gone unpunished to this day. How, in a civilized age, can it be a crime to attempt to reunite with loved ones?

Since 1987, two Jewish brothers, Eli and Selim Swed, have been held without being formally notified of the charges against them. They were recently tried in camera and sen-

tenced to 6½ years imprisonment. Early reports indicated the two brothers were charged with espionage and accused of visiting relatives abroad, whom they had not seen for 30 years. Few other details of the trial proceedings or verdicts are known. After their sentencing, the two brothers conducted a desperate hunger strike, an unprecedented act in that country. The hunger strike has ended, but the brothers remain imprisoned.

During this Sabbath of Remembrance, Americans and particularly those of us in Congress must speak out against the human rights violations against the remaining Jews in Syria. The tragic Holocaust made it absolutely clear that men and women of good conscience must not be silent. The world's conscience must be aroused to the tragedy taking place each day in Syria.

At this historic time for peace in the Middle East, Syrian President Hafez El-Assad should show the good faith and commitment to peace by fully observing human rights for Syrian Jews.

SUPPORT HUMAN RIGHTS FOR SYRIAN JEWS

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1992

Mr. PENNY. Mr. Speaker, I wish to raise an issue of great concern to me and many of my colleagues and constituents, the plight of Syrian Jews being deprived of their internationally recognized human rights to freedom of emigration and movement.

As a signatory to the Universal Declaration of Human Rights, Syria has committed itself to respect the rights of all citizens to emigrate freely. In practice, Syria's small, 3,600-member Jewish community, like other groups, does not have the right to change its government legally and peacefully, and cannot publicly criticize the Government for human rights violations.

Unlike other minorities, however, the passports and identity cards of Syrian Jews note their religion. Emigration from Syria is largely forbidden, but Jews in particular are signed out for additional prohibitions and restrictions. When Syrian Jews wish to leave the country, they must post an onerous monetary deposit and leave family members behind as assurance for their return. In fact, there are at present six Syrian Jews in prison for attempting to leave Syria, two of which have been incarcerated since 1987.

Syrian President Hafez al-Assad has ignored the repeated efforts of the President of the United States, the State Department, and Members of Congress to secure freedom of emigration for the Syrian Jewish community. I think the plight of Syrian Jews should be recognized in the context of the American human rights agenda. Peace in the Middle East must begin with a genuine respect for the human rights of all the peoples of the region, including the Syrian Jews.

HAZEL FRITZ: AN AMAZING PEORIAN

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1992

Mr. MICHEL. Mr. Speaker, I would like to bring to the attention of our colleagues one of my amazing constituents, Hazel Fritz.

Hazel is 63 years old and filled with the vitality and gusto of youth. She donates a large portion of her time to the Peoria Farm Bureau, sitting on the bureau board as the sole female member. Hazel is a full-time Ace Hardware employee and a devoted farmer. In her spare time she chairs the education committee for her church, and is the member of the tricounty land planning committee. She is also an election judge, a beautician, and the corresponding secretary for Dunlap High School Alumni Association. That is what I call a contribution to the community.

At this point I would like to insert into the RECORD an article from Peoria, IL, by Douglas Fruehling of the Peoria Journal Star, "Hazel Keeps on Going and Going," to further detail Hazel Fritz' outstanding work for Peoria and many others.

[From the Peoria Journal Star]

HAZEL KEEPS ON GOING AND GOING

(By Douglas Fruehling)

DUNLAP.—Hazel Fritz fidgets nervously, shifting from the edge of the back of her living room chair and clasping and loosening her hands.

She clearly doesn't enjoy sitting still for a one-hour interview.

"I'm not a person who can sit down and play cards like some people," she said. "That would drive me bananas to sit down and play cards four or five days a week."

Fritz, at 63 years old, has more energy than a restless youngster in church.

She devotes much of her time to the Peoria County Farm Bureau, where she represents Radnor Township as the only woman on the 23-member farm bureau board.

And keeping track of Fritz' other appointments, meetings and obligations is like tracking a Democratic presidential contender.

She works full time at Ace Hardware in Dunlap, a couple of miles from where she lives with her husband, Lee Fritz, 68, Hazel and Lee farm about 400 acres every year.

Then—in her spare time—she chairs the education committee for her church and serves as a member of a Tri-County land planning committee. She's also an election judge, a beautician and the corresponding secretary for the Dunlap High School Alumni Association.

About the only thing the life-long Peoria County resident and grandmother of seven has ruled out is a run for public office.

"If I was younger, I probably would," Fritz said. "But not at this point in my life."

But while she draws the line at political office, Fritz is treading where few women have ventured before. Despite her tiny frame, she stands as a tower of strength in a farm organization dominated by men.

As head of the farm bureau's state women's committee, she was an advisory member on the Illinois Farm Bureau board. When her term there expired, she ran for Radnor Township representative for the county, becoming only the second woman to hold such a position.

Her husband, who was president of the Peoria County Farm Bureau in the late '70s, encourages her involvement in the organization.

"Peoria County is one of the lowest on the totem pole for involvement of women," Lee said. "And that's a crying shame."

Fritz, who chairs the farm bureau legislative committee, keeps bureau directors up to date on bills in the legislature that affect agriculture.

She also schedules "meet-your-candidate" meetings and plans trips to Springfield for members.

"She knows what's happening politically, socially and marketing-wise," said farm bureau President Terry Baer. "She puts out a real sincere effort to accomplish what she believes in."

About 12 years ago, Hazel and Lee appeared in WMBD-TV's production of "The Twelve Days of Harvest," a short segment by farm director Colleen Callahan showing a husband and wife team working during harvest.

All this—and Fritz never even intended to enter the agriculture industry or marry a farmer.

"When I was small, I never thought I would marry a farmer because they worked too many long hours and they didn't do dinner well," she said. "But after I was married, I wouldn't trade it for anything."

#### VOTE FOR DEMOCRACY IN SOUTH AFRICA

##### HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 17, 1992*

Mr. BLACKWELL. Mr. Speaker, as 3.3 million white South Africans go to the polls today to cast unquestionably the most important vote in the nation's 350 year history, I would like to voice my disappointment at a missed opportunity by the United States.

I do not need to stand here today Mr. Speaker, and recite the ideology by which South Africans have lived, because we are all painfully aware that this nation has sustained itself on the food of racism and the drink of apartheid, a diet that has left millions of black South Africans in a state of utter poverty, pain, and conflict. To quote the President of South Africa, F.W. DeKlerk, the country has reached "a final point of no return," and will now make the decision on whether to continue white-minority rule, or to allow a "nonracial democracy" to flourish.

Here in our own country, racism and business clearly do not mix. One need look no further than a lost Superbowl for the State of Arizona who would not make Martin Luther King's birthday a national holiday, or the threat of lost business that loomed over the State of Louisiana when David Duke as Governor seemed to be a grim possibility. For these reasons, I am disheartened that our foreign policy does not reflect our beliefs and our practices here at home.

Mr. Speaker, I would like to remind my colleagues that the United States has only one major sanction still leveled against South Africa. I firmly believe, as do my constituents, that the lifting of sanctions against the nation of South Africa was entirely premature. We have sent a message—without conditions—to the

white minority of South Africa, that we are satisfied with the progress thus made, even though this same minority may very well vote today to deny the black majority equal rights.

I certainly hope Mr. Speaker, as do my colleagues, that the promise of democracy will soon be realized by all South Africans, regardless of skin tone. I would hate to think however, that the premature enthusiasm shown by our Nation has undermined the possible end of minority rule in this torn, and oppressive country.

#### TRIBUTE TO THE GIRL SCOUT GOAL AND SILVER AWARD RECIPIENTS OF THE RIVERLAND GIRL SCOUT COUNCIL

##### HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 17, 1992*

Mr. GUNDERSON. Mr. Speaker, I rise today to recognize the members of the Riverland Girl Scout Council who will receive the Girl Scout Gold Award, the highest award bestowed by the Girl Scout Organization, and the Girl Scout Silver Award, the second highest award in Girl Scouting.

In order to earn the coveted Gold Award, senior Girl Scouts must complete interest projects designed to promote growth and knowledge in areas such as business and technology, arts and humanities, cultures and global relations, energy conservation, personal well-being, the outdoors, and the environment.

The Gold Award recognizes a senior Girl Scout's commitment to excellence as she gains the experience needed to overcome the present and future challenges in her life.

To obtain the Silver Award, cadette Girl Scouts must show a commitment to work towards a goal through use of planning and decision-making skills.

This award recognizes a cadette Girl Scout's determination and desire to learn new skills and to serve her community.

For 61 of the Girl Scouts Organization's 80-year history, the Riverland Girl Scout Council has been helping girls develop the skills and values needed to excel in life. Because of these efforts, I am confident the future of western Wisconsin is in good hands.

I extend my sincerest congratulations to these future leaders of America.

#### CALL FOR PEACE IN IRELAND

##### HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 17, 1992*

Mr. MAVROULES. Mr. Speaker, I rise today to honor the legacy of St. Patrick and to call on the hostile factions in Northern Ireland to bring peace to this war-torn region.

Many centuries past, St. Patrick brought Christianity to Ireland, casting out the snakes and spreading a faith based upon the commandment that "Thou shalt love thy neighbor as thyself."—Matthew 22:39.

For more than two decades, secular violence has torn Northern Ireland. The indiscriminate bombings, shootings, and other terrorist attacks are deplorable. Despite the efforts of many Irishmen and Englishmen, the conflict continues to take the lives of the innocent, both in Ireland and abroad.

Today, it is my fervent hope that the opposing factions will sit at the peace table and agree to a fair and lasting settlement to this conflict. Each side must lay down its arms and discuss the matter seriously.

Already a generation has grown to adulthood knowing only a life of bloodshed and bitterness. Each faction must recall proud Christian tradition that has marked Ireland for centuries and strive to live in peace with his neighbors, if only to offer the children of Northern Ireland the opportunity to live in a land of peace and harmony.

Using a simple, green, ubiquitous weed, St. Patrick taught the pagan tribes of Ireland that the Father, Son, and Holy Spirit could exist together as one. Let us today look to St. Patrick's symbol, the shamrock, to represent the world's hopes for Ireland: that peace tolerance, and prosperity may once again inhabit the entire isle of green.

#### VARIETY WEEK ON STATEN ISLAND AT THE ATRIUM

##### HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 17, 1992*

Ms. MOLINARI. Mr. Speaker, recently the Atrium Shopping Complex in my district has become a sponsor to Variety, the Children's Charity of New York. As a sponsor, the Atrium has offered the use of their center to raise funds for Variety, which in turn will be used for children's health projects on Staten Island.

On the evening of March 20, 1992, there will be a kick-off event declaring Variety Week on Staten Island at the Atrium. Fundraising efforts will be conducted throughout the week, concluding with a Variety telethon on April 5, 1992 on Fox TV.

Mr. Speaker, on behalf of the residents of Staten Island, I would like to thank the Atrium Shopping Complex for offering their services to this important event, and for bringing Variety, the children's charity, to Staten Island. This is an organization dedicated to raising funds to better the lives of our children, and there is nothing that could be more important or more commendable.

#### A TRIBUTE TO MORRIS FREEDMAN OF RANDOLPH, MA

##### HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 17, 1992*

Mr. DONNELLY. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to a very special man, Morris Freedman. He is an outstanding individual who has been providing entertainment to current and former

members of our Armed Forces through his humorous publication, "The Bean Press."

Mr. Freedman's creation has lifted the spirits of members of our Armed Forces since World War II, and has most recently provided tremendous support and enjoyment to our troops in the Persian Gulf. Today his publication continues to brighten the days of many disabled veterans across the country. This contribution to the morale of the men overseas and the veterans across the country should be greatly commended.

Morris Freedman sends copies of The Bean Press throughout the country and has received an overwhelming response from many branches of the Armed Forces. Colin L. Powell, chairman of the Joint Chiefs of Staff thanked him for providing "moments of levity for our men and women in Operation Desert Storm." He has received similar thanks from such distinguished military personalities as John J. Closner, major general, USAF, chief of the Air Force Reserve, and A.M. Gray, general, U.S. Marine Corps, Commandant of the U.S. Marine Corps. Victor S. McCoy, Sr., national president of the Paralyzed Veterans of America, thanked Mr. Freedman for devoting "so much time and creativity to bringing a smile and a little happiness" into the lives of veterans and military personnel across the country."

Perhaps Earl J. Kruse, international president of the United Union of Roofers,

Waterproofers, and Allied Workers put it best when he said, in a letter to Mr. Freedman, "A true patriot is one that not only believes in what his country stands for \* \* \* he also shows concern for those who share his values and ideals." Morris Freedman certainly fits that description.

The time and effort Mr. Freedman has put forth in this selfless pursuit, certainly embody the true spirit of American pride.

CELEBRATING THE SPIRIT OF  
VOLUNTARISM OF MS. MARIE  
JOE BROWNE, A 90-YEAR-OLD  
WONDER

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 1992

Mr. HOYER. Mr. Speaker, it is with great pleasure that I recognize the great spirit of voluntarism of Ms. Marie Joe Browne who is celebrating her 90th birthday today.

Ms. Browne, by any description is not usual or ordinary, she is an extraordinary person. Her beautiful spirit and enthusiastic outlook on life make her a joy to all who surround her. Her 20 years of volunteer work at the board of education of St. Mary's County have enriched the lives of many students and employees.

Ms. Browne is more than just a secretary. She is a friend and confidant to many students who love and respect her and to many adults who wonder where she gets the strength and energy to do so much when it would tire someone half her age. At 90 years of age, Ms. Browne seldom misses a day at the board of education. Ms. Browne's hard work, dedication, and spirit of volunteerism are what make all of the people of southern Maryland so proud.

In addition to her many years at the board of education of St. Mary's County, Ms. Browne is an active member of her church. She continues to play the organ every Sunday. Her love for music was enhanced and nurtured with the help of such greats as Count Basie, Louis Armstrong, and Ethel Waters; whom she worked for as a personal secretary.

Ms. Browne was born in Virginia on March 17, 1902, to parents of African-American descent. At the age of 6 Ms. Browne found hardship and sorrow when she lost both her parents. With the help of her extended family Ms. Browne refused to let the setback of her parent's untimely death hinder her or break her will to do better. This spirit of perseverance is what makes Ms. Browne such a dynamic person.

Mr. Speaker, it is with pleasure that I commend Ms. Browne for her undying perseverance, commitment, and volunteerism in guiding all who strive for excellence.

